

1 BEFORE THE REAL ESTATE COMMISSION

2 STATE OF NEVADA

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY,
6 STATE OF NEVADA,

7 Petitioner,

8 vs.

9 ANTHONY D. D'AMBROSIA,

10 Respondent.

Case No. 2016-2901

FILED

FEB 15 2018

REAL ESTATE COMMISSION
Ron Ford

11 **COMPLAINT AND NOTICE OF HEARING**

12 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney
14 General of the State of Nevada, and Keith E. Kizer, Senior Deputy Attorney General, hereby notifies
15 RESPONDENT ANTHONY D. D'AMBROSIA ("RESPONDENT") of an administrative hearing
16 before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will
17 be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and
18 Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider
19 the allegations stated below and to determine if RESPONDENT should be subject to an administrative
20 penalty as set forth in NRS 645.235 and/or NRS 622.400, and the discipline to be imposed, if a
21 violation of law is proven.

22 **JURISDICTION**

23 RESPONDENT engaged in activities which require a license as a real estate broker, real estate
24 broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the
25 jurisdiction of the Division and the Commission, and the provisions of NRS and NAC 645.

26 **FACTUAL ALLEGATIONS**

- 27 1. RESPONDENT has never been licensed by the Division in any capacity.
28 2. RESPONDENT has never held a Cooperative Certificate from the Division.

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1 3. At all times relevant to this Complaint, RESPONDENT was affiliated with Marcus &
2 Millichap Real Estate Investment Services Inc. ("M&M") in New York, New York, and was licensed
3 by New York State as a Salesperson, License No. 10401263344.

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

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

9 6. James E. Ventura ("Ventura") holds no broker, broker-salesperson or salesperson license
10 issued by the Division.

11 7. At all times relevant to this Complaint, Ventura was affiliated with M&M in New York,
12 New York, and was licensed by New York State as an Associate Broker, License No. 10301207395.

13 8. On or about May 19, 2016, RESPONDENT signed an "INTERSTATE BROKERAGE
14 COOPERATION AGREEMENT – TURF STATE" regarding the sale and marketing of a commercial
15 property located at **2020 Reno Highway, Fallon, Nevada** ("Walgreens").

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

19 10. Advertising for the offering for sale of Walgreens stated it was being listed by
20 RESPONDENT, Kunofsky and Ventura for \$5,217,391.00.

21 11. RESPONDENT and Ventura presented Market Positioning & Pricing Analysis material
22 on Walgreens.

23 12. On or about July 7, 2016, RESPONDENT received a "Letter of Intent" to purchase
24 Walgreens for \$5,000,000.00 from SMBSIRIS, LLC.

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

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

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

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

1 17. According to M&M, RESPONDENT received \$100.00 in gross commission, and \$50.00
2 in net commission, from the Walgreens sale.

3 VIOLATION

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

8 DISCIPLINE AUTHORIZED

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

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

16 21. Therefore, the Division requests that the Commission take such disciplinary action as it
17 deems appropriate under the circumstances.

18 NOTICE OF HEARING

19 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
20 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and
21 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

22 THE HEARING WILL TAKE PLACE on March 20, 2018, commencing at 9:00 a.m., or
23 as soon thereafter as the Commission is able to hear the matter, and each day thereafter
24 commencing at 9:00 a.m. through March 22, 2018, or earlier if the business of the Commission is
25 concluded. The Commission meeting will be held on March 20, 2018, at the Nevada State
26 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada
27 89102. The meeting will continue on March 21, 2018 at the Nevada State Business Center, 3300
28 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00

1 a.m., and on March 22, 2018, should business not be concluded, starting at 9:00 a.m. at the
2 Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas,
3 Nevada 89102.

4 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same
5 time as part of a regular meeting of the Commission that is expected to last from March 20
6 through March 22, 2018, or earlier if the business of the Commission is concluded. Thus, your
7 hearing may be continued until later in the day or from day to day. It is your responsibility to be
8 present when your case is called. If you are not present when your hearing is called, a default
9 may be entered against you and the Commission may decide the case as if all allegations in the
10 complaint were true. If you have any questions please call Rebecca Hardin, Commission
11 Coordinator (702) 486-4074.

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

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

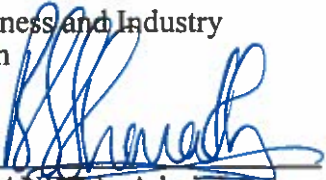
24 You have the right to request that the Commission issue subpoenas to compel witnesses to
25 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
26 demonstrate the relevance of the witness’ testimony and/or evidence. Other important rights you have
27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

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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented and to
3 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,
4 pursuant to NRS 645.235, 645.633 and or 645.630.

5 DATED this 15 day of February, 2018.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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