

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 CHRISTOPHER B. CAGUIAT,
10 (S.0181383)

11 Respondent.

Case No. 2024-165

FILED

JAN 29 2025

REAL ESTATE COMMISSION

BY Kelley Valadez

12 **OPPOSITION TO RESPONDENT'S PETITION REQUEST FOR REHEARING**

13 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
14 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
15 Attorney General, and Christal P. Keegan, Deputy Attorney General, brings this Opposition to
16 Respondent's Petition Request for Rehearing.

DATED this 28th day of January 2025.

17 AARON D. FORD
18 Attorney General

19 By: epkeegan
20 CHRISTAL P. KEEGAN (Bar No. 12725)
21 Deputy Attorney General
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Attorney for Real Estate Division

1 **I. BACKGROUND**

2 Much to everyone’s disappointment, Respondent Christopher “Chris” Caguiat (“Caguiat”) didn’t
3 show up at the November 19, 2024 Commission Hearing (the “Hearing”).¹ While Caguiat evaded facing
4 the victim, Ma. Theresa Lim, who appeared at the Hearing in hopes of finding answers for the
5 \$351,350.00 he stole from her and never paid back, and avoided his four (4) brokers who also appeared,
6 justice was not delayed by such cowardice.² The Commission revoked all Caguiat’s licenses and ordered
7 fines in the amount of \$113,075.37 (“Total Amount Due”), which included a \$100,000 fine for ten (10)
8 violations of law (\$10,000 x 10 violations of law) and \$13,075.37 for the Division’s costs and attorney’s
9 fees, due January 27, 2025 (“Default Order”).³

10 Caguiat is obviously aware of the Commission’s Default Order.⁴ On the exact due-date January
11 27, 2025, Caguiat acknowledged to the Division that his fine was due and made his request for rehearing.⁵
12 Pursuant to NAC 645.820(5), the Division, by and through its attorneys, timely submits its answer in
13 opposition to Caguiat’s Rehearing Request for the reasons set forth below.

14 **II. LEGAL ARGUMENT**

15 NAC 645.820 sets forth the procedures for a rehearing. The following procedures are to be used
16 for a rehearing in a case where a ruling or decision of the Commission is against the licensee:

- 17 1. The licensee may within 10 days after his or her receipt of the decision
18 petition the Commission for a rehearing.
- 19 2. The petition does not stay any decision of the Commission unless the
20 Commission so orders.
- 21 3. The petition must state with particularity the point of law or fact which
22 in the opinion of the licensee the Commission has overlooked or
23 misconstrued and must contain every argument in support of the
24 application that the licensee desires to present.
- 25 4. Oral argument in support of the petition is not permitted.

24 ¹ Exhibit 1. DRAFT Nevada Real Estate Commission Minutes, November 19, 2024, *see* Item
25 6-H, *NRED v. Christopher Caguiat*, Case No. 2024-165, P. 12: “Mr. Caguiat is aware of his attendance
today and he decided not to appear, which is a disappointment to the State and assumingly to Ms. Lim
and the former brokers as well.”

26 ² *Id.*

27 ³ Exhibit 2. Findings of Fact, Conclusions of Law and Order, Case No. 2024-165, Filed
November 27, 2024.

28 ⁴ Exhibit 3. Respondent’s Request for Rehearing, Email January 27, 2025 1:57 PM.

⁵ *Id.*

- 1 5. The Division may file and serve an answer to a petition for a rehearing
2 within 10 days after it has received service of the petition.
- 3 6. If a petition for rehearing is filed and the Commission is not scheduled
4 to meet before the effective date of the penalty, the Division may stay
5 enforcement of the decision appealed from. When determining
6 whether a stay is to be granted, the Division shall determine whether
7 the petition was timely filed and whether it alleges a cause or ground
8 which may entitle the licensee to a rehearing.
- 9 7. A rehearing may be granted by the Commission for any of the
10 following causes or grounds:
 - 11 (a) Irregularity in the proceedings in the original hearing;
 - 12 (b) Accident or surprise which ordinary prudence could not have
13 guarded against;
 - 14 (c) Newly discovered evidence of a material nature which the
15 applicant could not with reasonable diligence have discovered
16 and produced at the original hearing; or
 - 17 (d) Error in law occurring at the hearing and objected to by the
18 applicant during the earlier hearing.
- 19 8. A petition for a rehearing may not exceed 10 pages of
20 standard printing.
- 21 9. The filing of a petition for rehearing, or the decision therefrom, does
22 not stop the running of the 30-day period of appeal to the district court
23 from the date of the decision of the Commission for the purpose of
24 subsection 2 of NRS 645.760.

