

NEVADA REAL ESTATE COMMISSION
MINUTES

June 12, 2018

Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

VIDEO CONFERENCE TO:

Nevada State Business Center
3300 West Sahara Avenue
4th Floor – Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Neil Schwartz, Clark County; Norma Jean Opatik, Nye County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark County
Commission Counsel: Senior Deputy Attorney General Sarah Bradley
Deputy Attorney General Asheesh Bhalla

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section: Administrator Sharath Chandra and Teralyn Thompson
Compliance Section: Daryl McCloskey Education Section: Kim Smith and Carla Slater
Licensing: Susan Clark

In Carson City

Administration Section: Deputy Administrator Sharon Jackson and Rebecca Hardin
Compliance Section: Chief Jan Holle and Ann Angell
Division Counsel: Senior Deputy Attorney General Keith Kizer
Deputy Attorney General Peter Keegan

2) PUBLIC COMMENT

Marc Sykes, former Real Estate Commissioner, thanked licensing staff for their service. Mr. Sykes requested that the Carson City licensing office be reopened and asked that it be added to a future agenda.

Dee McNeely, broker-salesperson, requested that NAC 645.610(1)(e) be placed on the agenda for further consideration to change the language in the law that addresses licensee names. Ms. McNeely suggested allowing licensees to use nick names, diminutive names or previous names prior to marriage, with all licensees required to include their real estate license number on their advertising.

Peggy O'Neill, Dickson Realty, asked the Commission to reconsider allowing licensees to use previously used common nicknames on real estate licenses. Ms. O'Neill stated that not allowing the legitimate names licensees have used in the past created a hardship for said licensees in the continuance of their business because past clients had trouble locating them under an unfamiliar name.

6-I) NRED v ALEXANDER PEREZ - CASE # 2016-3035

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Jennifer Mahe was present representing Alexander Perez. Mr. Perez was not present.

Preliminary Matters

Mr. Keegan stated that there was a proposed stipulation for settlement. Mr. Keegan summarized the complaint.

Settlement:

- Respondent agrees to pay to the Division a \$5,000.00 fine within six months.
- Respondent is required to apply for licensure with the Nevada Real Estate Division within six months.

Ms. Mahe stated that the respondent understood and agreed with the settlement.

Commissioner Barrett moved to accept the stipulation. Commissioner Opatik seconded. Motion carried unanimously.

6-E) NRED v AMINA MARIE JOHNS - CASE # 2016-2963

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Amina Marie Johns was present.

Preliminary Matters

Mr. Keegan stated that there was a proposed stipulation for settlement. Mr. Keegan summarized the complaint, subsequent actions and background concerning the dispute.

Settlement:

- Respondent agrees to pay to the Division \$1,500.00 in an administrative fine plus costs of \$1,500.00 for a total of \$3,000.00, payable within six months.

Ms. Johns stated that she had read and understood the settlement agreement.

Commissioner Barrett moved to accept the settlement. Commissioner Schwartz seconded. Motion carried unanimously.

6-J) NRED v LUCIA RAMOS - CASE # 2016-2760

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Lucia Ramos was not present.

Preliminary Matters

Mr. Keegan submitted exhibits which were accept into evidence.

State's Witness

Rebecca Hardin testified regarding proof of service.

Mr. Keegan submitted supplemental exhibit of the proof of notice which was accepted into evidence.

Hearing

Mr. Keegan read the factual allegations, violations and discipline authorized into the record.

Commissioner Opatik moved that the Commission, pursuant to NAC 645.860, find that service of notice has been proven and the factual allegations and violations of law were proven. Commissioner Barrett seconded. Motion carried unanimously.

Division's Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$1,330,000.00 plus \$2,154.03 for the costs of the investigation and hearing, payable within 6 months.
- Revocation of the real estate license and property manager permit.

Commissioner Opatik moved to accept the recommendation of the Division. Commissioner Barrett seconded. Motion carried unanimously

6-D) NRED v MATTHEW W. HOVEY - CASE # 2017-1949

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Matthew W. Hovey was present.

This item was tabled.

**5-A) PETITION FOR RECONSIDERATION OF DISCIPLINARY TERMS:
NRED v DENNIS J. WILSON JR. - CASE # REN 14-03-01-027**

Dennis J. Wilson Jr. was not present and the item was dismissed.

