

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

**FILED**

NOV 12 2021

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.

**COMPLAINT AND NOTICE OF HEARING**

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT JAMES E. BEASLEY ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

**JURISDICTION**

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Broker under license number B.0020808.LLC and is presently licensed under B.1002031.INDV and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

**FACTUAL ALLEGATIONS**

1. RESPONDENT acted as property manager for Elaine and Hatsuo Takeuchi ("Complainants") for 2321 Plaza Del Grande, Las Vegas, Nevada 89102 ("the Property").
2. Attorney, David J. Winterton, Esq. ("Complainant's Counsel") states that RESPONDENT admitted he embezzled monies from Respondents that he collected in the management of the Property,

1 and has failed to account where the money was spent.

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

5 4. Complainant's Counsel also states that RESPONDENT failed to disclose to Complainants  
6 rental documents, accounting for the rent and expenses.

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

11 6. On August 25, 2015, Complainants' Counsel filed an Amended Complaint in District  
12 Court on behalf of his clients against RESPONDENT for the embezzlement of funds in excess of  
13 \$50,000.00.

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

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

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

22 10. RESPONDENT did not respond to the Division or deny the allegations.

23 11. On September 27, 2021, Complainant's Counsel submitted an updated complaint stating  
24 that RESPONDENT now owed over \$100,000.00 to Complainants, requesting RESPONDENT's license  
25 to be revoked, and to have Complainants reimbursed.

26 12. Complainant's Counsel submitted a signed Order of Judgement from District Court Judge  
27 Carli Kierny, dated September 24, 2021, which ordered RESPONDENT to pay Complainants  
28 \$100,462.18 .

1 **VIOLATIONS OF LAW**

2 13. RESPONDENT violated NRS 645.633(1)(f) for failing, within a reasonable amount of  
3 time, to account for or remit any money coming into his possession and which belongs to others.

4 14. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(6) as he breached  
5 his duty of absolute fidelity to his principal's interest, and his obligation to deal fairly with all parties.

6 15. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(a) as he failed  
7 to comply with the Division's request to provide documents.

8 16. RESPONDENT violated NRS 645.633(1)(h) pursuant to NAC 645.605(11)(b) as he failed  
9 to provide the Division with a written response including supporting documentation.

10 17. RESPONDENT violated NRS 645.633(1)(i) pursuant to NAC 645.605(1)(a) for  
11 conducting deceitful, fraudulent or dishonest dealings for which the person is required to hold a license.

12 **DISCIPLINE AUTHORIZED**

13 Pursuant to NRS 645.630, the Commission is empowered to impose an administrative fine up to  
14 \$10,000 per violation and suspend, revoke or place conditions on your license if warranted.

15 Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the  
16 proceeding upon RESPONDENT, including investigative costs and attorney's fees if the Commission  
17 otherwise imposes discipline on RESPONDENT.

18 Therefore, the Division requests that the Commission take such disciplinary action as it deems  
19 appropriate under the circumstances.

20 **NOTICE OF HEARING**

21 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
22 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and  
23 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

24 **THE HEARING WILL TAKE PLACE on December 14, 2021 commencing at**  
25 **9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and**  
26 **each day thereafter commencing at 9:00 a.m. through December 16, 2021 or**  
27 **earlier if the business of the Commission is concluded. The Commission meeting**  
28 **will be held on December 14, 2021, at the Nevada State Business Center, 3300 West**

1 Sahara Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting  
2 will continue on December 15, 2021 at the Nevada State Business Center, 3300  
3 West Sahara Avenue, 4<sup>th</sup> Floor – Nevada Room, Las Vegas, Nevada 89102,  
4 commencing at 9:00 a.m., and on December 16, 2021, should business not be  
5 concluded, starting at 9:00 a.m. at the Nevada State Business Center, 3300 West  
6 Sahara Avenue, 4<sup>th</sup> Floor – Tahoe Room, Las Vegas, Nevada 89102

7 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled  
8 at the same time as part of a regular meeting of the Commission that is expected  
9 to last from December 14, 2021, through December 16, 2021, or earlier if the  
10 business of the Commission is concluded. Thus, your hearing may be continued  
11 until later in the day or from day to day. It is your responsibility to be present  
12 when your case is called. If you are not present when your hearing is called, a  
13 default may be entered against you and the Commission may decide the case as  
14 if all allegations in the complaint were true. If you have any questions please  
15 call Evelyn Pattee, Commission Coordinator (702) 486-4074.

16 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an open meeting  
17 under Nevada’s open meeting law and may be attended by the public. After the evidence and arguments,  
18 the commission may conduct a closed meeting to discuss your alleged misconduct or professional  
19 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of  
20 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

21 As the Respondent, you are specifically informed that you have the right to appear and be heard  
22 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the  
23 burden of proving the allegations in the complaint and will call witnesses and present evidence against  
24 you. You have the right to respond and to present relevant evidence and argument on all issues involved.  
25 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing  
26 witnesses on any matter relevant to the issues involved.

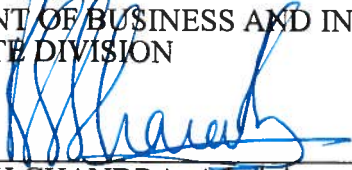
27 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
28 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate

1 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in  
2 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

3 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
4 645 and if the allegations contained herein are substantially proven by the evidence presented and to  
5 further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
6 pursuant to NRS 645.235, 645.633 and or 645.630.

7 DATED this 10 day of November, 2021.

8 STATE OF NEVADA  
9 DEPARTMENT OF BUSINESS AND INDUSTRY  
10 REAL ESTATE DIVISION

11 By:   
12 SHARATH CHANDRA, Administrator  
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15 AARON D. FORD  
16 Attorney General

17 By: /s/ Susan L. Valladolid  
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