

FILED

JUL 30 2018

REAL ESTATE COMMISSION
BY *R. [Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2016-2902

Petitioner,

vs.

JAMES E. VENTURA,

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 James E. Ventura ("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 an Associate Broker, License No. 10301207395.

1 4. Anthony D. D'Ambrosia ("D'Ambrosia") holds no broker, broker-salesperson or
2 salesperson license issued by the Division.

3 5. At all times relevant to this Complaint, D'Ambrosia was affiliated with M&M in New
4 York, New York, and was licensed by New York State as a Salesperson, License No. 10401263344.

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 May 19, 2016, Respondent signed an "INTERSTATE BROKERAGE
11 COOPERATION AGREEMENT – TURF STATE" regarding the sale and marketing of a commercial
12 property located at 2020 Reno Highway, Fallon, Nevada ("Walgreens").

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

16 10. Advertising for the offering for sale of Walgreens stated it was being listed by
17 Respondent, Kunofsky and D'Ambrosia for \$5,217,391.00.

18 11. Respondent and D'Ambrosia presented Market Positioning & Pricing Analysis material
19 on Walgreens.

20 12. On or about July 7, 2016, D'Ambrosia received a "Letter of Intent" to purchase
21 Walgreens for \$5,000,000.00 from SMBSIRIS, LLC.

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

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

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

25 16. On or about October 27, 2016, Walgreens sold for \$5,084,745.00.

26 17. According to M&M, Respondent received \$100.00 in gross commission, and \$50.00 in
27 net commission, from the Walgreens sale.

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1 CONCLUSIONS OF LAW

2 The Commission, based upon the preponderance of the evidence, makes the following legal
3 conclusions:

4 1. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and
5 233B and NAC Chapter 645.

6 2. Respondent violated NRS 645.230(1)(a) and/or NRS 645.235(1)(a) by engaging in the
7 business of, acting in the capacity of, or advertising or assuming to act as a real estate broker, real estate
8 broker-salesperson, or real estate salesperson within the State of Nevada without first obtaining the
9 appropriate license or certificate from the Division.

10 ORDER

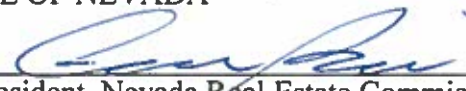
11 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of \$3,712.99.
12 The total fine reflects a fine of \$2,500.00 for the above violation of law plus \$1,212.99 for hearing and
13 investigative costs. Respondent shall pay the total fine to the Division within ninety days of the
14 effective date of this Order. The Division may institute debt collection proceedings for failure to timely
15 pay the total fine.

16 The Commission retains jurisdiction for correcting any errors that may have occurred in the
17 drafting and issuance of this Decision.

18 This Order shall become effective on the 30th day of August, 2018.

19 DATED this 30th day of July, 2018.

20 REAL ESTATE COMMISSION
21 STATE OF NEVADA

22 By: 
23 President, Nevada Real Estate Commission
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