25 **A. Respondent's Rehearing Request is Time-Barred.**

26 A licensee's desire to petition for rehearing is discretionary.⁶ But the exercise of such discretion
27 is subject to the timeframes set forth under NAC 645.820(1) which provides "within 10 days after his
28 receipt of the decision."

29 The Commission's Default Order was certified mailed to Caguiat's last known address on
30 November 27, 2024.⁷ On November 30, 2024 at 2:46 PM USPS tracking reports "Addressee Unknown"
31 and on December 21, 2024 at 4:42 PM, the mail is deemed "Unclaimed/Being Returned to Sender."⁸
32 Nonetheless, Division's Counsel, emailed Caguiat a copy of the Default Order on December 27, 2024
33 at 6:40 AM.⁹

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⁶ NAC 645.820(1) The licensee **may** within 10 days after his or her receipt of the decision petition the Commission for a rehearing. (**emphasis added**).

⁷ Exhibit 2. Findings of Fact, Conclusions of Law and Order, November 27, 2024, Certified Mail No.: 9589 0710 5270 0210 3400 78.

⁸ Exhibit 4. USPS Tracking Results for 9589071052700210340078.

⁹ Exhibit 5. Order emailed to Chris Caguiat, December 26, 2024 at 2:40:00 PM.

1 Therefore, the State argues that at the latest, Caguiat's receipt of the Default Order was December
2 27, 2024, and 10 days thereafter would have been Monday, January 6, 2025. The State further argues
3 that Caguiat's reaching out to Division staff the day after the deadline to submit his Petition, Tuesday,
4 January 7, 2025, did not sufficiently petition for a rehearing: "Im [sic] reaching to see any options of
5 getting to any future agenda and hearing?"¹⁰ As the record demonstrates, Division staff supplied a prompt
6 response to Caguiat on January 8, 2025¹¹, and inexplicably, it was not until 19 days later on January 27,
7 2025 at 1:57 PM that Caguiat made his untimely request for rehearing.¹²

8 **B. Respondent's Rehearing Request Does Not Stay the Default Order, and Caguiat has**
9 **Provided No Assurances that He Intends to Make Any Payments At All.**

10 Per NAC 645.820(2), the Commission's Default Order is not stayed, therefore, the Payment Due
11 Date of January 27, 2025 holds. Caguiat's Rehearing Request acknowledges that he knew his fine was
12 due "I know my fine is duw [sic] today" but claimed he has "no income until find a job for monthlt
13 [sic] payment."¹³

14 Caguiat's Request is completely lacking.¹⁴ Caguiat's Request does provide any financial insights
15 into his ability to pay.¹⁵ Caguiat's Request provides zero proof of income, employment or any
16 demonstrable efforts to secure employment.¹⁶ Caguiat has provided literally nothing in the way of
17 demonstrating his inability to make good on the Commission's Order: no tax returns, no bank statements,
18 no investment account statements, no leases, no benefits, no other compensation, no insurance,
19 no assets - nothing.¹⁷

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¹⁰ Exhibit 3. Respondent's Email to Division Staff, January 7, 2025 at 9:09 AM.

23 ¹¹ Exhibit 3. Division's Staff Email to Respondent, January 8, 2025 at 7:36 AM: "If you would
24 like to be placed on the agenda for the REC meetings scheduled for February 11-13, 2025, you can email
25 me a request to petition the Commission for a rehearing and/or reconsideration of discipline stating the
26 reason your case should be reheard/reconsidered by the Commission. Please read below. NAC 645.820
27 [pasted in its entirety]."

28 ¹² Exhibit 3. Respondent's Request for Rehearing, Email January 27, 2025 1:57 PM.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

1 The fact is, Caguiat hasn't paid back any of the \$351,350.00 he stole from his client, the victim
2 Ma. Theresa Lim, and comes now, providing the Commission with absolutely no assurances that he
3 intends to pay his fine pursuant to the Commission's Order.

