

**FILED**

JUL 30 2018

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. 2016-2904

Petitioner,

vs.

EDWARD OTOCKA,

Respondent.

**DECISION**

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, June 13, 2018, at the Nevada Division of Insurance, 1818 East College Parkway, Suite 103, Carson City, Nevada. Respondent Edward Otocka ("Respondent") appeared and testified at the hearing, and was represented by legal counsel, Jill B. Rowe, Esq. and Katherine L. Hoffman, Esq. Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the Complaint on behalf of petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business & Industry, State of Nevada ("Division").

The matter having been submitted for decision based upon the allegations of the Complaint, the Commission now enters its Findings of Fact and Conclusions of Law as follows:

**FINDINGS OF FACT**

The Commission, based upon the evidence presented during the hearing, finds that there is substantial evidence in the record to establish each of the following:

1. Respondent has never been licensed by the Division in any capacity.
2. Respondent has never held a Cooperative Certificate from the Division.
3. At all times relevant to this Complaint, Respondent was affiliated with Marcus & Millichap Real Estate Investment Services Inc. ("M&M") in New York, New York, and was licensed by New York State as a Salesperson, License No. 10401232117.

...

1 4. Gaurab Reja ("Reja") holds no broker, broker-salesperson or salesperson license issued  
2 by the Division.

3 5. At all times relevant to this Complaint, Reja was affiliated with M&M in New York,  
4 New York, and was licensed by New York State as a Salesperson, License No. 10401283734.

5 6. Glen D. Kunofsky ("Kunofsky") holds no broker, broker-salesperson or salesperson  
6 license issued by the Division.

7 7. At all times relevant to this Complaint, Kunofsky was affiliated with M&M in New  
8 York, New York, and was licensed by New York State as an Associate Broker, License No.  
9 10301203289.

10 8. On or about February 23, 2016, Respondent and Kunofsky signed an "INTERSTATE  
11 BROKERAGE COOPERATION AGREEMENT – TURF STATE" regarding the sale and marketing  
12 of a commercial property located at 2341 Comstock Drive, Las Vegas, Nevada ("Academy of  
13 Excellence").

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

17 10. On or about February 23, 2016, Respondent signed a Representation Agreement  
18 (Exclusive Right to Sell or Exchange), which included Academy of Excellence.

19 11. Advertising for the offering for sale of Academy of Excellence stated it was being listed  
20 by Respondent, Kunofsky and Reja for \$16,708,330.00.

21 12. On or about July 6, 2016, the Division sent Respondent a Cease & Desist Order.

22 13. On or about July 6, 2016, the Division sent Reja a Cease & Desist Order.

23 14. On or about July 6, 2016, the Division sent Kunofsky a Cease & Desist Order.

24 **CONCLUSIONS OF LAW**

25 The Commission, based upon the preponderance of the evidence, makes the following legal  
26 conclusions:

27 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and  
28 233B and NAC Chapter 645.

