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BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. EDWARD OTOCKA, Respondent.	
SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. GAURAB REJA, Respondent.	Case No.: 2016-2903
SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. JAMES E. VENTURA, Respondent.	Case No.: 2016-2902
SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. PERRY A. WHITE, Respondent.	Case No.: 2016-1466

RESPONDENTS' MOTION TO DISMISS

Respondents Anthony D. D'Ambrosia, John A. Glass, Edward Otocka, Glen D. Kunofsky Garaub Reja, James E. Ventura, and Perry A. White ("Respondents"), acting by and through

1 their legal counsel Fennemore Craig, P.C., submit this motion to dismiss pursuant to Section
2 645.840 of the Nevada Administrative Code.

3 I. INTRODUCTION

4 The complaints filed against Respondents D'Ambrosia, Glass, Otocka, Kunofsky, Reja,
5 and Ventura (the "Nonresident Brokers"),¹ each assert two potential grounds for disciplinary
6 action. First, these Nonresident Complaints allege that the Nonresident Brokers violated NRS
7 645.230(1)(a), which makes it unlawful "for any person . . . to engage in the business of, act in
8 the capacity of, advertise or assume to act as, a . . . (a) Real estate broker, real estate broker-
9 salesperson or real estate salesperson within the State of Nevada" without first obtaining the
10 appropriate license from the Nevada Real Estate Division (the "Division" or "NRED"). Second,
11 the Nonresident Complaints also claim that the Nonresident Brokers are subject to discipline
12 under NRS 645.235(1)(a), which provides that the Nevada Real Estate Commission (the
13 "Commission" or "NREC") may "impose an administrative fine against any person who
14 knowingly . . . [e]ngages or offers to engage in any activity for which a license, permit,
15 certificate or registration or any type of authorization is required pursuant to this chapter, or
16 any regulation adopted pursuant thereto," without holding the required license, permit,
17 certificate or registration or has not been given the required authorization.

18 The amended complaint filed against Respondent White² alleges five violations of NRS
19 645.235(1)(b), which provides that the Commission may "impose an administrative fine against
20 any person who knowingly . . . assists or offers to assist another person" to engage "in any
21 activity for which a license, permit, certificate or registration or any type of authorization is
22 required pursuant to this chapter, or any regulation adopted pursuant thereto," where the
23

24 ¹ Anthony D. D'Ambrosia, Complaint, Case No. 2016-2901 (Feb. 15, 2018); John A. Glass,
25 Complaint, Case No. 2017-1473 (Nov. 1, 2017); Edward Otocka, Complaint, Case No. 2016-2904 (Feb. 15,
26 2018); Glen D. Kunofsky, Amended Complaint, Case No. 2016-2900 (May 7, 2018); Garaub Reja,
27 Complaint, Case No. 2016-2903 (Feb. 15, 2018); and James E. Ventura, Complaint, Case No. 2016-2902
28 (Feb. 15, 2018), the ("Nonresident Complaints")

² See Perry A. White, Amended Complaint, Case No. 2016-1466 (May 7, 2018) (the
"Resident Complaint" and together with the Nonresident Complaints, the "Complaints").

1 person being assisted "does not hold the required license, permit, certificate or registration or
2 has not been given the required authorization; for in this chapter." Thus, these violations
3 alleged against Mr. White are premised upon a determination that the Nonresident Brokers
4 engaged in unlawful conduct and that Mr. White "knowingly . . . assist[ed]" the conduct.

5 When the allegations in the various Complaints are read together, the sole factual basis
6 for all the alleged violations appears to be that the Nonresident Brokers cooperated with Mr.
7 White, a Nevada-licensed broker affiliated with Marcus & Millichap's Las Vegas office, with
8 respect to the marketing and sale of Nevada property. As part of this cooperation, the
9 Complaints assert that the Nonresident Brokers' names appeared on "advertising" for Nevada
10 properties without the Nonresident Brokers obtaining a license, certificate or other
11 authorization from NRED or NREC.³ These claims fail as a matter of law and must be
12 dismissed because NRED's failure to follow statutory procedures and due process requirements
13 in prosecuting these Complaints deprives the Commission of jurisdiction. Furthermore, the
14 cooperative activities alleged in the Complaints are authorized by Nevada law and
15 administrative regulations under which the Commission seeks to impose discipline is both void
16 as *ultra vires* and unconstitutional.

