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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

APR 05 2022

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. 2020-1122

REAL ESTATE COMMISSION
BY *Evelyn Patten*

Petitioner,

vs.

JAMES E. BEASLEY,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on March 29, 2022, at the Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102 (the "Hearing"). The RESPONDENT, JAMES BEASLEY (hereinafter, "RESPONDENT" or "BEASLEY") appeared. Michelle D. Briggs, Esq., Chief Deputy Attorney General, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

The Hearing was originally set for December 7-9, 2021, but was continued at RESPONDENT'S request. At the Hearing on March 29, 2022, RESPONDENT requested another continuance saying he needed to hire an attorney. The Commission denied the request for a second continuance and heard the case.

RESPONDENT did not object to the admission of the Division's documents and the documents were admitted. The Division presented testimony from the complainant, attorney David Winterton, and Investigator Maria Martin. RESPONDENT presented no documents or witness testimony but addressed the Commission himself.

After hearing testimony and reviewing the documents presented in this matter and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order as follows:

1 **FINDINGS OF FACT**

2 The Commission, by unanimous vote, based upon the evidence presented during the Hearing,
3 finds that by a preponderance of the evidence in the record the following facts have been proven.

4 1. RESPONDENT acted as property manager for Elaine and Hatsuo Takeuchi
5 (“Complainants”) for 2321 Plaza Del Grande, Las Vegas, Nevada 89102 (“the Property”).

6 2. Attorney, David J. Winterton, Esq. (“Complainant’s Counsel”) states that RESPONDENT
7 admitted he embezzled monies that he collected in the management of the Property, and has failed to
8 account where the money was spent.

9 3. Complainant’s Counsel further states that RESPONDENT failed to lease the Property at
10 the price and according to terms of the brokerage agreement or at a price acceptable to Complainants,
11 and failed to present all offers to Complainants.

12 4. Complainant’s Counsel also states that RESPONDENT failed to disclose to Complainants
13 rental documents, accounting for the rent and expenses.

14 5. RESPONDENT and Complainants entered into a settlement on August 8, 2013 that
15 included a \$5,000.00 down payment, which was received, and \$1,000.00 monthly payments, in \$500.00
16 increments on the 8th and 23rd of the month, with 12 percent interest until paid in full, and additionally
17 RESPONDENT would continue to manage the Property and deduct his fee from monies owed.

18 6. On August 25, 2015, Complainants’ Counsel filed an Amended Complaint in District
19 Court on behalf of his clients against RESPONDENT for the embezzlement of funds in excess of
20 \$50,000.00.

21 7. On October 12, 2015, RESPONDENT signed a Confession of Judgement in the amount
22 of \$61,257.45.

23 8. On December 11, 2020, Complainant’s Counsel filed a Complaint with the Division
24 stating that RESPONDENT failed to reimburse Complainants pursuant to their agreement, and instead,
25 continued to embezzle additional monies from Complainants.

26 9. On December 21, 2020 and again on May 20, 2021, the Division mailed a letter to
27 RESPONDENT addressing Complainant’s allegations and requesting information including the broker’s
28 transaction file.

1 Broker's licenses (B.0020808.LLC and B.1002031.INDV) and property manager permit
2 (PM.0162239.BKR) are revoked.

3 3. The Division may institute debt collection proceedings for failure to timely pay the total
4 fine, including action to reduce this Order to a judgment. Further, if collection goes through the State of
5 Nevada, then RESPONDENT shall also pay the costs associated with collection.

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

8 5. This Order shall become effective on the 5th day of ~~April~~^{May}, 2022.

9 DATED this 5th day of ~~March~~^{April}, 2022.

10 REAL ESTATE COMMISSION
11 STATE OF NEVADA

12
13 By: 
14 President, Nevada Real Estate Commission

14 Submitted by:
15 AARON D. FORD
16 Attorney General

17 By: /s/ Michelle Briggs
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