

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,

Case No. 2024-749

6 Petitioner,

FILED

7 vs.

FEB 10 2025

8 JAMES SHARKEY,
9 (S.0195534 – INACTIVE, BUSB.0007200 –
10 INACTIVE, B – DENIED, PROV.0001300-
11 TSA – CLOSED, TS.3007674-AGEN –
12 CLOSED, TS.3012578-REP – CLOSED,
13 TS.3017714-REP - CLOSED),

REAL ESTATE COMMISSION

BY Keely Valadez

12 Respondent.

14 **REPLY TO RESPONDENT’S OPPOSITION TO PETITIONER’S MOTION *IN LIMINE* TO**
15 **LIMIT REPETITIOUS, IRRELEVANT, AND/OR IMMATERIAL WITNESSES AND**
16 **SIMILARLY EXCLUDE EVIDENCE OTHERWISE OFFERED TO CONFUSE THE ISSUES**
17 **AND WASTE TIME AND SUPPLEMENT**

17 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
18 OF THE STATE OF NEVADA (“Division”) by and through its attorneys of record, Aaron D. Ford,
19 Attorney General, and Christal P. Keegan, Deputy Attorney General, hereby submits its Reply to
20 Respondent’s James Sharkey (“Sharkey”) Opposition to Petitioner’s Motion *in Limine* to Limit
21 Repetitious, Irrelevant, and/or Immaterial Witnesses and Similarly Exclude Evidence Otherwise Offered
22 to Confuse the Issues and Waste Time and Supplement to Motion *in Limine*.

23 The Division’s Motion *in Limine* was submitted on shortened time as a result of Sharkey just
24 submitting his witnesses, exhibits and first supplement on February 3, 2024 and February 4, 2024,
25 respectively. What is not reasonable is that Mr. Sharkey was told by his former counsel Kenneth Hogan
26 in mid-December to find new counsel, and the effective termination date of that representation was
27 January 3, 2025. *Exhibit 7*. The one-month between January 3, 2025 to February 3, 2025 when current
28 counsel Attorney Tony May was retained, has not been accounted for. Aside from former counsel

1 Attorney Hogan, and just recently Attorney May, no other attorney has appeared on behalf of Mr. Sharkey
2 in this administrative disciplinary case. The delay is inexplicable and good faith has not been shown.
3 The Division has otherwise proceeded in accordance with Respondent's due process right per NRS
4 645.680, and it is the Division's case that has been severely strained.

5 Lastly, *Bivins Construction vs. State Contractors Board*, 107 Nev. 281, 809 P.2s 1268 (1991), is
6 not applicable because the Division's counsel is not requesting limiting Sharkey's cross-examination.
7 Further, NRS 233B.135(3) and the citation to *Mosley v. Nevada Com'n on Judicial Discipline*, 117 Nev.
8 371, 378, 22 P.3d 655, 659 (2001), is regarding Petitions for Judicial Review, which this proceeding is
9 obviously not.

10 DATED this 10th day of February 2025.

11 AARON D. FORD
12 Attorney General

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