

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-2032

Petitioner,

vs.

PERRY A. WHITE,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, hereby notifies RESPONDENT PERRY A. WHITE ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

Respondent PERRY WHITE was at all relevant times mentioned in this Complaint licensed as a Broker by the Division under license number B.0034578.CORP, and is therefore subject to the jurisdiction of the Commission and the Division, and the provisions of NRS Chapter 645 and NAC Chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT was licensed as a Broker by the Division under license number B.0034578.CORP, until November 7, 2016. That license, which was first issued in or about 1995, is currently in inactive status.

1 2. RESPONDENT is licensed as a Broker Salesperson under license number BS.0034578,
2 and is currently in active status.

3 3. At all times relevant to this Complaint, RESPONDENT was the broker for Marcus &
4 Millichap Real Estate Investment Services of Nevada, Inc. ("Marcus & Millichap").

5 4. The Division received notice that a California real estate licensee, Gordon Allred
6 ("Allred"), was listing properties within the State of Nevada for sale.

7 **Best Western Pahrump Oasis Property**

8 5. On or about January 27, 2016, RESPONDENT entered into an "INTERSTATE
9 BROKERAGE COOPERATION AGREEMENT – TURF STATE" ("Best Western Agreement") with
10 Allred regarding the sale and marketing of the Best Western Pahrump Oasis property, located at 1101
11 South Highway 160, Pahrump, Nevada.

12 6. Allred is listed as an out-of-state real estate broker and/or salesperson affiliated with
13 Marcus & Millichap.

14 7. RESPONDENT is listed as the Broker of Record.

15 8. Marcus & Millichap indicated on its "NEVADA (TURF) Out of State Checklist" for this
16 property that "[a]ll deals in Nevada must have a Nevada licensee on each side of the deal *or each* out-
17 of-state agent must obtain a Certificate of Cooperation through the Nevada Real Estate Department ..."
18 (Emphasis in original.)

19 9. Said checklist also states that "[o]ut-of-State agents may never have their names or
20 contact information on any marketing material unless they have obtained a Certificate of Cooperation."
21 (Emphasis in original.)

22 10. Per the Best Western Agreement, no out-of-state agent information shall be included on
23 any marketing/advertising materials, and RESPONDENT's name must be included on all
24 advertising/marketing materials.

25 11. RESPONDENT acknowledged, pursuant to the Duties Owed by a Nevada Real Estate
26 Licensee Form, to abide by all other duties, responsibilities and obligations required of the licensee in
27 law or regulations.

28 ...

1 12. The listing agents for this property were indicated as Allred (with an 80% fee) and
2 Timothy Watkins ("Watkins") (with a 20% fee).

3 13. The advertisement and Offering Memorandum for this property was exclusively listed
4 by Allred (under his California real estate license) and Watkins (under his Nevada real estate license).

5 14. Allred is solely listed on the "Marketing Team" for this property.

6 15. The "Marketing Positioning and Pricing Analysis" was presented by Allred.

7 16. On or about February 23, 2016, Allred emailed the seller with questions on gaming
8 limits and restrictions in regards to the property.

9 17. On or about February 29, 2016, Allred sent the seller a letter thanking him for permitting
10 Allred to market the property.

11 18. Allred is not and has never been licensed by the Division.

12 19. The Division does not have any records indicating that Allred ever held or applied for a
13 Cooperative Certificate with the Division.

14 **Battle Mountain Inn & Suites Property**

15 20. On or about February 9, 2015, RESPONDENT entered into "INTERSTATE
16 BROKERAGE COOPERATION AGREEMENT - TURF STATE" ("Battle Mountain Inn
17 Agreement") with Allred regarding the sale and marketing of the Battle Mountain Inn & Suites
18 property, located at 650 West Front Street, Battle Mountain, Nevada.

19 21. Allred is listed as an out-of-state real estate broker and/or salesperson affiliated with
20 Marcus & Millichap.

21 22. RESPONDENT is listed as the Broker of Record.

22 23. Per the Battle Mountain Inn Agreement, no out-of-state agent information shall be
23 included on any marketing/advertising materials, and RESPONDENT's name must be included on all
24 advertising/marketing materials.

25 24. The listing agents for this property were indicated as Allred (with a 50% fee) and
26 Watkins (with a 50% fee).

27 25. RESPONDENT was sent a Memorandum from Allred requesting RESPONDENT to
28 approve the listing of the property.

1 26. Said Memorandum indicated that “[o]nly in the event the Out-Of-State License has a
2 obtained a Certificate of Cooperation from the Nevada Real Estate Commission may he/she perform
3 any acts (listing or selling) otherwise requiring a real estate license in Nevada.” (Emphasis in original.)

