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**FILED**

MAY 02 2025

REAL ESTATE COMMISSION  
BY 

*Attorneys for Respondent* ANDREW J. AREVALO,  
(S.0184627)

**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.

ANDREW J. AREVALO,  
(S.0184627)

Respondent.

**RESPONDENT'S OPPOSITION TO  
PETITIONER'S MOTION IN LIMINE  
TO LIMIT REPETITIOUS,  
IRRELEVANT AND/OR  
IMMATERIAL WITNESSES AND  
SIMILARLY EXCLUDE EVIDENCE  
OTHERWISE OFFERED TO  
CONFUSE THE ISSUES AND WASTE  
TIME**

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent"), by and through his  
counsel of record, Chandon S. Alexander, Esq. of the SPARTACUS LAW FIRM, hereby opposes  
Petitioner's Motion in Limine to Limit Repetitious, Irrelevant and/or Immaterial Witnesses and  
Similarly Exclude Evidence Otherwise Offered to Confuse the Issues and Waste Time, and as grounds  
therefore states as follows:

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Petitioner's Motion in Limine is a transparent attempt to deprive Respondent of his fundamental  
4 due process right to present a complete defense. The Division seeks to exclude virtually all of  
5 Respondent's witnesses and exhibits, characterizing them as "repetitious," "irrelevant," and  
6 "immaterial," without substantive analysis. However, as demonstrated below, each of Respondent's  
7 proposed witnesses and exhibits is directly relevant to the charges and necessary for the Commission's  
8 understanding of this matter.  
9

10 Particularly troubling is the Division's attempt to exclude evidence that informed the Colorado  
11 Real Estate Commission's decision to decline imposing formal discipline pending Respondent's  
12 successful completion of probation. This evidence is highly relevant not only to the factual issues in  
13 this case, but also to demonstrating the reasonableness of a similar approach in Nevada.  
14

15 The Division's characterization of this case as "straightforward" is misleading. While the  
16 Division attempts to frame this as a simple matter about a guilty plea, the reality is that Respondent  
17 entered into a Stipulation for Deferred Judgment and Sentence that will result in the withdrawal of his  
18 guilty plea and dismissal of all charges upon successful completion of probation—an arrangement that  
19 persuaded the Colorado Real Estate Commission to decline to impose discipline. This crucial context,  
20 which the Division conveniently omits, is directly relevant to the Commission's consideration of any  
21 potential discipline here.  
22

23 For these reasons, and as further explained below, Petitioner's Motion in Limine should be  
24 denied in its entirety.

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26 ///

27 ///

1     **II.     LEGAL STANDARD**

2             NAC 645.845(2) requires that “[a]ny evidence offered at a hearing must be material and relevant  
3     to the issues of the hearing.” However, this standard must be viewed through the lens of Respondent’s  
4     constitutional right to due process, which includes the right to present a complete defense.

5             As the Nevada Supreme Court has recognized, a licensee has a constitutionally protected  
6     property interest in his professional license. *See Potter v. State Bd. of Medical Examiners*, 101 Nev.  
7     369, 371 (1985). This due process right necessarily includes the right to present a complete defense,  
8     including relevant character evidence, mitigating evidence, and expert testimony. *See Goldberg v.*  
9     *Kelly*, 397 U.S. 254, 267-68 (1970) (noting that due process requires “an effective opportunity to defend  
10    by confronting any adverse witnesses and by presenting [one’s] own arguments and evidence orally”).

11            Respondent’s due process rights must be considered in tandem with the Commission’s authority  
12            under NAC 645.845. Evidence should only be excluded if it has no probative value whatsoever or if its  
13            probative value is substantially outweighed by unfair prejudice or waste of time.  
14            

15            

16     **III.    ARGUMENT**

17            **A. Respondent’s Witnesses Are All Relevant and Material to the Issues Before the**  
18            **Commission**

19            Respondent’s witnesses are not only relevant to the factual issues in this case but also provide  
20     critical context regarding the Colorado Real Estate Commission’s decision to decline imposing formal  
21     discipline pending completion of probation. This parallel approach by a sister regulatory body is highly  
22     relevant to this Commission’s determination and represents persuasive authority that should be fully  
23     considered.  
24     

25            Each of Respondent’s proposed witnesses will provide relevant, material testimony that is  
26     necessary for the Commission’s full understanding of this matter.