4-A) LICENSE DENIAL APPEAL: AMANDA BRENNAN - FILE NO. S-LDA-18-006

Parties Present

Amanda Brennan was present in Las Vegas. Licensing Manager Susan Clark was present.

Hearing

The hearing was closed per Ms. Brennan's request.

The hearing was reopened.

Commissioner Opatik moved to deny the request at this time and have the applicant reapply three years after the conclusion of the appellant's probation. Commissioner Schwartz seconded. Motion carried unanimously.

6-D) NRED v MATTHEW W. HOVEY - CASE # 2017-1949... resumed

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Matthew W. Hovey was present.

Preliminary Matters

Mr. Keegan stated that there was a proposed stipulation for settlement.

Mr. Keegan summarized the factual allegations.

Mr. Keegan submitted exhibits which were admitted into the record without objection.

Settlement:

- Respondent admits the factual allegations and violations in the complaint.
- Respondent agrees to pay to the Division a \$4,000.00 fine plus \$1,000 for the costs of the investigation and hearing payable within one year.
- Respondent agrees to complete the following continuing education within six months:
 - 6 hours of law and legislative
 - 6 hours of agency

Mr. Hovey stated that he understood and agreed with the proposed stipulation.

Commissioner Barrett moved to accept the proposed settlement. Commissioner Capurro seconded. Motion failed 2-3 with Commissioners Schwartz, Opatik and Capurro opposed.

Commissioner Capurro moved to accept a revised proposed settlement as follows:

- Respondent admits the factual allegation and violations in the complaint.
- Respondent agrees to pay to the Division a \$6,500.00 fine plus \$1,000 for the costs of the investigation and hearing payable within one year.
- Respondent agrees to complete the following continuing education within six months:
 - 6 hours of law
 - 6 hours of agency

Commissioner Schwartz seconded. Motion carried unanimously.

6-G) NRED v SCOTT PAUL MYER - CASE # 2017-2108

Parties Present

Deputy Attorney General Peter Keegan was present representing the Division. Scott Paul Myer was present.

Preliminary Matters

Mr. Keegan stated that there was a proposed stipulation for settlement.

Mr. Keegan summarized the factual allegations.

Mr. Keegan stated that the documents submitted for Matthew W. Hovey, case # 2017-1949 were relevant to this case and asked Mr. Myer to stipulate to the admissibility of the exhibits as part of his settlement offer to the Commission.

Mr. Myer agreed to the submission of documents.

Mr. Keegan summarized the factual allegations, violations and discipline authorized.

Settlement:

- Respondent agrees to pay to the Division a \$4,000.00 fine plus \$1,000 for the costs of the investigation and hearing payable within one year.
- Respondent agrees to complete 6 hours of broker management continuing education within six months.

Commissioner Barrett moved to accept the proposed settlement. Commissioner Capurro seconded. Motion carried unanimously.

6-C) NRED v JOHN ANTHONY GLASS - CASE # 2017-1473

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.
Katherine Hoffman was present representing John Anthony Glass.
Jill Rowe was present representing John Anthony Glass.
John Anthony Glass was present.

Preliminary Matters

Ms. Hoffman stated that the Commission has previously received Ms. Rowe's pro hac vice in order for Ms. Rowe to participate in these proceedings.

President Reiss stated that Ms. Rowe's participation was approved.

Mr. Kizer submitted exhibits which were admitted into the record without objection.

Ms. Hoffman submitted exhibits which were admitted into the record without objection.

Ms. Hoffman presented a motion to disqualify the Commission and a motion to dismiss the complaint. President Reiss denied both motions.

Mr. Kizer moved to quash the subpoenas to Jan Holle.
President Reiss ruled in favor of the motion.

Mr. Kizer moved to quash the subpoenas to Sharath Chandra.
President Reiss stated that the relevance of any testimony would be determined.

Hearing

Mr. Kizer made his opening statement.

Ms. Rowe made her opening statement.

Mr. Kizer rested his case.

Respondent's Witness

Administrator Sharath Chandra testified.

The witness was dismissed.

Respondent's Witness

Chief Investigator Jan Holle testified.

The witness was dismissed.

Respondent's Witness

Ms. Rowe called President Reiss to testify.

Mr. Kizer objected.

