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*Attorney for Respondent*

**FILED**

APR 11 2025

REAL ESTATE COMMISSION  
BY 

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS AND INDUSTRY, STATE  
OF NEVADA,

Case No.: 2024-660

Petitioner,

vs.

**RESPONDENT'S MOTION TO  
CONTINUE THE ADMINISTRATIVE  
TRIAL**

ANDREW J. AREVALO,  
(S.0184627)

Respondent.

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent" or "Mr. Arevalo"), by and through his counsel of record, Chandon S. Alexander, Esq., and hereby submits this Motion to Continue the Administrative Trial. This Motion is based upon the following Memorandum of Points and Authorities, the Declaration of Chandon S. Alexander, Esq., the Declaration of Dustun Holmes, Esq., and any oral argument that may be permitted.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

"[D]enials of motions for reasonable continuances" are "an abuse of discretion where" "the delay is not the particular fault of counsel or the parties." *Lord v. State*, 107 Nev. 28, 42-

43 (1991); *Colgain v. State*, 102 Nev. 220 (1986); *Banks v. State*, 101 Nev. 771 (1985).

Similarly, courts across jurisdictions have recognized that the unavailability of counsel due to scheduling conflicts—particularly when counsel is engaged in another trial—constitutes good cause for a continuance. *See Oliveros v. County of Los Angeles*, 120 Cal. App. 4th 1389 (2004); *People v. Andrade*, 86 Cal.App.3d 963, 150 Cal.Rptr. 662 (1978); *Atkinson v. LoConti*, 263 N.Y.S. 2d 505, 24 A.D. 2d 757 (1965).

Here, Respondent seeks a continuance because his counsel of record, Chandon S. Alexander, Esq., is required to appear in the United States District Court, District of Nevada, for a federal civil trial from May 12, 2025, through at least May 16, 2025. *See* Declaration of Chandon S. Alexander (“Alexander Decl.”) at ¶¶ 3-4; Declaration of Dustun Holmes (“Holmes Decl.”) at ¶¶ 3-4. This federal court appearance directly conflicts with the currently scheduled administrative trial in this matter, set for May 13-15, 2025. Alexander Decl. at ¶ 4; Holmes Decl. at ¶ 4.

Respondent emphasizes at the outset that this Motion is not made for the purpose of delay or due to any lack of diligence. Indeed, this matter was previously scheduled for the Commission’s February session, and Respondent and his counsel appeared fully prepared to proceed on February 11 and 12, 2025. Alexander Decl. at ¶¶ 11-12. However, due to the Commission’s calendar constraints and other matters requiring attention during that session, it became evident that this matter—which will require multiple days of testimony from six (6) witnesses—could not be heard at that time. Alexander Decl. at ¶¶ 13-14. The previous continuance was granted simply to avoid a bifurcated proceeding that would have unduly prejudiced Respondent. Alexander Decl. at ¶ 15.

1           Significantly, the federal trial is a firm setting that cannot be rescheduled because the  
2           presiding Federal District Judge is sitting by designation from Montana. Alexander Decl. at ¶  
3           5; Holmes Decl. at ¶¶ 5-6. As noted by Attorney Holmes in his declaration, “Federal trial court  
4           schedules are generally inflexible, particularly when a visiting judge presides. This judicial  
5           economy consideration makes rescheduling nearly impossible. This trial date can not be moved  
6           or continued.” Holmes Decl. at ¶ 6.

7  
8           Accordingly, as argued herein, the Motion should be granted and the Commission  
9           should continue the administrative trial date until a date at least 90 days from the currently  
10          scheduled trial date, or such time thereafter as may be convenient for the Commission’s  
11          calendar.