4 **C. Caguiat's Rehearing Request is Completely Unsupported, Fails to State Any Law or**
5 **Fact, and Should be DENIED.**

6 NAC 645.820(3) requires that Caguiat's Rehearing Request "state with particularity the point of
7 law or fact which in the opinion of the licensee the Commission has overlooked or misconstrued and
8 must contain every argument in support of the application that the licensee desires to present." The
9 problem is that Caguiat has not argued that the Commission overlooked or misconstrued anything.¹⁸ The
10 State as Division's Counsel will not be making Caguiat's arguments for him, and nor should the
11 Commission as the impartial adjudicatory body.

12 The record clearly demonstrates the Commission proceeded accordingly pursuant to NAC
13 645.860.¹⁹ Because Caguiat decided not to appear at his hearing, the Commission considered the charges
14 specified in the Division's complaint as true.²⁰ Accordingly, and fully within the Commission's statutory
15 authority, pursuant to the discipline authorized under NRS 645.630 and NRS 645.633, it so lawfully
16 ordered revocation of all Caguiat's licenses in combination with the administrative fine.²¹ To further
17 underscore, that these statutorily defined authorized disciplinary actions were included in its Complaint
18 and Notice of Complaint and Obligation to Respond filed October 4, 2024, so Caguiat cannot pretend he
19 was not aware what would happen if he didn't show up.²²

21 ¹⁸ *Id.*

22 ¹⁹ Exhibit 1. DRAFT Nevada Real Estate Commission Minutes, November 19, 2024, *see*
Item 6-H, NRED v. Christopher Caguiat, Case No. 2024-165, Pp. 12-14, and Exhibit 2. Order,
November 27, 2024.

23 ²⁰ *Id.*, and Exhibit 6. Complaint, and Notice of Complaint and Obligation to Respond, Case No.
2024-165, Filed October 4, 2024.

24 ²¹ *Id.*

25 ²² Exhibit 6. Complaint, October 4, 2024, P. 7, lines 4-7: "**It is your responsibility to be present**
when your case is called. If you are not present when your hearing is called, a default may be
entered against you and the Commission may decide the case as if all allegations in the complaint
were true." *See also*, Notice of Complaint and Obligation to Respond, October 4, 2024, P. 1, lines
26 15-16 "**This is a formal proceeding that may results in fines and/or revocation, suspension, denial**
of renewal of or conditions being imposed upon you." *Further*, P. 2, lines 1-2 "**If you do not answer**
27 **on time, the Division may ask the Commission to enter its decision against you and decide the case**
28 **based solely on the Complaint."**

1 The record clearly demonstrates that Caguiat was afforded due process and had every opportunity
2 to present his case, and by all appearances he just blew it off. At any time prior to his November 2024
3 Hearing, Caguiat could have asked for a continuance, but he did not.²³ Caguiat made absolutely no
4 indication that he could not have appeared virtually.²⁴ Not once in all the communications Caguiat had
5 with the State’s attorney, did he ever claim any impairment in his ability to attend his hearing.²⁵

6 At this point, it is flagrant for Caguiat to ask for a rehearing. Caguiat’s Rehearing Request is
7 insufficient and fails to articulate any such law or demonstrate any fact to support his request for a
8 rehearing.²⁶ The Commission has not overlooked or misconstrued any law or fact, and such request
9 should be DENIED.²⁷

10 **D. Caguiat’s Rehearing Request Fails to Allege Any Cause or Grounds Which Would**
11 **Entitle Him to a Rehearing, and Should be DENIED.**

12 NAC 645.820(7) sets forth the instances when the Commission may grant a respondent a
13 rehearing. Caguiat has completely failed to allege any causes or grounds which would entitle him to a
14 rehearing, and even if he did make those arguments, they would be baseless.²⁸

15 NAC 645.820(7)(a) No Irregularity in the proceedings at the Hearing. NAC 645.860 provides
16 the statutory procedure and authority of the agency to proceed upon the failure of a party to appear at a
17 hearing. Accordingly, the Division through its counsel presented testimony that proper notice was
18 effectuated and read the filed Complaint to the Commissioners.²⁹ The Commission, as permitted by
19 statute, accepted the charges specified in the complaint as true.³⁰ The hearing was conducted adequately
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22 ²³ Exhibit 7. Email communications between Respondent Caguiat and Division’s Counsel: Email
communications dated October 7, 2024, September 23, 2024, November 5, 2024, November 7, 2024,
December 23, 2024, December 26, 2024, December 28, 2024.