The objection was sustained.

Respondent's Witness

Ms. Rowe called Commissioner Schwartz to testify.
Mr. Kizer objected.
The objection was sustained.

Respondent's Witness

Ms. Rowe called Commissioner Opatik to testify.
Mr. Kizer objected.
The objection was sustained.

Respondent's Witness

Ms. Rowe called Alan Wallace to testify.
President Reiss asked for the relevance of Mr. Wallace's testimony.
Ms. Rowe summarized the nature of Mr. Wallace's proposed testimony.
President Reiss ruled against the value of Mr. Wallace's testimony.

Ms. Rowe asked for a procedural ruling on Mr. Wallace's testimony in future cases.
President Reiss ruled that the testimony would be denied.

Respondent's Witness

John Anthony Glass testified.

Mr. Kizer questioned Mr. Glass.

The Commission questioned Mr. Glass.

The witness was dismissed.

Mr. Kizer gave his closing statement.

Ms. Rowe gave her closing statement.

Commissioner Barrett moved that the allegations and violations of law have been proven.
Commissioner Opatik seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division recommended the following discipline:

- \$5,000.00 fine plus the costs of the hearing and investigation of \$1,884.19 payable within 90 days.

Commissioner Opatik moved to accept the Division's recommendation. Commissioner Capurro seconded. Motion failed 1-4 with Commissioners Schwartz, Barrett, Capurro and President Reiss opposed.

Commissioner Capurro moved to impose the following discipline:

- \$2,500.00 fine plus costs of \$1,884.19 payable within 90 days.

Commissioner Schwartz seconded. Motion carried 4-1 with President Reiss opposed.

7) PUBLIC COMMENT

There was no public comment.

8) ADJOURNMENT

The meeting was recessed at 4:40 p.m. on Tuesday, June 12, 2018.

June 13, 2018

Nevada Housing Division
1830 East College Parkway
Suite 200
Carson City, Nevada 89706

VIDEO CONFERENCE TO:
Nevada State Business Center
3300 West Sahara Avenue
4th Floor – Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 10:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Neil Schwartz, Clark County; Norma Jean Opatik, Nye County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section: Administrator Sharath Chandra and Teralyn Thompson
Compliance Section: Daryl McCloskey
Education Section: Kim Smith
Licensing: Sandra Saenz

In Carson City

Administration Section: Deputy Administrator Sharon Jackson and Rebecca Hardin
Compliance Section: Chief Jan Holle
Division Counsel: Senior Deputy Attorney General Keith Kizer

2) PUBLIC COMMENT

There was no public comment.

6-H) NRED v EDWARD OTOCKA - CASE # 2016-2904

6-K) NRED v GAURAB REJA - CASE # 2016-2903

6-M) NRED v PERRY A. WHITE - CASE # 2017-1466

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.
Katherine Hoffman was present representing Edward Otocka, Gaurab Reja and Perry A. White.
Jill Rowe was present representing Edward Otocka, Gaurab Reja and Perry A. White.
Edward Otocka was present.
Gaurab Reja was present.
Perry A. White was present.

Preliminary Matters

Ms. Hoffman stated that the Commission has previously received Ms. Rowe's pro hac vice in order for Ms. Rowe to participate in these proceedings.

President Reiss stated that Ms. Rowe's participation was approved.

Mr. Kizer stated that there was a stipulation as to the submission documents which were admitted into the record without objection.

Teralyn Thompson stated that the documents witnesses referred to in their testimony on the previous day's proceedings had been received by the Division yesterday afternoon.

Ms. Hoffman renewed the previous day's motion to disqualify and the general motion to dismiss and stated that she would make the same oral argument in regards to Mr. Otocka, Mr. Reja and Mr. White.

Ms. Hoffman stated that there were also separate motions to dismiss for Mr. Otocka and Mr. Reja specific to each of their cases.

President Reiss denied the previous motions and the new motions.

Ms. Hoffman stated that there was a motion to dismiss the amended complaint and/or require Mr. Kizer to provide a more definite statement that provides due process notice.

President Reiss denied the motion.

Ms. Rowe stated she wanted the record to be clear that Ms. Hoffman's renewed motions from the previous day implied the arguments originally stated would be incorporated into the record.

President Reiss stated that the argument would be incorporated.