27            Witness 1 - Andrew J. Arevalo  
28

1 The Division does not object to Respondent testifying on his own behalf.

2 Witness 2 - Brooks Robinson, Esq.

3 Mr. Robinson's testimony is critical to the Commission's understanding of the Stipulation for  
4 Deferred Judgment and Sentence entered into by Respondent. Mr. Robinson can provide essential  
5 context regarding the nature of deferred judgments under Colorado law, including the fact that the guilty  
6 plea will be withdrawn and the charges dismissed upon successful completion of probation. This  
7 testimony is directly relevant to the Commission's consideration of whether and what discipline may  
8 be appropriate under the circumstances.  
9

10 The Division's assertion that the Commission can interpret the relevant criminal documents  
11 without Mr. Robinson's testimony ignores the fact that deferred judgments are complex legal  
12 arrangements that may not be readily apparent from the face of the documents. Expert testimony from  
13 the attorney who negotiated the agreement will provide crucial context that would otherwise be missing.  
14

15 Witness 3 - Psychologist Mark J. Chambers, Ph.D.

16 Dr. Chambers' testimony is highly relevant to the Commission's assessment of Respondent's  
17 current fitness to practice and the risk of recurrence, which are central considerations in any disciplinary  
18 proceeding. Dr. Chambers conducted a forensic psychological examination of Respondent and can  
19 provide expert testimony regarding Respondent's psychological state and the likelihood of reoffending.  
20

21 The Division's dismissal of Dr. Chambers as a "notorious expert witness for hire" is both  
22 unprofessional and completely unsupported by any evidence whatsoever. This ad hominem attack on  
23 Dr. Chambers' professional reputation is improper and should be disregarded by the Commission. Dr.  
24 Chambers is a qualified expert whose testimony would assist the Commission in making an informed  
25 decision.  
26  
27  
28

1           Importantly, Dr. Chambers' assessment was relied upon by the Colorado Real Estate  
2 Commission in its decision to offer Respondent a Stipulation for Diversion rather than formal discipline.  
3 His testimony is therefore directly relevant to supporting a similar approach in Nevada.

4           Witnesses 4, 5, and 6 - Character Witnesses

5           Ciarra Craig, Arnold Argao, and Sandy Corrigan will provide relevant character testimony  
6 regarding Respondent's professional competence, honesty, and integrity. The Division's suggestion  
7 that character evidence is irrelevant to disciplinary proceedings is contrary to longstanding practice and  
8 common sense. Character evidence is directly relevant to the Commission's assessment of what  
9 discipline, if any, is appropriate.  
10

11           Furthermore, each character witness will offer unique testimony based on their different  
12 relationships with Respondent and observations of him in different contexts. Their testimony is not  
13 "repetitious" simply because they may all speak positively about Respondent's character.  
14

15           **B. Respondent's Exhibits Are All Relevant and Material to the Issues Before the**  
16 **Commission**

17           Similarly, each of Respondent's proposed exhibits provides relevant, material evidence, much  
18 of which directly informed the Colorado Real Estate Commission's decision to offer a Stipulation for  
19 Diversion rather than formal discipline. The exhibits demonstrate not only Respondent's character and  
20 rehabilitation efforts but also provide the factual foundation that supported Colorado's approach of  
21 declining to impose discipline pending successful completion of probation.  
22

23           Exhibit A - Division Documents

24           While Respondent acknowledges that these documents duplicate the Division's own exhibits,  
25 having them admitted as Respondent's exhibits ensures they are part of the record regardless of whether  
26 the Division chooses to introduce them.