## 12           II.        **ARGUMENT**

### 13                   **A. The Unavailability of Respondent’s Counsel Due to a Conflicting Federal Trial** 14                   **Warrants a Continuance**

15           It is well-established that the unavailability of counsel due to a scheduling conflict with  
16           another trial constitutes good cause for a continuance. In *People v. Andrade*, 86 Cal.App.3d  
17           963, 150 Cal.Rptr. 662 (1978), the California Court of Appeal held that the unavailability of  
18           counsel because of another trial justified a continuance. Similarly, in *Atkinson v. LoConti*, 263  
19           N.Y.S. 2d 505, 24 A.D. 2d 757 (1965), the court found that the unavailability of counsel with  
20           papers and records necessary for trial justified a continuance.

21           More recently, in *Oliveros v. County of Los Angeles*, 120 Cal. App. 4th 1389 (2004),  
22           the California Court of Appeal addressed the denial of a continuance request where defense  
23           counsel was unexpectedly engaged in another trial. The Court overruled the denial, holding  
24           that a court must “look beyond the limited facts which cause a litigant to request a continuance  
25           26  
27           28

1 and consider the degree of diligence in the efforts to get the case to trial.” *Id.* at 1393. The  
2 Court emphasized that “the absence of trial counsel due to a scheduling conflict would lead to  
3 a lack of legal representation in court” and that “a civil litigant has a constitutional right to  
4 representation at trial.” *Id.* The Court concluded that “[t]he right to counsel should not be  
5 abrogated because defendant’s counsel of choice has a scheduling conflict.” *Id.*

6  
7 Nevada courts similarly recognize that denials of reasonable continuance requests  
8 constitute an abuse of discretion “where the purpose of the motion is to procure important  
9 witnesses and the delay is not the particular fault of counsel or the parties.” *Lord*, 107 Nev. at  
10 42-43; *see also Colgain*, 102 Nev. 220; *Banks*, 101 Nev. 771. While these cases address the  
11 unavailability of witnesses rather than counsel, the underlying principle applies with equal  
12 force to the present situation: a continuance is warranted when the unavailability is not the fault  
13 of the party seeking the continuance.

14  
15 Here, Respondent’s counsel, Chandon S. Alexander, Esq., is required to appear in the  
16 United States District Court, District of Nevada, for a federal civil trial scheduled from May  
17 12, 2025, through at least May 16, 2025. Alexander Decl. at ¶¶ 3-4; Holmes Decl. at ¶¶ 3-4.  
18 This federal court appearance directly conflicts with the currently scheduled administrative  
19 trial in this matter, set for May 13-15, 2025. Alexander Decl. at ¶ 4; Holmes Decl. at ¶ 4.

20  
21 Critically, the federal trial is a firm setting that cannot be rescheduled because the  
22 presiding Federal District Judge is sitting in designation from Montana. Alexander Decl. at ¶ 5;  
23 Holmes Decl. at ¶¶ 5-6. As Attorney Holmes explains, “Federal trial court schedules are  
24 generally inflexible, particularly when a visiting judge presides. This judicial economy  
25 consideration makes rescheduling nearly impossible. This trial date can not be moved or  
26 continued.” Holmes Decl. at ¶ 6.  
27  
28



1 The scheduling conflict is not the fault of Mr. Arevalo or his counsel, but rather stems  
2 from the coincidental scheduling of two trials at the same time. Alexander Decl. at ¶ 6. Given  
3 the impossibility of rescheduling the federal trial, particularly with a visiting judge from  
4 Montana presiding, a continuance of the administrative trial is the only reasonable solution to  
5 ensure that Mr. Arevalo is not deprived of his chosen counsel. *Id.* at ¶¶ 7-8.

7 As the *Oliveros* court recognized, a litigant's right to representation by counsel of  
8 choice should not be abrogated due to a scheduling conflict. 120 Cal. App. 4th at 1393. Forcing  
9 Mr. Arevalo to proceed without his chosen counsel—who has diligently prepared to represent  
10 Mr. Arevalo at trial—or to hastily retain new counsel unfamiliar with his case would severely  
11 prejudice his defense. Alexander Decl. at ¶ 8.

