

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. 2024-660

7 Petitioner,


8 vs.

9 ANDREW J. AREVALO,  
10 (S.0184627)

11 Respondent.

**FILED**

**APR 03 2025**


REAL ESTATE COMMISSION  
BY 

12 **SUPPLEMENT TO OPPOSITION TO RESPONDENT'S MOTION TO STAY AND**  
13 **CONTINUE, OR IN THE ALTERNATIVE DISMISS**

14 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY  
15 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney  
16 General, and Christal P. Keegan, Deputy Attorney General, respectfully submits this Supplement to its  
17 Opposition to Respondent Andrew J. Arevalo's ("Arevalo") untimely Motion to Stay and Continue, or  
18 in the Alternative Dismiss, as permitted by the Commission pursuant to NAC 645.840(4).

19 DATED this 3rd day of April 2025.

20 AARON D. FORD  
21 Attorney General

22 By:   
23 CHRISTAL P. KEEGAN (Bar No. 12725)  
24 Deputy Attorney General  
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*Attorney for Real Estate Division*

1 **I. BACKGROUND**

2 In good faith, the Division respectfully submits this supplement necessitated by  
3 Respondent Andrew J. Arevalo's ("Arevalo") attempts to misinform the Nevada Real Estate  
4 Commission ("Commission").<sup>1</sup>

5 **II. LEGAL ARGUMENT**

6 **A. Ample Authority Supports the Commission Proceeding in this Case.**

7 Arevalo's central contention speculates the entry of a judgment of conviction upon Arevalo's  
8 guilty plea might be deferred upon successful completion of his two-year probationary period, but such  
9 gamesmanship fails to preclude this Commission from considering the entry of guilty plea as grounds for  
10 disciplinary action under NRS 645.633(1)(d)(2); NRS 645.330(1), (2)(b)(2); and NRS 645.615(2).

11 To assure this Commission, *Patt v. Nevada State Bd. of Accountancy*, 93 Nev. 548, 549, 571 P.2d  
12 105, 106 (1977) is the on-point case that upholds proceedings to suspend or revoke business or  
13 professional licenses are not included among the penalties and disabilities that are released by an  
14 honorable discharge from probation.<sup>2</sup>

15 The *Patt* case is applicable to the Commission's administrative action in this case no. 2024-660  
16 because Arevalo's entry of plea of guilty on or about December 4, 2023 to Count One of Assault in  
17 the Second Degree, a Class F4-As an Act of Domestic Violence, can be considered for purposes of  
18 NRS 645.633(1)(d)(2), NRS 645.330(2)(b)(2) and NRS 645.615(2) regardless of whether such is  
19 conditional, and the language of the statutes at issue are clear and unambiguous about the propriety of  
20 disciplinary action stemming from the adjudication of a guilty plea:

21 **NRS 645.633(1)(d)(2) which states in relevant part:**

22 "The Commission may take action pursuant to NRS 645.630  
23 against any person subject to that section who is guilty of any of the  
24 following acts: ...

25 (d) conviction of, *or the entry of a plea of guilty*, guilty but  
mentally ill or nolo contendere to: ...

(2) Any crime involving fraud, deceit, misrepresentation or moral  
turpitude."

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26 <sup>1</sup> See Reply to Petitioner's Opposition to Respondent's Motion to Stay and Continue, or in the  
Alternative Dismiss.

27 <sup>2</sup> See, e. g., *Meyer v. Board of Medical Examiners*, 34 Cal.2d 62, 206 P.2d 1085 (1949), and its progeny.  
28 See also *In re Phillips*, 17 Cal.2d 55, 109 P.2d 344 (1941). For the Commission's convenience, *Patt v. Nevada  
State Bd. of Accountancy*, 93 Nev. 548, 549, 571 P.2d 105, 106 (1977) case is included under *Exhibit A*.

1           **NRS 645.330(2)(b) which states in relevant part:**

2           (b) *Shall not issue a license to such a person until at least 3 years after:*

3           (2) *The expiration of the period of the person's parole, probation*  
4           *or sentence.*

5           **NRS 645.615(2) which states in relevant part:**

6           A licensee shall submit the notification required by subsection 1:<sup>3</sup>

7           (a) *Not more than 10 days after the conviction or entry of the plea*  
8           *of guilty, guilty but mentally ill or nolo contendere;*

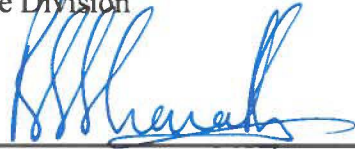
9           Any individual of common intelligence does not need to guess at its meaning and would not differ  
10          as to its application.<sup>4</sup> To conclude, these statutes are a reasonable method of achieving a legitimate end  
11          of protecting the State's real estate industry and thus comply with substantive due process and procedure  
12          due process.<sup>5</sup>

13          **III. CONCLUSION**

14          For the foregoing reasons, the Division recognizes the discretion the Commission has in  
15          considering supplemental information, and it appreciates the opportunity to provide accurate and reliable  
16          information to assure it of its lawful authority to adjudicate disciplinary actions in this case.