17 II. SUMMARY OF RELEVANT FACTS

18 While the individual Nonresident Complaints lack specificity as to the exact nature of
19 the allegations, when read together with the Resident Complaint, it appears that NRED's
20 allegations are premised on the assertion that that a Nevada licensed broker, Mr. White,
21 cooperated with the Nonresident Brokers in representing sellers of Nevada commercial
22 property. In each transaction, the seller was a non-Nevada resident. Although the NRED
23 complaints are unclear, it seems from prior NREC hearings that the alleged regulatory violation
24 is that the name of an out-of-state agent appeared on an advertisement for the property. No
25

26 ³ There is no license or certificate available from NRED that would allow the Nonresident
27 Brokers to cooperate with the Mr. White to sell Nevada property. Accordingly, the Division's entire case
28 apparently rests upon the theory that the Nonresident Brokers must be licensed as brokers or agents in
Nevada.

1 buyer or seller was harmed in any of the transactions, and no buyer, seller, or consumer made
2 any complaint regarding the agents or the transactions. It appears that the only person to have
3 complained in any manner is former NREC President Richard Johnson, who contends that out-
4 of-state brokers should not be permitted to share commissions that Mr. Johnson believes would
5 otherwise go to a local agent.

6 III. DISCUSSION AND ANALYSIS

7 A. THE COMMISSION IS REQUIRED TO MAKE 8 CONCLUSIONS OF LAW REGARDING RESPONDENTS' LEGAL DEFENSES

9 The defenses raised in this Motion to Dismiss require the Commission to evaluate
10 whether NRED complied with important procedural requirements necessary to establish
11 Commission jurisdiction and whether the regulatory framework under which NRED seeks to
12 impose discipline complies with both state law and the United States Constitution. In prior
13 disciplinary proceedings against Marcus & Millichap agents involving similar legal issues, the
14 Commission has asserted it may only decide "factual allegations" and declined to evaluate a
15 number of legal issues, stating that constitutional, statutory and regulatory defenses to the
16 administrative proceedings are irrelevant and not within its purview.⁴ The Commission is not
17 only empowered to make such determinations, a refusal to consider these issues or to allow the
18 Respondents to develop a record of these defenses violates both the Commission's statutory
19 obligations and Respondents' due process rights.

20 The Nevada Administrative Procedure Act (the "NAPA") mandates that the
21 Commission must, in any order imposing discipline on Respondents, specifically state its
22 conclusions of law.⁵ As a fundamental matter, the Commission cannot impose discipline based
23 upon an unconstitutional regulatory framework.⁶ Thus, where Respondents' defenses to the
24

25 ⁴ March 20, 2018 Hearing Transcript at 40:5-42:4.

26 ⁵ NEV. REV. STAT. § 233B.125; NEV. REV. STAT. § 645.630 (conclusions of law supporting
27 disciplinary decisions are public records); see also Marvin v. Fitch, 126 Nev. 168, 177, 232 P.3d 425, 431
(2010) (state boards and commissions function like judicial officers because they receive evidence, render
28 decisions, and regulate hearings).

⁶ See Seaborn v. Wingfield, 56 Nev. 260, 277, 48 P.2d 881 (1935) (unconstitutional law

1 violations implicate constitutionality of the discipline and the Commission's lack of jurisdiction,
2 the Commission cannot avoid these threshold issues. Although a reviewing court must
3 independently evaluate an agency's conclusions of law as to "purely legal issues,"⁷ there is no
4 support for the Commission's assertion that it is excused from rendering such conclusions as to
5 NRED's procedural compliance or the constitutionality of the discipline NRED is asking it
6 impose.⁸

7 Administrative agencies are often called upon to make determinations on constitutional
8 issues as part of contested case proceedings. Notably, the Nevada Supreme Court has
9 specifically concluded that constitutional challenges to an agency's interpretation and
10 administration of its statutes and regulations *must* first be evaluated by the agency before those
11 constitutional issues can be litigated in court.⁹ Thus, the Commission cannot decline to address
12 these issues or prevent the Respondents from raising these defenses and presenting evidence
13 and argument on these defenses.¹⁰

14 The Commission is similarly authorized to determine whether its administrative
15 regulations impermissibly conflict with Nevada statutes. Indeed, before a Nevada court may
16 find that a regulation "violates constitutional or statutory provisions or exceeds the statutory
17 authority of the agency," the NAPA requires the promulgating agency first "to pass upon the
18 validity of the regulation in question." NRS 233B.110. As such, a refusal to address the validity
19 of the regulatory prohibition on nearly all cooperative brokerage arrangements violates the
20 obligations imposed on the Commission by the Nevada Legislature.