13 Accordingly, a continuance of the currently scheduled administrative trial date is  
14 warranted.

15 **B. A Continuance of at Least 90 Days Is Reasonable Under the Circumstances**

16 Given the nature of the scheduling conflict and the need to ensure that the new trial date  
17 does not conflict with other scheduled matters, Respondent respectfully requests a continuance  
18 of at least 90 days from the currently scheduled administrative trial date. Alexander Decl. at ¶  
19 9. This time frame is reasonable and will allow for the orderly resolution of the federal matter  
20 before proceeding with the administrative trial in this case.

22 It is important to note that this administrative proceeding will require multiple days to  
23 complete, as Respondent intends to call six (6) witnesses to testify, including: (1) Mr. Arevalo  
24 himself; (2) Brooks Robinson, Esq., Mr. Arevalo's Colorado counsel; (3) Mark J. Chambers,  
25 Ph.D., a psychologist who is expected to testify regarding the results of his forensic  
26 psychological examination of Mr. Arevalo; (4) Ciarra Craig, a real estate agent who is  
27  
28

1 expected to testify as to Mr. Arevalo's professional real estate credentials; (5) Arnold Argao, a  
2 real estate client of Mr. Arevalo who is expected to testify regarding Mr. Arevalo's  
3 professionalism and interaction during prior real estate transactions; and (6) Sandy Corrigan, a  
4 former real estate agent and former mother-in-law of Mr. Arevalo, who is expected to testify as  
5 to Mr. Arevalo's character. Alexander Decl. at ¶¶ 16-17.

6  
7 Moreover, a 90-day continuance will not cause undue prejudice to any party. The  
8 allegations in this matter involve conduct that allegedly occurred well before the  
9 commencement of these proceedings, and a delay of 90 days will not materially impact the  
10 resolution of those claims. Alexander Decl. at ¶ 10. By contrast, proceeding with the  
11 administrative trial without Respondent's chosen counsel would substantially prejudice  
12 Respondent's ability to present a full and effective defense. *Id.* at ¶ 8.

13  
14 While Respondent believes that a 90-day continuance is appropriate under the  
15 circumstances, Respondent would not oppose the Commission hearing this matter sooner than  
16 90 days if the Commission chooses to do so by special session. Alexander Decl. at ¶ 18.  
17 Respondent's primary concern is ensuring that his counsel of record is able to represent him at  
18 the administrative trial, and Respondent is committed to working with the Commission to find  
19 a mutually agreeable date for the rescheduled proceeding.  
20

### 21 **III. CONCLUSION**

22 For the foregoing reasons, Respondent respectfully requests that the administrative trial  
23 in this matter, presently scheduled for May 13-15, 2025, be continued until a date at least 90  
24 days from the currently scheduled trial date, or such time thereafter as may be convenient for  
25 the Commission's calendar.  
26  
27  
28

**SPARTACUS LAW FIRM**  
2777 Paradise Road, Suite 3002  
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T: (702) 660-1234 F: (702) 441-1626

Dated this 11th day of April, 2025.

Respectfully submitted,

**SPARTACUS LAW FIRM**

/s/ Chandon S. Alexander  
Chandon S. Alexander, Esq.  
Nevada Bar No. 12033  
400 South Seventh Street, Suite 100  
Las Vegas, Nevada 89101  
*Attorney for Respondent*

1 **DECL**

2 Chandon S. Alexander, Esq.  
3 Nevada Bar No. 12033

4 **SPARTACUS LAW FIRM**

5 400 South Seventh Street, Suite 100

6 Las Vegas, Nevada 89101

7 Tel: (702) 660-1234

8 Fax: (702) 441-1626

9 *Attorney for Respondent*

10 **BEFORE THE REAL ESTATE COMMISSION**

11 **STATE OF NEVADA**

12 SHARATH CHANDRA, Administrator,  
13 REAL ESTATE DIVISION, DEPARTMENT  
14 OF BUSINESS AND INDUSTRY, STATE  
15 OF NEVADA,

16 Petitioner,

17 vs.

