

FILED

JUL 11 2017

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-2405

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, and Keith E. Kizer, Senior Deputy Attorney General, 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 RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235, NRS 645.633, NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT 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 1994, is currently in inactive status.

1 2. RESPONDENT is licensed by the Division as a Broker Salesperson under license
2 number BS.0034578, 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. At all times relevant to this Complaint, Nenad Zivkovic ("Zivkovic") was licensed by
6 the Division as a Salesperson under license number S.0072029, and is currently in active status.

7 5. At all times relevant to this Complaint, Zivkovic was a salesperson for Marcus &
8 Millichap.

9 6. Alvin Mansour ("A. Mansour") holds no broker, broker-salesperson or salesperson
10 license issued by the Division.

11 7. At all times relevant to this Complaint, A. Mansour was affiliated with Marcus &
12 Millichap Real Estate Investment Services of California ("M&M") in San Diego, California, was
13 licensed with the California Bureau of Real Estate as a Broker, License No. 01391653, and purportedly
14 held a real estate license in Texas.

15 8. Kevin Mansour ("K. Mansour") holds no broker, broker-salesperson or salesperson
16 license issued by the Division.

17 9. At all times relevant to this Complaint, K. Mansour was affiliated with M&M in San
18 Diego, California, and was licensed with the California Bureau of Real Estate as a Salesperson, License
19 No. 01878011.

20 10. On a Duties Owed by a Nevada Real Estate Licensee form dated April 19, 2016,
21 RESPONDENT is listed as the Broker for the seller of a commercial property located at **2989 Highway**
22 **50 East, Carson City, Nevada** ("2989 Property").

23 11. That Duties Owed form provides that RESPONDENT shall abide "by all other duties,
24 responsibilities and obligations required of the licensee in law or regulations."

25 12. The seller's name is not listed on that Duties Owed form.

26 13. On a Consent to Act form dated April 19, 2016, RESPONDENT is listed as the Broker
27 for the seller of the 2989 Property.

28 ...

1 14. On or about April 19, 2016, RESPONDENT entered into an "INTERSTATE
2 BROKERAGE COOPERATION AGREEMENT – TURF STATE" with A. Mansour and Zivkovic
3 regarding the sale and marketing of the 2989 Property.

4 15. That agreement discusses compensation "if Out-of-State License has submitted a
5 Certificate of Cooperation and received approval from the Nevada Real Estate Division that he/she
6 may perform any acts (listing or selling) in the state of Nevada." (Emphasis in original.)

7 16. That agreement provides that "NO OUT-OF-STATE AGENT INFORMATION SHALL
8 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS." (Emphasis in original.)

9 17. The advertising for the offering for sale of a commercial property located at **3059**
10 **Highway 50 East, Carson City, Nevada** ("Dollar General") stated it was being listed by The Mansour
11 Group at M&M, with A. Mansour as President, K. Mansour as Managing Partner, and Zivkovic as
12 Associate.

13 18. On or about May 3, 2016, K. Mansour received a "Letter of Interest to Purchase Dollar
14 General, located at 3059 Highway 50 East, Carson City, NV 89701," which listed the purchase price as
15 "\$2,278,323 (6.50% Cap) – All Cash," from Allen Lindow.

16 19. On or about May 3, 2016, A. Mansour, K. Mansour and Zivkovic received a letter of
17 intent to purchase Dollar General, which listed the purchase price as "\$2,365,000 all cash," from Marc
18 Pollock.

19 20. On or about May 5, 2016, the Mansour Group prepared a "Counter Letter of Intent" for
20 the purchase of Dollar General, which listed the purchase price as \$2,407,988.

21 21. On or about June 1, 2016, the Division sent A. Mansour a Cease & Desist Order.

22 22. On or about June 1, 2016, the Division sent K. Mansour a Cease & Desist Order.

23 23. On or about June 14, 2016, A. Mansour applied for a Cooperation Certificate from the
24 Division.

25 24. On or about June 15, 2016, the Division issued a Cooperation Certificate to A. Mansour.

26 25. The Division does not have any records indicating that K. Mansour ever held or applied
27 for a Cooperative Certificate with the Division.

28 26. On or about July 28, 2016, Dollar General sold for \$2,450,000.

1 27. By way of letter dated December 27, 2016, the Division required RESPONDENT to
2 provide additional information related to the Division's investigation by January 13, 2017.

3 28. RESPONDENT failed to provide the additional information to the Division.

4 VIOLATIONS

5 29. RESPONDENT violated NRS 645.235(1)(b) by knowingly assisting or offering to assist
6 another person or persons to engage in activity for which a license, permit, certificate or registration or
7 any type of authorization is required pursuant to NRS 645, or any regulation adopted pursuant thereto,
8 even though that person or persons did not hold the required license, permit, certificate or registration
9 or has not been given the required authorization.

10 30. RESPONDENT violated NRS 645.635(6) by failing to supply documentation to the
11 Division.

12 DISCIPLINE AUTHORIZED

13 31. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative
14 fine in an amount not to exceed the amount of gain or economic benefit that the person derived from
15 the violation or \$5,000, whichever amount is greater, against RESPONDENT for each violation of
16 NRS 645.235.

17 32. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose
18 an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend,
19 revoke or place conditions on the license of RESPONDENT.

20 33. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of
21 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
22 Commission otherwise imposes discipline on RESPONDENT.

23 34. Therefore, the Division requests that the Commission take such disciplinary action as it
24 deems appropriate under the circumstances.

25 NOTICE OF HEARING

26 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
27 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
28 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

1 **THE HEARING WILL TAKE PLACE** on August 15, 2017 commencing at 9:00 a.m., or
2 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
3 commencing at 9:00 a.m. through August 17, 2017, or earlier if the business of the Commission is
4 concluded. The Commission meeting will be held on August 15, 2017, at the Grant Sawyer
5 Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101. The meeting will
6 continue on August 16, 2017 at the Grant Sawyer Building, 555 East Washington Avenue, Room
7 4401, Las Vegas, Nevada 89101 commencing at 9:00 a.m., and on August 17, 2017, should
8 business not be concluded, starting at 9:00 a.m. at the Grant Sawyer Building, 555 East
9 Washington Avenue, Room 4401, Las Vegas, Nevada 89101.

10 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
11 time as part of a regular meeting of the Commission that is expected to last from August 15
12 through August 17, 2017, or earlier if the business of the Commission is concluded. Thus, your
13 hearing may be continued until later in the day or from day to day. It is your responsibility to be
14 present when your case is called. If you are not present when your hearing is called, a default
15 may be entered against you and the Commission may decide the case as if all allegations in the
16 complaint were true. If you have any questions please call Rebecca Hardin, Commission
17 Coordinator (702) 486-4074.

18 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open
19 meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and
20 arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or
21 professional competence. A verbatim record will be made by a certified court reporter. You are
22 entitled to a copy of the transcript of the open and closed portions of the meeting, although you must
23 pay for the transcription.

24 As the Respondent, you are specifically informed that you have the right to appear and be heard
25 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
26 the burden of proving the allegations in the complaint and will call witnesses and present evidence
27 against you. You have the right to respond and to present relevant evidence and argument on all issues
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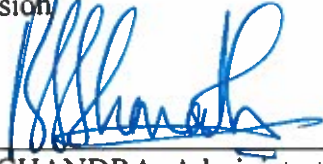
1 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
2 opposing witnesses on any matter relevant to the issues involved.

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 11th day of July, 2017.

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

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