21 ///

22 ///

23
24 tantamount to no law at all)

25 ⁷ See Nassiri v. Chiropractic Physicians' Bd., 130 Nev. Adv. Op. 27, 327 P.3d 487, 489 (2014)

26 ⁸ See, e.g., Revert v. Ray, 95 Nev. 782, 787, 603 P.2d 262, 265 (1979) (State Engineer
"manifestly abused his discretion" by failing to resolve all the crucial issues presented at hearing, which
deprived the parties of "a full and fair determination of their claims").

27 ⁹ Deja Vu Showgirls v. State. Dep't of Tax., 130 Nev. Adv. Op. 73, 334 P.3d 392, 397 (2014).

28 ¹⁰ NEV. REV. STAT. § 233B.121(4).

1 Respondents a number of other documents from its investigative files. In previous disciplinary
2 actions brought against Marcus & Millichap agents, NRED has acknowledged withholding
3 certain materials, and the Commission has decided that NRED need only disclose the materials
4 upon which it intends to rely at the hearing.¹⁵ This position is directly contradicted by
5 Commission regulations, which apply an "intended use at hearing" disclosure standard only to
6 Respondents, not NRED. NRED must disclose *all materials relevant to the complaint*, the statute
7 does not provide that NRED may withhold relevant, exculpatory materials that it would not use
8 at the hearing.¹⁶ Respondents are only required to give to NRED the documents they
9 "reasonably anticipate[] will be used in support of his or her position."¹⁷ The Division cannot
10 apply this "use at hearing" disclosure standard to itself where NRS 645.680(4) plainly
11 establishes a different standard. The Complaints, accordingly, must be dismissed because
12 NRED has not complied with the procedural requirements established in NRS 645.680 and NAC
13 645.680.

14 **C. THE REGULATORY PROHIBITION ON NONRESIDENT BROKERS**
15 **REPRESENTING SELLERS IS ULTRA VIRES AND CONTRARY TO STATUTE**

16 The Nonresident Complaints allege that the Nonresident Brokers are subject to
17 discipline for cooperating with Mr. White with respect to the advertisement and sale of Nevada
18 real property. Similarly, the Resident Complaint alleges that Mr. White should be disciplined
19 for knowingly assisting the Nonresident Brokers in committing the alleged violations. The
20 Complaints must be dismissed because Nevada statutes do not disallow the conduct
21 documented in the Complaints and the Commission's regulation purporting to prohibit these
22 cooperative arrangements conflicts with Nevada Statutes, is *ultra vires*¹⁸ and is void.¹⁹

23 ¹⁵ December 5, 2017, Hearing Transcript at 29:14-20.

24 ¹⁶ NEV. REV. STAT. § 645.680(4).

25 ¹⁷ NEV. ADMIN. CODE § 645.850.

26 ¹⁸ "Beyond ones legal power or authority."

27 ¹⁹ See Roberts v. State Univ. of Nev. Sys., 104 Nev. 33, 752 P.2d 221, 223 (1988)
28 ("Administrative regulations cannot contradict or conflict with the statute they are intended to
implement"); Oliver v. Spitz, 76 Nev. 5, 8, 348 P.2d 158 (1960) (regulations inconsistent with the statutes
do not have the force of law); Vill. League to Save Incline Assets, Inc. v. State, 133 Nev. Adv. Op. 1, 388

1 Far from prohibiting the Respondents' conduct, Nevada statute expressly allows the out-
2 of-state cooperation for which NRED seeks a disciplinary finding in these cases. Specifically,
3 Nevada Revised Statute 645.280(1) provides that "[a] licensed real estate broker may pay a
4 commission to a licensed broker of another state." A "commission" is "a fee paid to an agent or
5 employee for transacting a piece of business or performing a service."²⁰ The Nevada legislature
6 has thus specified that in-state and out-of-state brokers may cooperate on transactions and
7 perform services together. The Nevada Legislature placed no restrictions on the types of
8 transactions for which such interstate cooperation is permitted, nor did it authorize NREC to
9 pass regulations restricting interstate cooperation to any particular type of transaction.