18 ANDREW J. AREVALO,  
19 (S.0184627)

20 Respondent.

Case No.: 2024-660

**RESPONDENT'S MOTION TO  
CONTINUE THE ADMINISTRATIVE  
TRIAL**

21 **DECLARATION OF CHANDON S. ALEXANDER, ESQ. IN SUPPORT OF**  
22 **RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL**

23 CHANDON S. ALEXANDER, ESQ., hereby deposes and states the following under the  
24 pains and penalties of perjury:

25 1. That I am an attorney licensed to practice law in the State of Nevada and am  
26 Counsel of Record for Respondent ANDREW J. AREVALO in case number 2024-660;

27 2. That I have personal knowledge of the facts and circumstances herein and could  
28 testify to the same;

1           3.       That I am required to appear and represent a client as Plaintiff in a Federal Civil  
2 Case in the United States District Court, District of Nevada, on May 12, 2025, through at least  
3 May 16, 2025;

4           4.       That this federal court appearance directly conflicts with the administrative trial  
5 in this matter, currently scheduled for May 13-15, 2025;

6           5.       That the federal trial is a firm setting that cannot be rescheduled because the  
7 presiding Federal District Judge is sitting in designation from Montana, making rescheduling  
8 of that matter nearly impossible due to judicial economy considerations;

9           6.       That this scheduling conflict is not the fault of Respondent or myself, but rather  
10 stems from the coincidental scheduling of two trials at the same time;

11           7.       That Respondent has a right to representation by counsel of his choice, and  
12 proceeding with the administrative trial during my unavailability would effectively deprive him  
13 of that right;

14           8.       That forcing Respondent to proceed without his chosen counsel or to hastily  
15 retain new counsel unfamiliar with his case would severely prejudice his defense;

16           9.       That a continuance of at least 90 days from the currently scheduled  
17 administrative trial date would be reasonable under the circumstances and would allow for the  
18 orderly resolution of the federal matter before proceeding with the administrative trial in this  
19 case;

20           10.      That a 90-day continuance will not cause undue prejudice to any party, as the  
21 allegations in this matter involve conduct that allegedly occurred well before the  
22 commencement of these proceedings;

1           11. That this matter was previously scheduled for hearing during the Commission's  
2 February session, and Respondent and I appeared fully prepared to proceed on February 11 and  
3 12, 2025;

4           12. That the Motion to Continue is not made for the purpose of delay or due to any  
5 lack of diligence on the part of Respondent or myself;  
6

7           13. That during the February session, it became evident that this matter could not be  
8 heard due to the Commission's calendar constraints and other matters requiring attention;

9           14. That the previous continuance was granted to avoid a bifurcated proceeding that  
10 would have unduly prejudiced Respondent;  
11

12           15. That a bifurcated proceeding would have been particularly prejudicial given the  
13 number of witnesses Respondent intends to call and the interrelated nature of their testimony;

14           16. That Respondent intends to call six (6) witnesses to testify, including: (1) Mr.  
15 Arevalo himself; (2) Brooks Robinson, Esq., Mr. Arevalo's Colorado counsel; (3) Mark J.  
16 Chambers, Ph.D., a psychologist who is expected to testify regarding the results of his forensic  
17 psychological examination of Mr. Arevalo; (4) Ciarra Craig, a real estate agent who is  
18 expected to testify as to Mr. Arevalo's professional real estate credentials; (5) Arnold Argao, a  
19 real estate client of Mr. Arevalo who is expected to testify regarding Mr. Arevalo's  
20 professionalism and interaction during prior real estate transactions; and (6) Sandy Corrigan, a  
21 former real estate agent and former mother-in-law of Mr. Arevalo, who is expected to testify as  
22 to Mr. Arevalo's character;  
23  
24

25           17. That given the number of witnesses and the nature of their testimony, this  
26 administrative proceeding will require multiple days to complete;  
27  
28

1 18. That while Respondent believes that a 90-day continuance is appropriate under  
2 the circumstances, Respondent would not oppose the Commission hearing this matter sooner  
3 than 90 days if the Commission chooses to do so by special session;

4 19. That Attorney Dustun Holmes, Esq., who is co-counsel in the federal civil  
5 matter, has submitted a declaration confirming the federal court appearance and the  
6 impossibility of rescheduling that matter, a true and correct copy of which is submitted  
7 herewith.  
8

9  
10 I declare under penalty of perjury pursuant to the laws of the State of Nevada (NRS  
11 53.045)<sup>1</sup>  
12

13 DATED this 11th day of April, 2025.

14 /s/ Chandon S. Alexander

15  
16 CHANDON S. ALEXANDER, ESQ.

