

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS AND INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 ANDREW J. AREVALO,
10 (S.0184627)

11 Respondent.

Case No. 2024-660

FILED

FEB 05 2025

REAL ESTATE COMMISSION

BY Kelley Valadey

12 **OPPOSITION TO RESPONDENT'S MOTION TO STAY AND CONTINUE,
13 OR IN THE ALTERNATIVE DISMISS**

14 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
15 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
16 Attorney General, and Christal P. Keegan, Deputy Attorney General, submits this Opposition on
17 shortened time to Respondent's Andrew J. Arevalo ("Arevalo") untimely Motion to Stay and Continue,
18 or in the Alternative Dismiss, with permission of the Commission and for good cause pursuant to
19 NAC 645.840(3).

20 DATED this 5th day of February 2025.

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1 **I. BACKGROUND**

2 This case was originally set to be heard during the Commission’s November 19-21, 2024
3 Commission Hearings.¹ But on October 31, 2024, Arevalo requested a continuance.² On November 4,
4 2024, the Commission generously granted Arevalo’s first request for a continuance.³ On January 2, 2025,
5 hearing re-notices were sent certified mail for the February 11-13, 2025 Commission Hearings
6 (“Hearings”).⁴

7 On January 24, 2025 at 10:30 AM, the State reached out to Arevalo’s counsel.⁵ On January 29,
8 2025, the Division filed its Appendix of Relevant Laws.⁶ On January 31, 2025, Arevalo’s counsel
9 indicated to the State that “Both Andrew and myself will be appearing in-person.”⁷ At which time,
10 Arevalo’s counsel never made any indication that he would be trying to avoid his Hearing.⁸

11 Out of nowhere, on February 4, 2025 at 7:56 PM, five (5) working days before the Hearings,
12 Arevalo files a Motion to Stay and Continue, or in the Alternative to Dismiss (“Motion”).⁹ Despite such
13 surprise, the Division accordingly submits its Opposition based upon the attached Memorandum of Points
14 and Authorities, the papers and pleadings on file herein, and any oral argument the Commission may
15 hear on this matter at its scheduled February meetings pursuant to NAC 645.840(4).

16 **II. LEGAL ARGUMENT**

17 NAC 645.840 requires - it is a “must” - that all written motion must be made at least 10 working
18 days before the time set for the hearing on the motion.

19 NAC 645.830 does not support granting of a continuance unless it is made in good faith and not
20 merely for delay.

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22
23 ¹ Exhibit A. NRED v. Andrew J. Arevalo, Case No. 2024-660, Complaint and Notice of Hearing.
filed October 1, 2024.

24 ² Exhibit B. First Request for Continuance, Letter dated October 31, 2024.

25 ³ Exhibit C. First Request for Continuance Granted, Email dated November 4, 2024 9:45:03 AM.

26 ⁴ Exhibit D. Hearing Re-notices, January 2, 2025.

27 ⁵ Exhibit E. Email Division’s Counsel to Chandon Alexander, January 24, 2025 at 10:30 AM.

28 ⁶ Exhibit F. Email Commission Coordinator to Chandon Alexander, January 29, 2025 at 2:49 PM.

⁷ Exhibit E. Email Chandon Alexander to Division’s Counsel, January 31, 2025 at 5:22:38 PM.

⁸ *Id.*

⁹ Exhibit G. Respondent’s Motion to Stay and Continue, or in the Alternative Dismiss, Case No.
2024-660, Filed February 4, 2025.

1 NRS 645.740 provides for a stay only after the Commission has rendered a decision on any
2 complaint, which is further bolstered by NRS 233B.140 which provides the procedures for a stay after
3 final decision.

4 **A. Arevalo’s Motion is Time-Barred, and Should be DENIED.**

5 Arevalo readily admits that he has failed to timely meet the 10-working day requirement to serve
6 motions pursuant to NAC 645.840(2).¹⁰ To mitigate his failing, he alleges his “Motion is being filed
7 slightly beyond the 10-day timeframe.” This inaccurately represents the fact that his Motion is being
8 filed just five (5) working days before the Hearings, which cuts in half the time mandated by regulation.
9 Even worse, such untimeliness is inexcusable as Arevalo has had an extraordinary amount of time to
10 make such Motion, *see Section I. Background above*. Therefore, the Commission should DENY
11 Arevalo’s Motion and hear the case on its merits.