Hearing

Mr. Kizer made his opening statement.

Ms. Rowe made her opening statement.

Mr. Kizer rested his case.

Ms. Rowe stated that an agreement was made to incorporate into the record the sustained objection to issues in respect to the proffered testimony of Alan Wallace.

Ms. Rowe renewed her motions to call Commissioners Reiss, Schwartz and Opatik to testify.

The motion was denied.

Ms. Rowe moved to dismiss the case against Mr. Otocka.

The motion was denied.

Respondent's Witness

Edward Otocka testified

Mr. Kizer questioned Mr. Otocka.

The Commission questioned Mr. Otocka.

The witness was dismissed.

Respondent's Witness

Jan Holle testified.

The Commission questioned Mr. Holle.

The witness was dismissed.

Respondent's Witness

Administrator Sharath Chandra was called to testify.

President Reiss asked for the relevance of Administrator Chandra's testimony.

Ms. Hoffman stated her purpose for calling this witness.

President Reiss ruled against allowing Administrator Chandra's testimony.

Respondent's Witness

Gaurab Reja testified.

The Commission questioned Mr. Reja.

Mr. Kizer questioned Mr. Reja.

The witness was dismissed.

Respondent's Witness

Perry A. White testified

Mr. Kizer questioned Mr. White.

The Commission questioned Mr. White.

The witness was dismissed.

The cases for Edward Otocka, Gaurab Reja and Perry A. White were tabled.

6-A) NRED v ANTHONY D. D'AMBROSIA - CASE # 2016-2901

6-L) NRED v JAMES E. VENTURA - CASE # 2016-2902

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.

Katherine Hoffman was present representing Anthony D. D'Ambrosia and James E. Ventura.

Jill Rowe was present representing Anthony D. D'Ambrosia and James E. Ventura.

Anthony D. D'Ambrosia was present.

James E. Ventura was present.

Preliminary Matters

Ms. Hoffman stated that the Commission has previously received Ms. Rowe's pro hac vice in order for Ms. Rowe to participate in these proceedings.

Mr. Kizer stated that there was a stipulation as to the submission documents which were admitted into the record without objection.

Ms. Hoffman renewed the previous day's motion to disqualify and the motion to dismiss and stated that she would make the same oral argument in regards to Mr. D'Ambrosia and Mr. Ventura.

President Reiss denied the motions.

Ms. Rowe stated she wanted the record to be clear that Ms. Hoffman's renewed motions from the previous day implied the arguments originally stated would be incorporated into the record.

President Reiss stated that the argument would be incorporated.

Hearing

Mr. Kizer made his opening statement.

Ms. Rowe asked that her opening statement from the previous hearing be incorporated into the record.

President Reiss accepted incorporating the previous opening statement.

Mr. Kizer rested his case.

Ms. Rowe moved to dismiss.

The motion was denied.

Ms. Rowe stated that she would like to call Commissioners Reiss, Schwartz and Opatik to testify.

President Reiss ruled against allowing the testimony.

Ms. Rowe stated that an agreement was made to incorporate into the record the sustained objection to issues in respect to the proffered testimony of Alan Wallace.

Respondent's Witness

James E. Ventura testified.

The Commission questioned Mr. Ventura.

The witness was dismissed.

Respondent's Witness

Anthony D. D'Ambrosia testified.

The Commission questioned Mr. D'Ambrosia.

The witness was dismissed.

Ms. Hoffman renewed the request to call Administrator Chandra to testify stating that she was prepared with the same offer of proof regarding the scope of questioning and testimony previously presented.

President Reiss stated that he would incorporate Ms. Hoffman's testimony from earlier and make the same ruling.

Ms. Hoffman stated that she would like to call Mr. Holle to testify, incorporating his earlier testimony and including questions in the areas previously not allowed.

President Reiss stated that the Commission would accept the earlier testimony with the same ruling.

The cases for Anthony D. D'Ambrosia and James E. Ventura were tabled.

3-A) DISCUSSION REGARDING ADMINISTRATOR'S REPORT

Administrator Sharath Chandra presented this report.

Administrator Chandra stated that there were no bill draft requests for real estate, but there was one for Common-Interest Communities and one for Appraisal.

Administrator Chandra stated if the budget is approved the Division planned to open some licensing functions in the North and proposed doubling up on education offerings from the Division.