Nevada Bar No. 12033

17 400 South Seventh Street, Suite 100

18 Las Vegas, Nevada 89101

Tel: (702) 660-1234

19 Fax: (702) 441-1626

20 Email: [chandon@spartacuslawfirm.com](mailto:chandon@spartacuslawfirm.com)

*Attorney for Respondent*  
21  
22  
23  
24  
25

26 <sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose  
27 existence or truth may be established by an affidavit or other sworn declaration may be established with the same  
28 effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and  
dated, in substantially the following form: 1. If executed in this State: "I declare under penalty of perjury that the  
foregoing is true and correct."



1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that on the 11th day of April, 2025

3 I caused the preceding document entitled **RESPONDENT'S MOTION TO CONTINUE**

4 **THE ADMINISTRATIVE TRIAL** to be served on the following parties via the U.S. Postal

5 Service:

6  
7 REAL ESTATE DIVISION  
8 STATE OF NEVADA  
9 3300 W. Sahara Avenue, Suite 350  
10 Las Vegas, Nevada 89102  
11 ATTN: Sharath Chandra

12 Aaron D. Ford  
13 Christal P. Keegan  
14 5420 Kietzke Lane, Suite 202  
15 Reno, Nevada 89511  
16 Attorney for Real Estate Division

17  
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24  
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27  
28  
/s/ Chandon S. Alexander  
An Employee of SPARTACUS LAW FIRM

SPARTACUS LAW FIRM  
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**BEFORE THE REAL ESTATE COMMISSION**

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SHARATH CHANDRA, Administrator,  
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Respondent.

Case No.: 2024-660

**RESPONDENT'S MOTION TO  
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TRIAL**

**DECLARATION OF DUSTUN HOLMES, ESQ. IN SUPPORT OF RESPONDENT'S  
MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL**

DUSTUN HOLMES, ESQ., hereby deposes and states the following under the pains  
and penalties of perjury:

1. That I am an attorney licensed to practice law in the State of Nevada and am  
Counsel of Record for a Federal Civil Case with Mr. Alexander as Plaintiff;

2. That I have personal knowledge of the facts and circumstances herein and could  
testify to the same;

3 Mr. Alexander's presence is required and mandatory in the Federal District  
2 Court, District of Nevada, on May 12, 2025, through at least May 16, 2025.

4 That, as I understand it, this date conflicts with the date set for the  
4 administrative trial of Mr. Arevalo set for May 13-15.

5 The trial in the Federal District Court is a firm setting, and the presiding Federal  
6 District Judge is sitting in designation from Montana. This judicial economy consideration  
7 makes rescheduling nearly impossible

9 Federal trial court schedules are generally inflexible, particularly when a  
10 visiting judge presides. This judicial economy consideration makes rescheduling nearly  
11 impossible. This trial date can not be moved or continued.

13 I declare under penalty of perjury pursuant to the laws of the State of Nevada (NRS  
14 53.045)<sup>1</sup>

15 DATED this 10<sup>th</sup> day of April 2025.



DUSTUN HOLMES, ESQ.  
Nevada Bar No. 12776  
McMenemy Holmes PLLC  
1645 Village Center Circle, Suite 291  
Las Vegas, Nevada 89117

26 <sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose  
27 existence or truth may be established by an affidavit or other sworn declaration may be established with the same  
28 effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and  
dated, in substantially the following form: 1. If executed in this State: "I declare under penalty of perjury that the  
foregoing is true and correct."