10 In 2016, however, this Commission exceeded its statutory authority by creating a
11 regulation that prohibits cooperation between Nevada brokers and out-of-state brokers except
12 in one, narrow circumstance where an out-of-state broker cooperates with a Nevada broker to
13 represent an out-of-state buyer purchasing Nevada property.²¹ The regulatory system
14 established by the Nevada Legislature under NRS Chapter 645, however, expressly allows for
15 cooperative arrangements among out-of-state real estate professionals and Nevada real estate
16 licensees:

17 The Administrator shall have authority to issue certificates authorizing out-
18 of-state licensed brokers to cooperate with Nevada brokers, and the
19 Commission shall have authority to promulgate rules and regulations
establishing the conditions under which such certificates shall be issued and
cancelled, all subject to the provisions and penalties of this chapter.²²

20 The Nevada Legislature did not delegate to the Commission rule-making authority to restrict
21 the *scope* of authorized interstate cooperation among licensed real estate professionals. Rather,
22 the Legislature limited the Commission's rule-making authority to "the *conditions* under which
23 . . . [cooperative] certificates shall be *issued and cancelled*" [Emphasis added]. Rules governing
24 the "conditions" of a cooperative certificate's issuance and cancellation are not the same as

25 P.3d 218, 226 (2017) (regulations must be backed up by statutory authority).

26 ²⁰ "Commission," MERRIAM WEBSTER, <https://www.merriam-webster.com/dictionary/commission>.

27 ²¹ NEV. ADMIN. CODE § 645.185(11).

28 ²² NEV. REV. STAT. § 645.605.

1 rules limiting the types of transactions in which a cooperative certificate can be used, and NRS
2 645.605 mentions only the former. Under the rule of *expressio unius*,²³ this specific authorization
3 to regulate “conditions” means that the Commission lacks authority to regulate other aspects of
4 certificates, including the types of transactions for which a certificate may be used.²⁴ Thus, by
5 substantially limiting the use of statutorily authorized cooperative certificates, Subsection 11 of
6 NAC 645.185 is void and *ultra vires* as a matter of Nevada law.²⁵ This Commission cannot
7 discipline Respondents on the basis of a void and *ultra vires* regulation.

8 In essence, the Complaints allege that by engaging in cooperative brokering with Mr.
9 White for sales of Nevada property, the Nonresident Brokers failed to comply with the
10 Commission’s restrictive regulatory framework for cooperative brokering. This framework
11 contradicts NRS 645.605, is an invalid exercise of the NREC’s regulatory authority, and cannot
12 be used as a basis for disciplining the Nonresident brokers or, by extension, Mr. White. As
13 such, the Complaints must be dismissed.

14 **D. THE REGULATORY FRAMEWORK UNDER WHICH NRED**
15 **SEEKS TO DISCIPLINE RESPONDENTS IS UNCONSTITUTIONAL**

16 As a matter of law, Nevada’s licensing and cooperative certificate restrictions violate the
17 United States Constitution’s dormant Commerce Clause doctrine. Because the interstate
18 cooperative brokering conduct cited in the Complaints is Constitutionally protected, the
19 Commission cannot discipline Respondents for failing to comply with its unconstitutional
20 licensing and cooperative certificate requirements, and the Complaints must be dismissed.

21 The Commerce Clause provides that “Congress shall have Power . . . [t]o regulate
22 Commerce . . . among the several States.”²⁶ This affirmative grant of power has long been
23 understood to deprive the States of the power unjustifiably to discriminate against or burden

24 ²³ “The expression of one thing is the exclusion of another.”

25 ²⁴ See, e.g., *Ramsey v. City of N. Las Vegas*, 392 P.3d 614, 619 (Nev. 2017).

26 ²⁵ See *Ruley v. Nevada Bd. of Prison Comm'rs*, 628 F. Supp. 108 (D. Nev. 1986) (Commission
27 does not have the power to make law, but rather to adopt regulations to carry out the will of the
28 Legislature expressed in statute).

²⁶ U.S. CONST., art. I, § 8, cl. 3.