Administrator Chandra stated that the property management workgroup created a document that the Division will work with to create a class with property management content similar to the Trust Account Reconciliation and What Every Licensee Should Know classes.

3-B) DISCUSSION REGARDING THE DISCIPLINARY REPORT

Teralyn Thompson presented this report and pointed out changes since the last Commission meeting.

3-C) DISCUSSION REGARDING THE COMPLIANCE SECTION'S CURRENT CASELOAD REPORT, INCLUDING A SUMMARY OF RECENT TOPICS OF COMPLAINTS FILED.

Jan Holle presented this report. Mr. Holle summarized the report and listed the current issues under investigation.

3-D) DISCUSSION REGARDING THE ADMINISTRATIVE SANCTION REPORT

Jan Holle presented this report.

3-E-1) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORTS ON CONTINUING EDUCATION COURSE AUDIT PROGRAM REPORT

3-E-2) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORTS ON CONTINUING EDUCATION CERTIFICATE ISSUES AND MIDTERM EDUCATION RECORD-KEEPING;

3-E-3) DISCUSSION REGARDING CONTINUING EDUCATION SUPERVISOR'S REPORTS ON CONTINUING EDUCATION AND POST EDUCATION ROSTER UPLOAD SUBMITTALS ISSUES.

Kimberly Smith presented and summarized these reports.

3-F) DISCUSSION REGARDING EXPANDING CONTINUING EDUCATION CREDITS FOR ATTENDING COMMISSION MEETINGS BEYOND BROKER MANAGEMENT AND ETHICS

Administrator Chandra stated that he did not see any reason why this could not be done.

Ms. Smith stated that there shouldn't be a problem.

Administrator Chandra stated the that continuing education credit for attending Commission meetings would be expanded to include law and legislation, agency, and general, along with ethics and broker management at the next meeting.

3-G-2) NAC 645.467 REGARDING INCREASING THE NUMBER OF HOURS THE COMMISSION WILL GRANT A LICENSEE FOR ATTENDING A COMMISSION MEETING

Administrator Chandra stated that increasing the number of continuing education hours allowed for attending Commission meetings requires a regulation change.

Administrator Chandra stated that the Division anticipates changes to NAC at some point in the future and at that point this issue could be included.

3-G-1) DISCUSSION AND DECISION REGARDING CHANGES TO NAC 645 INCLUDING BUT NOT LIMITED TO NAC 645.4438 REGARDING USE OF ELECTRONIC DEVICES IN THE CLASSROOM

Administrator Chandra stated this item could be another thing included in future changes to NAC.

3-H) DISCUSSION REGARDING REAL ESTATE DIVISION INFORMATIONAL BULLETIN #002 CONCERNING THE USE OF ELECTRONIC DEVICES IN THE CLASSROOM

Administrator Chandra stated that Information Bulletin #002 would be revised to state the Division's position on the current situation regarding the use of electronic devices in the classroom.

3-I) DISCUSSION REGARDING THE PROPERTY MANAGEMENT WORK GROUP REPORT

Commissioner Capurro stated that the workgroup had some good discussions and came up with some good outlines.

Commissioner Barrett stated that the creation of the Property Management Resource Guide would be beneficial by providing a guideline to best practices.

3-J) DISCUSSION AND DECISION TO APPROVE MINUTES OF THE MARCH 20-21, 2018 MEETING

Commissioner Schwartz moved to approve the minutes of the March 20-21, 2018 meeting.

Commissioner Opatik seconded. Motion carried unanimously.

3-K) DISCUSSION AND DECISION ON DATE, TIME, PLACE & AGENDA ITEMS FOR UPCOMING MEETINGS

Teralyn Thompson stated that the next Commission meeting is scheduled for September 10-12, 2018 in Las Vegas. Ms. Thompson reminded everyone that the first day of the September meeting would be on a Monday.

7) PUBLIC COMMENT

There was no public comment.

8) ADJOURNMENT

The meeting was recessed at 3:30 p.m. on Wednesday, June 13, 2018.