17          DATED this 3<sup>rd</sup> day of April 2025.

18          STATE OF NEVADA  
19          Department of Business and Industry  
20          Real Estate Division

21          By:   
22          SHARATH CHANDRA, Administrator  
23          CHARVEZ FOGER, Deputy Administrator  
24          3300 West Sahara Avenue, Suite 350  
25          Las Vegas, Nevada 89102

26          DATED this 3<sup>rd</sup> day of April 2025.

27          AARON D. FORD  
28          Attorney General

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3          **NRS 645.615 Duty to report certain convictions and pleas to Division.** 1. A licensee, property  
4          manager or owner-developer shall notify the Division in writing if he or she is convicted of, or enters a plea of  
5          guilty, guilty but mentally ill or nolo contendere to: (a) A felony relating to the practice of the licensee, property  
6          manager or owner-developer; or (b) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

7          <sup>4</sup> *State v. Glusman*, 98 Nev. 412, 420, 651 P.2d 639, 644-45 (1982).

8          <sup>5</sup> *Spilotro v. State ex rel. Gaming Commission*, 99 Nev. 187, 661 P.2d 467 (1983).

# **EXHIBIT A**

# **EXHIBIT A**

93 Nev. 548  
 Supreme Court of Nevada.  
 Seymour Harold PATT, Appellant,  
 v.  
 NEVADA STATE BOARD OF  
 ACCOUNTANCY, Respondent.  
 No. 9758.  
 I  
 Nov. 16, 1977.

### Synopsis

Appeal was taken from an order of the Second Judicial District Court, Washoe County, William N. Forman, J., dismissing an accountant's petition requesting judicial review of the State Board of Accountancy's revocation of his certified public accountant's certificate based upon his conviction of embezzlement. The Supreme Court held that the propriety of the disciplinary action stemmed from the adjudication of guilt constituting the basis of the conviction and as such was not a "penalty" or "disability" which would be released by the accountant's honorable discharge from probation.

Appeal dismissed.

### Attorneys and Law Firms

**\*548 \*\*105** David Dean, Reno, for appellant.  
 Laxalt, Berry & Allison, Carson City, for respondent.

### OPINION

#### PER CURIAM:

Appellant was convicted of embezzlement ([NRS 205.300](#)) and placed on probation for a term of one year. Upon the satisfactory completion of probation, the district court

**\*\*106** set aside the verdict of guilty and dismissed the information against him pursuant to NRS 176.225(1). <sup>1</sup> Based on the **\*549** embezzlement conviction, the Nevada State Board of Accountancy revoked appellant's certified public accountant's certificate pursuant to [NRS 628.390\(5\) & \(6\)](#). <sup>2</sup>

A petition, requesting judicial review of the revocation, was dismissed by the district court and in this appeal the central contention is that the honorable discharge from probation released appellant from "all penalties and disabilities resulting from the offense" and, thus, the Board is precluded from considering the conviction as grounds for disciplinary action. Respondent, arguing the disciplinary proceeding and consequences thereof cannot be construed as a penalty or disability which was released under NRS 176.225(1), has moved to dismiss.

Although we have not had occasion to so construe NRS 176.225(1), sister state decisions involving virtually an identical statute are legion. Those cases, which we find to be well reasoned, hold that proceedings to suspend or revoke business or professional licenses are not included among the penalties and disabilities that are released by an honorable discharge from probation. See, e. g., [Meyer v. Board of Medical Examiners](#), 34 Cal.2d 62, 206 P.2d 1085 (1949), and its progeny. See also [In re Phillips](#), 17 Cal.2d 55, 109 P.2d 344 (1941).

We elect to adopt, as appropriate and applicable here, that portion of the Meyer opinion where the court wrote that the "propriety (of the disciplinary action) stems from the adjudication of guilt constituting the basis of the 'conviction' and, as such, it is not a 'penalty' or 'disability' within the contemplated release of the probation statute." [206 P.2d at 1088](#). Accordingly, we grant respondent's motion and

ORDER this appeal dismissed.

### All Citations

93 Nev. 548, 571 P.2d 105

### Footnotes

<sup>1</sup> NRS 176.225(1) provides:

"1. Every defendant who:

“(a) Has fulfilled the conditions of his probation for the entire period thereof; or

“(b) Is recommended for earlier discharge by the chief parole and probation officer; or

“(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court, may at any time thereafter be permitted by the court to withdraw his plea of guilty or nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court may set aside the verdict of guilty; and in either case, the court shall thereupon dismiss the indictment or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.” (Emphasis added.)

2     [NRS 628.390\(5\) & \(6\)](#) provide in pertinent part:

“After notice and hearing . . . , the board may revoke . . . any certificate issued . . . for any one or any combination of the following causes:

“ . . .oti

“5. Conviction of a felony under the laws of any state or of the United States.

“6. Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.”