1 the interstate flow of articles of commerce.”²⁷ “The modern law of what has come to be called
2 the dormant Commerce Clause is driven by concern about economic protectionism—that is,
3 regulatory measures designed to benefit in-state economic interests by burdening out-of-state
4 competitors.”²⁸ For dormant Commerce Clause purposes, unconstitutional economic
5 protectionism, or discrimination, “simply means differential treatment of in-state and out-of-
6 state economic interests that benefits the former and burdens the latter.”²⁹

7 The Nevada regulatory system for licensing or certificating the Nonresident brokers is
8 intentionally structured to benefit and protect Nevada brokers by discriminating against the
9 Nonresident brokers and burdening these brokers’ ability to engage in interstate commerce. As
10 such, the licensing and certificate framework the Nonresident Brokers stand accused of
11 violating is unconstitutional and cannot be enforced against them. Section 11 of NAC 645.185
12 provides,

13 An out-of-state broker may not use a cooperating broker’s certificate as authority
14 to sell or attempt to sell real estate in Nevada on behalf of the owner of that real
15 estate. Such a certificate may be used only for the purpose of allowing the out-of-
16 state broker or salesperson to represent a person other than a resident of Nevada
in the purchase of real estate in Nevada.

17 This regulation discriminates by using the broker’s location—their “out-of-state” status—as the
18 reason to restrict their permitted brokering activities, even where the broker has obtained a
19 cooperative certificate as authorized by the Nevada legislature.

20 The specific discriminatory purpose articulated by NREC and NRED in enacting this
21 regulation further demonstrates that the regulatory framework cannot withstand constitutional
22 scrutiny. For example, the 2016 revision to this regulation was drafted by NRED Investigator
23 Jan Holle, who stated in his cover email to the regulation that the regulations’ purpose
24 was to keep real estate commissions in the hands of local Nevada agents,³⁰

25 ²⁷ Or. Waste Sys., Inc. v. Dep’t of Env’tl. Quality of State of Or., 511 U.S. 93, 98, (1994).

26 ²⁸ Dep’t of Revenue of Ky. v. Davis, 553 U.S. 328, 338 (2008) (internal citations omitted).

27 ²⁹ Rocky Mountain Farmers Union v. Corey, 730 F.3d 1070, 1087 (9th Cir. 2013) (internal
28 citations omitted).

³⁰ See Exhibit 1 to this Motion (Jan Holle Email to Gail Anderson (June 25, 2014)).

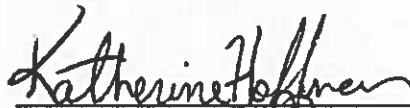
1 These statements show that the real purpose of the NAC 645.680(11)'s restrictions is to protect
2 in-state brokers and their fees by disadvantaging their out-of-state competitors, in violation of
3 the Constitution. As such, dismissal of the Complaints is necessary because Commission's
4 framework for regulating cooperative brokering is unconstitutional and cannot be enforced
5 against Respondents.

6 **IV. CONCLUSION**

7 The Commission must dismiss each of the Complaints because NRED's failure to follow
8 statutory procedures and due process requirements in prosecuting each of the Complaints
9 deprives the Commission of jurisdiction. Moreover, the cooperative activities alleged in the
10 Complaints are authorized by Nevada law and the statutory and regulatory framework under
11 which the Commission seeks to impose discipline is both void as ultra vires and
12 unconstitutional. Nevada law mandates that the Commission is legally obligated to consider
13 and decide these questions of its very authority to act.

14 DATED and respectfully submitted this 29th day of May, 2018.

15 FENNEMORE CRAIG, P.C.

16 

17 Dan R. Reaser (Bar No. 1170)

18 Allen J. Wilt (Bar No. 4798)

19 Katherine L. Hoffman (Bar No. 11991)

20 300 E. Second Street, Suite 1510

21 Reno, Nevada 89501

22 (775) 788-2200

23 *Attorneys for Respondents*

CERTIFICATE OF SERVICE

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I hereby certify that the foregoing **RESPONDENT'S MOTION TO DISMISS** was submitted for filing with the Nevada Real Estate Commission on the 29th day of May, 2018. I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid to the following:

Sharath Chandra, Administrator
Department of Business and Industry
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102
For the Nevada Real Estate Division

Keith E. Kizer
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555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Counsel for the Nevada Real Estate Commission

DATED this 29th day of May, 2018.


An Employee of Fennemore Craig, P.C.