4 27. RESPONDENT acknowledged, pursuant to the Duties Owed by a Nevada Real Estate
5 Licensee Form, to abide by all other duties, responsibilities and obligations required of the licensee in
6 law or regulations.

7 28. Allred is not and has never been licensed by the Division.

8 29. The Division does not have any records indicating that Allred ever held or applied for a
9 Cooperative Certificate with the Division.

10 **Las Vegas Hotel Casino Development Site Property**

11 30. On or about February 9, 2015, RESPONDENT entered into an “INTERSTATE
12 BROKERAGE COOPERATION AGREEMENT – TURF STATE” (“Las Vegas Hotel Agreement”)
13 with Allred and James Yang (“Yang”) regarding the sale and marketing of the Las Vegas Hotel Casino
14 Development Site property, located at 4300 West Tropicana Avenue, Las Vegas, Nevada.

15 31. Allred is listed as an out-of-state real estate broker and/or salesperson affiliated with
16 Marcus & Millichap.

17 32. Yang is listed as an out-of-state real estate broker and/or salesperson affiliated with
18 Marcus & Millichap.

19 33. RESPONDENT is listed as the Broker of Record.

20 34. Per the Las Vegas Hotel Agreement, no out-of-state agent information shall be included
21 on any marketing/advertising materials, and RESPONDENT’s name must be included on all
22 advertising/marketing materials.

23 35. The property is advertised as exclusively listed by Allred, Yang and Ray German
24 (“German”).

25 36. The listing agents for this property were indicated as Allred (with a 34% fee), German
26 (with a 33% fee), and Yang (with a 33% fee).

27 37. Marcus & Millichap advertised an Exclusive Land Offering by Allred.

28 ...

1 38. Allred sent RESPONDENT a Memorandum for marketing and advertising Nevada
2 deals.

3 39. Said Memorandum indicated that “[o]nly in the event the Out-Of-State License has a
4 obtained a Certificate of Cooperation from the Nevada Real Estate Commission may he/she perform
5 any acts (listing or selling) otherwise requiring a real estate license in Nevada.” (Emphasis in original.)

6 40. Allred is not and has never been licensed by the Division.

7 41. The Division does not have any records indicating that Allred ever held or applied for a
8 Cooperative Certificate with the Division

9 **VIOLATIONS**

10 42. RESPONDENT violated NRS 645.235(1)(b) on **three (3) occasions** by knowingly
11 assisting or offering to assist another person or persons to engage in activity for which a license, permit,
12 certificate or registration or any type of authorization is required pursuant to NRS 645, or any
13 regulation adopted pursuant thereto, even though that person or persons did not hold the required
14 license, permit, certificate or registration or has not been given the required authorization; and/or NRS
15 645.252(2) by not exercising reasonable skill and care with respect to all parties to the real estate
16 transaction.

17 **DISCIPLINE AUTHORIZED**

18 43. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
19 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from
20 the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of
21 NRS 645.230.

22 44. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
23 the proceeding upon RESPONDENT, including investigative costs and attorney’s fees, if the
24 Commission otherwise imposes discipline on RESPONDENT.

25 45. Therefore, the Division requests that the Commission take such disciplinary action as it
26 deems appropriate under the circumstances.

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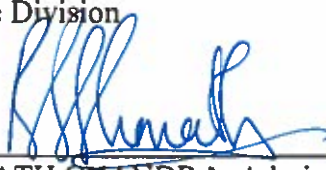
1 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
2 opposing witnesses on any matter relevant to the issues involved.

3 You have the right to request that the Commission issue subpoenas to compel witnesses to
4 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
5 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
6 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.


7 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or
8 NAC 645 and if the allegations contained herein are substantially proven by the evidence
9 presented and to further determine what administrative penalty is to be assessed against the
10 RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

11 DATED this 19 day of April, 2017.

12 State of Nevada
13 Department of Business and Industry
14 Real Estate Division

15 By: 
16 SHARATH CHANDRA, Administrator
17 2501 East Sahara Avenue
18 Las Vegas, Nevada 89104-4137
19 (702) 486-4033

20 ADAM PAUL LAXALT
21 Attorney General

22 By: 
23 KEITH E. KIZER
24 Senior Deputy Attorney General
25 DONALD J. BORDELOVE
26 Deputy Attorney General
27 555 East Washington Ave., Ste. 3900
28 Las Vegas, Nevada 89101
(702) 486-3326
Attorneys for Real Estate Division