12 **B. Arevalo’s Request to Stay Proceedings Pending Completion of his Probation
13 is Premature, and Not Otherwise Supported by the Law, and Should be DENIED.**

14 Arevalo admits he is still on probation until December 2025.¹¹ Arevalo cites to *Manners v. State*
15 *Bd. Of Veterinary Med.*, 107 Idaho 950, 952 (1985), which is not a Nevada case, and is distinguishable
16 from Arevalo in that in *Manners* the conviction or plea had been vacated. As Arevalo has readily
17 admitted, his guilty plea “will” become a legal nullity upon successful completion of his probation, but
18 that hasn’t occurred yet.

19 *Manner* is further distinguished from Arevalo’s Case No. 2024-660 in that his felony conviction
20 is not the only basis for discipline, but there are other violations of law charged, to include NRS
21 645.615(2) for concealing his entry of guilty plea entered on December 4, 2024 and not reporting it within
22 the 10-days as required, but received by the Division nearly seven (7) months later.

23 Arevalo’s Motion has made known his motivations to delay his Hearing until his probation terms
24 which may or may not be completed in December of 2025. The problem for Arevalo is that the Division
25 is authorized pursuant to NRS 645.190 to do all things necessary and convenient for carrying into effect
26

27 _____
28 ¹⁰ Motion, February 4, 2025, P. 2, lines 16–18.
¹¹ Motion, February 4, 2025, P. 4, lines 19–21.

1 the provisions of NRS 645. The Division has determined it is necessary to bring this case to the
2 Commission, and the Commission is authorized to take action pursuant to NRS 645.633(1)(d).

3 Lastly, Arevalo proffers the Colorado Real Estate Commission's approach when NRS
4 645.330(2)(b)(2) requires the Division to not issue a license to such a person until at least three (3) years
5 after the period of expiration of the person's probation. Arevalo's suggestion is not what Nevada
6 legislators intended, just like many laws governing professional licensing laws which recognize that such
7 criminal offenses violate professional standards. There is no law under NRS 645 or NAC 645 that
8 requires the Division nor the Commission to follow other States' Real Estate Commissions.

9 **C. Arevalo's Request to Dismiss this Case Should be DENIED as there are Contested**
10 **Genuine Issues of Material Fact, and Proceeding would Actually be in furtherance**
11 **of Arevalo's Due Process Rights.**

12 Arevalo's Motion plainly demonstrates disagreement between the parties over the genuine issues
13 of material facts regarding his felony conviction for a crime involving moral turpitude.¹² The Division's
14 Complaint filed October 1, 2024, adequately alleges the legal and factual sufficiency of its case in
15 accordance with NRS 233B.121(2) such that dismissal is inappropriate.¹³ Since the Motion will already
16 be heard at the February 11-13, 2025 Commission meeting, the Commission should proceed with hearing
17 the case to review all facts in order to make its decision.

18 The State disagrees with all arguments advanced by Arevalo in this regard, especially since a due
19 process violation would not occur because Arevalo has the opportunity to make its case about appropriate
20 disciplinary recommendations.

21 Further, the irony in Arevalo's arguments that the Colorado Real Estate Commission "saw the
22 wisdom of entering into a Stipulation," fails to acknowledge that the State extended settlement terms to
23 Mr. Arevalo which he decidedly rejected.

24 ...

25 ...

26 ...

27 ...

28 ¹² Motion, February 4, 2025, in its entirety.

¹³ Exhibit A. Complaint and Notice of Hearing, October 1, 2024.

1 **III. CONCLUSION**

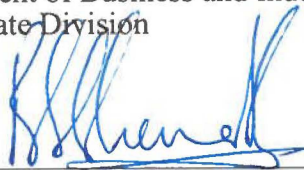
2 For all the foregoing reasons, the State requests the Commission DENY Arevalo's Motion to Stay
3 and Continue, or in the Alternative Dismiss. Thank you.


4
5 DATED this 5 day of February 2025.

DATED this 5th day of February 2025.

6 STATE OF NEVADA
7 Department of Business and Industry
8 Real Estate Division

AARON D. FORD
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