EXHIBIT 1

EXHIBIT 1

Coop Cert Regulation Revisi

Page 1 of 1

Coop Cert Regulation Revision

Jan Holle

Sent: Wednesday, June 25, 2014 9:45 AM

To: Gall J. Anderson

Attachments: Jan - Coop Cert Reg Rev.docx (16 KB)

Gall --

I think this wording change will get it as far as clarifying what we believe and have been enforcing as far as the use and intent of the certificate. It is a great thing when out of state licensees want to bring an out of state buyer they are working with to purchase property as long as they are working through a Nevada broker. What we want to prohibit is out of state licensees listing Nevada property for Nevada property owners whether the property owners are residents of Nevada or not. This activity is taking business away from our Nevada licensees. Also, we do not want out of state licensees to represent Nevada residents in the purchase of Nevada real estate for the same reason. I think the attached wording revision gets this accomplished. There is a similar statement on the actual Coop form that we may also need to clarify/revise if we get the regulation revision approved. Thanks.

EXHIBIT 2

EXHIBIT 2

Jan Holle

From: Dick Johnson <Dick@johnsongroup.net>
Sent: Monday, March 14, 2016 10:03 AM
To: Jan Holle
Subject: Concern ref CO-OP Broker
Attachments: WinZip Compressed Attachments.zip

JOHNSON GROUP
5255 Longley Lane, Suite 105, Reno, Nevada 89511
Phone: 775-823-8877, Fax: 1-866-716-8848, Dick@JohnsonGroup.net

Jan,
I did research via CoStar on listings. Results are amazing.

I set parameters as listing of Retail segment, \$300,000 to \$100,000,000, all of Nevada. There were 427 Retail listings. Of these, 65 had out of state contact phone numbers. I made an excel list of these for you as attached.

I did a license search on each of the 65. 51 were not on license search. 4 are being still verified by CoStar "research in progress", 1 had a Out of State Certificate, 7 had Nv licenses (although still questioned a couple of these that appeared to have out of state brokers ??) I did not check if any of these were owners.

Estimated: Using the 51 number, this would mean that 12% of all listings of retail were illegal. It appears that over \$200,000,000 of sales (\$5,000,000 in commissions) is not going to Nevada at this time just in the Retail listings; Much larger when annualized. On top of this, with the other segments included there was a total of 3,129 listings, using the same parameters. Thus 12% equals 375 non licensed listings which extrapolates to over \$1.4 billion of listings at any one time (annualized it probably 2 to 3 times this). Not sure if the extrapolation would be identical for all segments....but point is that it is a big number even if 50% error factor.

Do you have access to CoStar or Loopnet? Owned by same company and is basically the MLS for commercial.

Let me know your thoughts.

Thanks

Respectfully Submitted,

Richard K Johnson

Richard K. Johnson

EXHIBIT 3

EXHIBIT 3

From: Jan Holle [mailto:jholle@red.nv.gov]
Sent: Tuesday, April 05, 2016 12:34 PM
To: White, Perry
Subject: RE: Gordon Allred

We will help fill some of the cracks, but the violators are not going to appreciate it ... lol. This business by your out of state associates should have been yours or at least a portion of it.

Mr. Jan R. Holle
Chief Compliance/Audit Investigator
Department of Business & Industry
Nevada Real Estate Division
2501 E. Sahara Avenue, Suite 300
Las Vegas, NV 89104
Phone: 702-486-4326
Fax: 702-486-4067
www.red.nv.gov

From: White, Perry [mailto:Perry.White@marcusmillichap.com]
Sent: Tuesday, April 05, 2016 11:57 AM
To: Jan Holle
Subject: Gordon Allred

Jan, thank you for the information in your E-Mail. I forwarded the information to Seth Mott of the General Counsel's office. I will work with him to clamp down on out of state agents. We have strict guidelines but unfortunately with 1500 agents some slip through the cracks. Obviously we need to do a better job filling the cracks.

Perry A. White
Vice President Investments
National Multi-Housing Group

Marcus & Millichap 3300 Howard Hughes Pkwy Suite 1550 Las Vegas, NV 89169	(702) 215-7115 direct (702) 215-7100 main (702) 612-1046 mobile (702) 215-7110 fax perry.white@marcusmillichap.com
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Licensed NV: B0034576

View my profile at <http://www.marcusmillichap.com/PerryWhite>

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Holle Depo.