23 ²⁴ Id.

24 ²⁵ Id.

25 ²⁶ Exhibit 3. Respondent’s Request for Rehearing, Email January 27, 2025 1:57 PM.

26 ²⁷ Exhibit 1. DRAFT Nevada Real Estate Commission Minutes, November 19, 2024, *see*
27 Item 6-H, NRED v. Christopher Caguiat, Case No. 2024-165, Pp. 12-14, and Exhibit 2. Order,
November 27, 2024.

28 ²⁸ Exhibit 3. Respondent’s Request for Rehearing, Email January 27, 2025 1:57 PM.

²⁹ Exhibit 1. DRAFT Nevada Real Estate Commission Minutes, November 19, 2024, *see*
Item 6-H, NRED v. Christopher Caguiat, Case No. 2024-165, Pp. 12-14, and Exhibit 2. Order,
November 27, 2024.

³⁰ Id.

1 to support the Commission’s conclusion.³¹ In summary, the Commission followed precisely the statutory
2 framework in exercising its lawful authority to revoke Caguiat’s licenses and the imposition of
3 administrative fines.³² Therefore, the Commission should DENY Caguiat’s Rehearing Request.

4 NAC 645.820(7)(b) No accident or surprise occurred. Caguiat had proper notice of the
5 disciplinary proceedings against him pursuant to NRS 645.680³³. Therefore, the Commission should
6 DENY Caguiat’s Rehearing Request.

7 NAC 645.820(7)(b) No newly discovered evidence of a material nature. Caguiat does not claim
8 he has new, material evidence that he could not have reasonably produced or discovered at the Hearing
9 that would change the Commission’s decision.³⁴ It is inexplicable why at a very minimum Caguiat did
10 not appear virtually despite his demonstrated technological capability to do so.³⁵ Therefore, the
11 Commission should DENY Caguiat’s Rehearing Request.

12 NAC 645.820(7)(d) No error in law. The Commission’s discipline ordered was statutorily
13 authorized pursuant to NAC 645.860, NAC 645.810(13), NRS 645.630, NRS 645.633, and NRS 622.400.
14 Therefore, the Commission should DENY Caguiat’s Rehearing Request.

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24 ³¹ *Id.*

25 ³² *Id.* NAC 645.860, NAC 645.810(13), NRS 645.630, NRS 645.633, and NRS 622.400.

26 ³³ NRS 645.680 Revocation, suspension or denial of renewal of license, permit or registration:
Complaint; notice of hearing. Exhibit 6. Complaint, and Notice of Complaint and Obligation to Respond,
Case No. 2024-165, Filed October 4, 2024, Certificate of Service, with USPS tracking results for certified
mail nos. 9589 0710 5270 0210 3421 26 and 9589 0710 5270 0210 3421 33.

27 ³⁴ Exhibit 3. Respondent’s Request for Rehearing, Email January 27, 2025 1:57 PM.

28 ³⁵ Exhibit 7. Extensive email communications between Respondent Caguiat and Division’s
Counsel leading up to the Hearings, and thereafter.

1 **III. CONCLUSION**

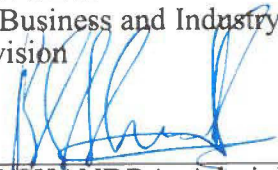
2 Pursuant to NAC 645.820(4) “oral argument in support of the petition is not permitted” and the
3 Commission should rely upon all pleadings and papers on file herein. Based on the foregoing, the
4 Division respectfully requests the Commission DENY Caguiat’s Petition Request for Rehearing. The
5 Commission should not stay its decision, and its Default Order should remain in full force and effect.
6

7 DATED this 28 day of January 2025.

DATED this 28th day of January 2025.

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

AARON D. FORD
Attorney General

10
11 By: 
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