

FILED

JAN 24 2018

REAL ESTATE COMMISSION
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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.

DECISION

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, December 6, 2017, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada. Respondent Perry A. White ("Respondent") did not attend or make himself available to testify at the hearing, but was represented by legal counsel, Jill B. Rowe, Esq. and Scott A. Marquis, 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 was licensed as a Broker by the Division under license number B.0034578.CORP, until November 7, 2016.

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

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1 3. Respondent was the broker for Marcus & Millichap Real Estate Investment Services of
2 Nevada, Inc. ("Marcus & Millichap"), at the times at issue herein.

3 4. Nenad Zivkovic ("Zivkovic") was licensed by the Division as a Salesperson under
4 license number S.0072029, and is currently in active status.

5 5. Zivkovic was a salesperson for Marcus & Millichap.

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

8 7. A. Mansour was affiliated with Marcus & Millichap Real Estate Investment Services of
9 California ("M&M") in San Diego, California, was licensed with the California Bureau of Real Estate
10 as a Broker, License No. 01391653, and purportedly held a real estate license in Texas.

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

13 9. K. Mansour was affiliated with M&M in San Diego, California, and was licensed with
14 the California Bureau of Real Estate as a Salesperson, License No. 01878011.

15 **2989 Highway 50 East, Carson City, Nevada**

16 10. On a Duties Owed by a Nevada Real Estate Licensee form dated April 19, 2016,
17 RESPONDENT is listed as the Broker for the seller of a commercial property located at 2989 Highway
18 50 East, Carson City, Nevada ("2989 Property").

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

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

22 13. On a Consent to Act form dated April 19, 2016, Respondent is listed as the Broker for
23 the seller of the 2989 Property.

24 14. On or about April 19, 2016, Respondent entered into a M&M "INTERSTATE
25 BROKERAGE COOPERATION AGREEMENT – TURF STATE" with A. Mansour and Zivkovic
26 regarding the sale and marketing of the 2989 Property.

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

4 16. That agreement provides that “NO OUT-OF-STATE AGENT INFORMATION SHALL
5 BE INCLUDED ON ANY MARKETING/ADVERTISING MATERIALS.” (Emphasis in original.)
6 **3059 Highway 50 East, Carson City, Nevada**

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

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

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

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

19 21. On or about June 1, 2016, the Division sent A. Mansour an order to cease and desist
20 unlicensed activity.

21 22. On or about June 1, 2016, the Division sent K. Mansour an order to cease and desist
22 unlicensed activity.

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

11 ORDER

12 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of \$5,811.79.
13 The total fine reflects a fine of \$5,000.00 plus \$811.79 for hearing and investigative costs. Respondent
14 shall pay the total fine to the Division within thirty days of the effective date of this Order. Failure to
15 timely pay the total fine and costs shall be construed as an event of default by Respondent. In the event
16 of default, Respondent's real estate license shall be immediately suspended. The suspension of his
17 license shall continue until the total fine is paid in full. The Division may institute debt collection
18 proceedings for failure to timely pay the total fine.

19 IT IS FURTHER ORDERED that Respondent shall attend three hours of contracts, and three
20 hours of agency within 120 days of the effective date of the Order. The hours must be *live* education
21 and will not count towards Respondent's continuing education requirements. Failure to timely
22 complete the required courses shall be construed as an event of default by Respondent. In the event of
23 default, Respondent's real estate license shall be immediately suspended. The suspension of his license
24 shall continue until the continuing education is completed.

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