

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 AMY TOMLIN,

10 Respondent.

Case No. RES 15-08-34-195

**FILED**

DEC 16 2016

REAL ESTATE COMMISSION  
BY *Ruben H. [Signature]*

11 **DECISION**

12 This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada  
13 (“Commission”) on Monday, December 5, 2016, at the Grant Sawyer Building, 555 East Washington  
14 Avenue, Room 2450, Las Vegas, Nevada. Respondent Amy Tomlin (“Respondent”) did not appear.  
15 Keith E. Kizer, Senior Deputy Attorney General, appeared and prosecuted the Complaint on behalf of  
16 petitioner Sharath Chandra, Administrator of the Real Estate Division, Department of Business &  
17 Industry, State of Nevada (“Division”).  
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19 The matter having been submitted for decision based upon the allegations of the Complaint, the  
20 Commission now enters its Findings of Fact and Conclusions of Law as follows:

21 **FINDINGS OF FACT**

22 The Commission, based upon the evidence presented during the hearing, finds that there is  
23 substantial evidence in the record to establish each of the following Findings of Fact:

24 1. Respondent was licensed as a Salesperson, license number S.0063797, and as a Property  
25 Manager, permit number PM.0163473, both of which expired on December 31, 2015.

26 2. At all times relevant to the Complaint, Respondent was associated with broker Vickie  
27 Valdov at Act 1 Realty Inc.  
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1 3. Respondent stole at least \$104,000.00 of client funds from Act 1 Realty Inc. property  
2 management trust accounts.

3 4. As a result thereof, Valdov terminated Respondent's association with Act 1 Realty Inc.

4 5. On or about November 3, 2015, before the Eighth Judicial District Court in and for Clark  
5 County, Nevada, Respondent entered into a plea agreement in which she pled guilty to theft, a Category  
6 B felony, in violation of NRS 205.0832 and NRS 205.0835(2).

7 6. On or about March 15, 2016, the Eighth Judicial District Court in and for Clark County,  
8 Nevada sentenced Respondent to twelve (12) to forty-eight (48) months imprisonment, suspended,  
9 placed her on probation for up to five (5) years, and required her to pay \$104,000.00 as restitution.

### 11 CONCLUSIONS OF LAW

12 The Commission, based upon the preponderance of the evidence, makes the following legal  
13 conclusions:

14 7. Respondent received proper notice of the hearing pursuant to NRS Chapters 645 and  
15 233B and NAC Chapter 645.

16 8. Pursuant to NAC 645.860, the Commission finds that the following charges specified in  
17 the Complaint are true and supported by substantial evidence.

18 9. Respondent violated NRS 645.630(1)(h) by commingling the money or other property of  
19 her clients with her own or converting the money of others to her own use.

20 10. Respondent violated NRS 645.633(1)(d)(1) by being convicted of and/or entering a plea  
21 of guilty to a felony relating to her real estate practice.

### 24 ORDER

25 IT IS HEREBY ORDERED that Respondent shall pay to the Division a total fine of  
26 \$20,643.33. The total fine reflects a fine of \$20,000.00 for committing the above violations of law plus  
27 \$643.33 for hearing and investigative costs. Respondent shall pay the total fine to the Division within  
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1 thirty (30) days of the effective date of this Order. The Division may institute debt collection  
2 proceedings for failure to timely pay the total fine.

3 IT IS FURTHER ORDERED that Respondent's real estate license and property manager permit  
4 are hereby REVOKED.

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

7 This Order shall become effective on the 12<sup>th</sup> day of February ~~20<sup>th</sup>~~ ~~January~~ 2017.

8 DATED this 15<sup>th</sup> day of December, 2016.

10 REAL ESTATE COMMISSION  
11 STATE OF NEVADA

12  
13  
14 By:   
15 President, Nevada Real Estate Commission