

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 06 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 Keeley Valadez

12 Respondent.

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

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 supplements its Motion *in*
20 *Limine* to Limit Repetitious, Irrelevant, and/or Immaterial Witnesses and Similarly Exclude Evidence
21 Otherwise Offered to Confuse the Issues and Waste Time, out of necessity as a result of Respondent

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1 James Sharkey's ("Sharkey") First Supplemental Disclosure Documents submitted just today, February
2 6, 2025 at 12:03 AM¹ in violation of NAC 645.850, and otherwise unnecessary, as Mr. Sharkey continues
3 to submit irrelevant evidence which should be excluded pursuant to NAC 645.845.

4 DATED this 6th day of February 2025.

5 AARON D. FORD
6 Attorney General

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28 ¹ EXHIBIT 5. Email from Tony May to Division Staff Re: Kelly, attached is Mr. Sharkey's First Supplemental Disclosure, February 6, 2025 12:04:52 AM.

1 **I. BACKGROUND**

2 **A. Legal Standard**

3 NAC 645.850 requires – it is a “must” – that the respondent must provide to the Division all
4 copies of documents that are reasonably available to the respondent which the respondent reasonably
5 anticipates will be used in support of his position.

6 NAC 645.845(2) requires – it is a “must” – that any evidence offered at a hearing “must be
7 material and relevant to the issues of the hearing.”

8 NAC 645.845(3) supports the Commission in excluding irrelevant evidence.

9 NRS 241.020 the Commission cannot take action on items not listed on the Hearing Agenda.

10 **II. ARGUMENT**

11 This is not a license denial appeal, as Mr. Sharkey apparently is trying to make this out to be
12 based on the documents submitted in his First Supplemental Disclosure Documents.² This case is being
13 presented to the Commission for Mr. Sharkey’s unlicensed activities and material misrepresentations of
14 expired or non-existent licenses which he committed on a magnitude scale during the 229 S. Las Vegas
15 Blvd. transaction.³ Whatever he is trying to do with his salesperson’s license now, has nothing to do with
16 proving he violated the law on eleven (11) counts during all times relevant to Case No. 2024-749 when
17 he did not have an active salesperson license.

18 The State finds it necessary to set the record straight because there are some serious problems
19 with the documents submitted by Mr. Sharkey’s in his First Supplemental Disclosure Documents coming
20 just three (3) working days before the Commission Hearings:

21 First, Mr. Sharkey submits false information regarding the status of his license in *RESP-000228*.
22 Mr. Sharkey’s license currently shows it is in inactive status, not “expired”.⁴

23 Second, the misrepresentations made by Mr. Sharkey in the email to the Division’s Licensing
24 Manager that someone told him that his receipt for his expired salesperson license renewal fee would act

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² RESP-000226 – 000241, 15 pages.

27 ³ Complaint and Notice of Hearing, Case No. 2024-749, Filed October 2, 2024.

28 ⁴ EXHIBIT 6. Nevada Real Estate Division Online Services, Print Out February 6, 2025 at 9:32 AM, James Sharkey Salesperson License No. 195534 INACTIVE License Status.

1 as a license on RESP-000226 are refuted by his *RESP-000227* which shows a receipt stamped three (3)
2 times “RECEIPT ONLY”, “RECEIPT ONLY”, “RECEIPT ONLY”.

3 Finally, for the record, when Mr. Sharkey came into the Division to pay the fee for renewal after
4 he let his license expire, he also submitted his reinstatement application as required by NRS 645.577(2),
5 which his First Supplemental Disclosure Documents conveniently make no mention of. Mr. Sharkey is
6 aware that just because he paid the renewal fee on his expired license, his reinstatement application still
7 needs to be reviewed and approved.⁵ Licensing has not made a determination, which the time frame as
8 set forth under NAC 645.330 is predicated upon, because in this unusual case, the good standing
9 requirements for reinstatement as provided under NAC 645.325(1) are pending the decision of this case.

10 **III. CONCLUSION**

11 The State requests the Commission consider its Supplement to its Motion in its preliminary
12 matters as permitted by NAC 645.810(1)(f) so that the hearing stays focused on evidence that will aid in
13 determining facts and to ensure the fairness of all parties.

14 DATED this 6th day of February 2025.

AARON D. FORD
Attorney General

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⁵ NAC 645.330.