June 14, 2018

Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

VIDEO CONFERENCE TO:
Nevada State Business Center
3300 West Sahara Avenue
4th Floor – Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:00 AM

1-A) INTRODUCTION OF COMMISSIONERS IN ATTENDANCE

Neil Schwartz, Clark County; Norma Jean Opatik, Nye County; Devin Reiss, Clark County; Wayne Capurro, Washoe County and Lee Barrett, Clark County
Commission Counsel: Deputy Attorney General Asheesh Bhalla

1-B) INTRODUCTION OF DIVISION STAFF IN ATTENDANCE

In Las Vegas

Administration Section: Administrator Sharath Chandra and Teralyn Thompson
Compliance Section: Daryl McCloskey
Education Section: Kim Smith
Licensing: Sandra Saenz

In Carson City

Administration Section: Deputy Administrator Sharon Jackson and Rebecca Hardin
Compliance Section: Chief Jan Holle
Division Counsel: Senior Deputy Attorney General Keith Kizer

2) PUBLIC COMMENT

There was no public comment.

6-B) NRED v GAVIN M. ERNSTONE - CASE # 2017-1239

Parties Present

Senior Deputy Attorney General Keith Kizer was present representing the Division.
Frank Perez was present representing Mr. Ernstone.
Gavin Ernstone was present.

Preliminary Matters

Mr. Kizer stated that there was a proposed stipulation for settlement of disciplinary action to present to the Commission for consideration.

Mr. Kizer read the Summary of Factual Allegations Set Forth in the Complaint, Summary of Violations of Law Alleged in the Complaint, and Settlement into the record.

Settlement:

- Respondent agrees to pay to the Division \$11,000.00 as an administrative fine and \$1,500.00 in administrative costs within 90 days.
- Respondent agrees to complete the following continuing education within 90 days:
 - 6 hours of contracts
 - 6 hours of ethics

Mr. Ernstone stated that he had read, understood and agreed with the stipulation.

Commissioner Barrett moved to accept the stipulation as presented. Commissioner Capurro seconded. Motion failed 1-4 with Commissioners Schwartz, Opatik, Barrett and President Reiss opposed.

President Reiss stated that the case would be placed on the agenda for the next Real Estate Commission meeting.

6-F) NRED v GLEN D. KUNOFSKY - CASE # 2016-2900

Parties Present

Deputy Attorney General Asheesh Bhalla was present as Commission Counsel.
Senior Deputy Attorney General Keith Kizer was present representing the Division.
Katherine Hoffman was present representing Glen D. Kunofsky.
Jill Rowe was present representing Glen D. Kunofsky.
Glen D. Kunofsky was present.

Preliminary Matters

Ms. Hoffman stated that the Commission has previously received Ms. Rowe's pro hac vice in order for Ms. Rowe to participate in these proceedings.

President Reiss stated that Ms. Rowe's participation was approved.

Ms. Hoffman renewed the previous day's motion to disqualify and the general motion to dismiss and stated that she would make the same oral argument used in regards to Mr. Otocka, Mr. Reja, Mr. White, Mr. Ventura and Mr. D'Ambrosia.

President Reiss stated that both motions were denied.

Ms. Hoffman moved to dismiss the complaint and/or be provided a more definite statement.

President Reiss denied the motion.

Ms. Rowe requested verification that the remainder of the hearing would be consolidating the prior cases because of the overlap with Mr. Kunofsky and that the record from the cases on Tuesday and Wednesday would be incorporated into the record for today.

President Reiss stated that the Commission/Division could ensure that all of those were incorporated.

Ms. Rowe asked that the record include incorporating the following with the same rulings:

- Standing on the opening statement from the previous case.
- Calling Commissioners Schwartz, Reiss and Opatik to testify.
- The testimony of the expert witness.
- Offers of proof.

President Reiss stated that all will be incorporated with the same response.

Mr. Kizer submitted additional documents which were accepted into evidence without objection.

The Respondent's exhibits were admitted into evidence without objection.

Hearing

Mr. Kizer made his opening statement.

Ms. Rowe stated that she would stand on her prior opening.

State's Witness

Mr. Kunofsky testified.

Ms. Rowe questioned Mr. Kunofsky.

The Commission questioned Mr. Kunofsky.

The witness was dismissed.

Keith Kizer rested his case.

Respondent's Witness

Ms. Hoffman renewed the request to call Administrator Sharath Chandra to testify requesting that the same offer of proof regarding the scope of questioning and testimony previously presented be incorporated in today's proceedings.

