BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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| SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA,<br><br>Petitioner,<br><br>vs.<br><br>ROSLYNN PHOENIX-MYRICK,<br><br>Respondent. | **Case No. 2018-182** |

FILED

JUL 05 2019

REAL ESTATE COMMISSION

**DECISION**

This matter came on for hearing before the Nevada Real Estate Commission, State of Nevada ("Commission") on Wednesday, June 12, 2019, at the Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102. Respondent Roslynn Phoenix-Myrick ("RESPONDENT") failed to appear. Dennis L. Belcourt, 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").

On the Commission's finding of proof of sufficient service, and 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**

*General Allegation*

1. At all times relevant to this Complaint, RESPONDENT was licensed by the Division as a broker, Nevada license number B.1000600.CORP (expired), and B.1001579.INDV, and holds a property management permit, PM.0164860.BKR.

*Guilty Plea and Conviction*

2. On or about November 10, 2016, RESPONDENT was charged with "willfully and unlawfully (conspiring) to obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services…"

3. On or about March 16, 2017, RESPONDENT entered a plea of no contest to conspiracy to commit theft, a gross misdemeanor.

4. A judgment of conviction based on the plea of no contest was entered against RESPONDENT on June 13, 2016, requiring, among other things, that RESPONDENT make restitution to the victims in the amount of $9,282.13.

5. RESPONDENT did not report either the plea of guilty or the judgment of conviction either within ten days of her plea or at the time of her subsequent renewal.

*Deceitful Conduct*

6. In 2013, RESPONDENT advised a client trying to qualify for a short sale to transfer $120,000 belonging to the client to an account under the name of a Nevada limited liability company called Community Hearts, LLC.

7. The client and RESPONDENT agreed that the money would be returned to the client at a later date.

8. RESPONDENT'S son was a signatory on the Community Hearts, LLC account, and through him or by other means RESPONDENT caused money from the $120,000 transfer to be paid her or at her direction and for her benefit, without permission of the client.

*Other*

9. RESPONDENT failed to produce records of the short sale she brokered for the client because she lost them when her cloud provider changed accounts.

**CONCLUSIONS OF LAW**

10. RESPONDENT's entry of a plea of no contest to conspiracy to commit theft is a violation of NRS 645.633(1)(d)(2).

11. RESPONDENT violated NRS 645.615(1)(b) by failing to report the plea of no contest to said crime within the time provide for in NRS 645.615(2)(a).

12. RESPONDENT violated NRS 645.3205 and 645.633(1)(i), in consideration of NAC 645.605(1) and (6), in her advice and conduct with respect to her client's money.

13. RESPONDENT violated NAC 645.650(1) in failing to keep records of the transaction she acted as a broker on for her client.

14. RESPONDENT violated NRS 645.635(6) by failing to produce the records of the transaction she acted as a broker on for her client.

**ORDER**

IT IS HEREBY ORDERED that RESPONDENT'S license and permit are revoked thirty days after the effective of this order and that she pay to the Division a fine of $50,000.00 and $1,288.77 in investigative costs and attorneys' fees within thirty (30) days of the effective date of this order. The State of Nevada may institute debt collection proceedings for failure to timely pay fines or costs, and may reduce the amount owed to judgment. RESPONDENT may be liable for collection fees and costs.

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

This Order shall become effective on the 4th day of August, 2019.

DATED this 5th day of July, 2019.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: _____
President, Nevada Real Estate Commission