

**BEFORE THE REAL ESTATE COMMISSION
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**JAMES B. JACKSON
License No. 15382 (Expired)**

**NMREC CASE NOs. 16-04-06-027,
16-06-07-039 and 16-06-27-046**

Respondent.

DEFAULT ORDER

THIS MATTER, came before the Real Estate Commission (the "Commission"), during its regularly scheduled meeting on Monday, May 21, 2018, for a decision in the above referenced case. With a quorum present and majority vote of the Commission in the affirmative, the Commission finds the following:

1. A Notice of Contemplated Action ("NCA") was issued by the Commission on February 23, 2018.
2. The NCA was sent certified mail return receipt (No. 7014 3490 0002 0024 1762) to the Respondent's address on file with the Commission on February 23, 2018.
3. The certified return receipt for the envelope containing the NCA was returned to the Commission signed by Justin Besanom on February 28, 2018.
4. The NCA was issued to the Respondent in compliance with the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 *et seq.*
5. The NCA informed the Respondent of his right to a hearing and that the Respondent must respond to the Commission in writing requesting a hearing within twenty (20) days after service of the NCA. NMSA 1978, Section 61-1-4(D).

6. The NCA informed the Respondent that failure to respond to the NCA will result in the Commission taking the contemplated action. NMSA 1978, Section 61-1-4(E).
7. Respondent did not mail a request for hearing within the time and manner required by NMSA 1978, Sections 61-1-4(D) and (E).
8. The Commission is “expressly vested with the power and authority to make and enforce rules to carry out the provisions of [Chapter 61, Article 29 NMSA 1978]. NMSA 1978, Section 61-29-4. The Commission can “impose a civil penalty on any person who is found, through a court or administrative proceeding, to have acted in violation of Chapter 61, Article 29 NMSA 1978. NMSA 1978, Section 61-29-17.2. Such action may include the imposition of fines, costs or any other penalty authorized by NMSA 1978, Sections 61-1-3 and 61-29-17.2 and may be subject to payment of all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-3.2.
9. The Commission has the authority, pursuant to NMSA 1978, Section 61-29-12 to:
 - A. Refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has by false or fraudulent representation obtained a license or, in preforming or attempting to perform any of the actions specified in Chapter 61, Article 29 NMSA 1978, an applicant or licensee has:
 - (1) Made a substantial misrepresentation;
 - (2) Pursued a continued and flagrant course of misrepresentation; made false promises through agents, salespersons, advertising or otherwise
 - (5) Failed, within a reasonable time, to account for or to remit any money coming into the licensee’s possession that belongs to others, commingled funds of others with the licensee’s own or failed to keep funds of others in an escrow or trustee account; . . .
 - (10) Violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission; and
 - (11) Committed an act, whether of the same or different character from that specified in this subsection, that is related to dealings as a qualifying broker or an associate broker and that constitutes or demonstrates bad faith, incompetency, untrustworthiness, impropriety, fraud, dishonesty, negligence or any unlawful act.

10. Violation of any provisions of the real estate license law or commission rules may be cause for disciplinary action against any person who engages in the business or acts in the capacity of a real estate broker in New Mexico with or without a New Mexico real estate license, up to and including license suspension or revocation if the person is licensed in New Mexico, and other penalties as provided by law, commission rules, or policies.

16.61.12.8 NMAC.

11. The Commission's Decision and Order are final and not subject to judicial review.

NMSA 1978. Section 61-1-4(E).

IT IS THEREFORE ORDERED THAT Respondent's broker license 13582 is hereby revoked;

IT IS FURTHER ORDERED THAT Respondent may not reinstate his broker license until the NCA has been answered and resolved;

President Kurstin Johnson is designated by the Commission to sign this Order on behalf of the Real Estate Commission

IT IS SO ORDERED.

**REAL ESTATE COMMISSION
OF NEW MEXICO**

Date:

May 21, 2018

Kurstin Johnson
President Kurstin Johnson