Ms. Hoffman requested to have Mr. Holle testify with the same offer of proof relating to the importance of the origin of these complaints and investigatory process.

President Reiss stated that Ms. Hoffman's previous requests and arguments would be incorporated with the same denial and response.

President Reiss stated that the Commission would accept the earlier testimony with the same ruling.

The case was tabled.

6-A) NRED v ANTHONY D. D'AMBROSIA - CASE # 2016-2901... resumed

6-F) NRED v GLEN D. KUNOFSKY - CASE # 2016-2900... resumed

6-H) NRED v EDWARD OTOCKA - CASE # 2016-2904... resumed

6-K) NRED v GAURAB REJA - CASE # 2016-2903... resumed

6-L) NRED v JAMES E. VENTURA - CASE # 2016-2902... resumed

6-M) NRED v PERRY A. WHITE - CASE # 2017-1466... resumed

Hearing

Mr. Kizer gave his closing statement.

Ms. Rowe gave her closing statement.

DELIBERATION FOR ANTHONY D. D'AMBROSIA - CASE # 2016-2901

Commissioner Barrett moved that the factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that the violations of law were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$5,000.00 plus costs of \$1,212.99 to be paid within 90 days.

Commissioner Capurro moved to impose the following discipline:

- \$1,000.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Barrett seconded. Motion failed 2-3 with Commissioners Barrett, Opatik and Schwartz opposed.

Commissioner Opatik moved to impose the following discipline:

- \$2,500.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Barrett seconded. Motion carried 4-1 with Commissioner Capurro opposed.

DELIBERATION FOR EDWARD OTOCKA - CASE # 2016-2904

Commissioner Opatik moved that the factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that the violations of law were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$5,000.00 plus costs of \$1,212.99 to be paid within 90 days.

Commissioner Capurro moved to impose the following discipline:

- \$2,500.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Schwartz seconded. Motion carried unanimously.

DELIBERATION FOR GLEN D. KUNOFSKY - CASE # 2016-2900

Commissioner Capurro moved that the factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that the violations of law were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$308,378.50 plus costs of \$1,212.99 to be paid within six months.

Commissioner Schwartz moved to impose the following discipline:

- \$300,000.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Opatik seconded. Motion carried 4-1 with Commissioner Capurro opposed.

DELIBERATION FOR GAURAB REJA - CASE # 2016-2903

Commissioner Barrett moved that the factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Opatik moved that the violations of law were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$5,000.00 plus costs of \$1,212.99 to be paid within 90 days.

Commissioner Schwartz moved to impose the following discipline:

- \$2,500.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Barrett seconded. Motion carried unanimously.

DELIBERATION FOR JAMES E. VENTURA - CASE # 2016-2902

Commissioner Capurro moved that the factual allegations were proven. Commissioner Schwartz seconded. Motion carried unanimously.

Commissioner Capurro moved that the violations of law were proven. Commissioner Barrett seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$5,000.00 plus costs of \$1,212.99 to be paid within 90 days.

Commissioner Barrett moved to impose the following discipline:

- \$2,500.00 fine plus costs of \$1,212.99 payable within 90 days.

Commissioner Capurro seconded. Motion carried unanimously.

DELIBERATION FOR PERRY A. WHITE - CASE # 2016-1466

Commissioner Barrett moved that the factual allegations were proven. Commissioner Opatik seconded. Motion carried unanimously.

Commissioner Capurro moved that the violations of law were proven. Commissioner Barrett seconded. Motion carried unanimously.

Recommendation for Discipline

Chief Investigator Jan Holle stated that the Division would recommend the following:

- Fine of \$12,500.00 plus costs of \$1,188.99 to be paid within six months.

Commissioner Capurro moved to impose the following discipline:

- \$5,000.00 fine plus costs of \$1,188.99 payable within 90 days.

The motion died for lack of a second.

Commissioner Opatik moved to impose the following discipline:

- \$12,500.00 fine plus costs of \$1,188.99 payable within six months.

Commissioner Schwartz seconded. Motion passed 4-1 with Commissioner Capurro opposed.

7) PUBLIC COMMENT

Joey Gomez commented that this was his first time attending a Commission meeting and that he was very impressed.

8) ADJOURNMENT

The meeting was adjourned at 12:50 p.m.