27           Exhibit B - Biopsychosocial Assessment  
28

1 This assessment, conducted in October 2023, provides relevant context regarding Respondent's  
2 mental state and efforts at rehabilitation prior to the entry of the deferred judgment. This information is  
3 directly relevant to the Commission's consideration of Respondent's fitness to practice and any  
4 potential discipline.

5 Exhibits C, D, F, G, and I - Character Reference Letters

6  
7 These letters from various individuals who know Respondent in different contexts provide  
8 relevant character evidence. The fact that some letters predate the guilty plea does not render them  
9 irrelevant; rather, it shows the consistent nature of Respondent's character over time.

10 Exhibit E - Certificate of Attendance

11 This certificate demonstrates Respondent's voluntary efforts at self-improvement and  
12 rehabilitation, which are directly relevant to the Commission's consideration of any potential discipline.

13 Exhibit H - Letter from Colorado Probation Officer

14  
15 The Division does not object to this exhibit.

16 Exhibit J - Forensic Psychological Examination

17 This report, prepared by Dr. Chambers, provides expert analysis of Respondent's psychological  
18 state and risk of reoffending, which are directly relevant to the Commission's assessment of  
19 Respondent's fitness to practice and the necessity of any discipline. The Division's characterization of  
20 Dr. Chambers as a "notorious expert witness for hire" is completely unsupported by any evidence and  
21 represents an improper *ad hominem* attack rather than a substantive objection to the relevance of his  
22 report.  
23

24 **C. The Division's Motion Asks the Commission to Violate Respondent's Due Process**  
25 **Rights**

26 The Division's Motion effectively seeks to prevent Respondent from presenting virtually any  
27 defense. If granted, the Motion would exclude five of Respondent's six witnesses and nine of his ten  
28

1 exhibits, leaving Respondent with essentially no evidence beyond his own testimony and a single letter  
2 from his probation officer.

3 Such a severe limitation on Respondent's ability to present evidence would violate his  
4 fundamental due process rights and would render any subsequent disciplinary action vulnerable to  
5 judicial reversal. *See Goldberg*, 397 U.S. at 267-68; *Potter*, 101 Nev. at 371.

6  
7 The Division's transparent attempt to restrict Respondent's evidence appears to be a tactical  
8 maneuver designed to secure a quick win rather than a good-faith effort to promote efficiency or  
9 relevance. The Commission should reject this approach and instead allow Respondent to present his  
10 complete defense.

11 **IV. CONCLUSION**

12 For the foregoing reasons, Respondent respectfully requests that the Commission deny the  
13 Division's Motion in Limine in its entirety.  
14

15  
16 DATED this 2nd day of May 2025.

Respectfully Submitted,

**SPARTACUS LAW FIRM**

/s/ Chandon Alexander

CHANDON ALEXANDER, ESQ.

Nevada Bar No. 12033

400 South Seventh Street, Suite 100

Las Vegas, Nevada 89101

Attorney for Respondent ANDREW J.

AREVALO, (S.0184627)

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that service of the foregoing *RESPONDENT'S*  
3 *OPPOSITION TO PETITIONER'S MOTION IN LIMINE TO LIMIT REPETITIOUS,*  
4 *IRRELEVANT AND/OR IMMATERIAL WITNESSES AND SIMILARLY EXCLUDE EVIDENCE*  
5 *OTHERWISE OFFERED TO CONFUSE THE ISSUES AND WASTE TIME* was made this date  
6 by electronic service to:

7  
8 Aaron D. Ford  
9 Christal P. Keegan  
10 Office of the Attorney General  
11 5420 Kietzke Lane, Suite 202  
12 Reno, Nevada 89511  
13 [ckeegan@ag.nv.gov](mailto:ckeegan@ag.nv.gov)  
14 Attorneys for Real Estate Division

15 /s/ Chandon S. Alexander  
16 An Employee of SPARTACUS LAW FIRM  
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