

BEFORE THE NEW MEXICO
REAL ESTATE COMMISSION

IN THE MATTER OF:

NMREC Case No. 16-10-04-073

Christine Eisenberg
Unlicensed

Respondent.

SETTLEMENT AGREEMENT

Whereas, Christine Eisenberg (hereinafter, "Respondent") is not a licensed real estate broker in New Mexico and pursuant to NMSA 1978, Section 61-29-17.2 ("the Act"), Respondent is subject to the jurisdiction of the New Mexico Real Estate Commission ("Commission"); and

Whereas, the Commission received a formal complaint alleging that Respondent has violated the Act; and

Whereas, the Commission found sufficient evidence to refer the matter to its administrative prosecutor and request that a Notice of Contemplated Action ("NCA") be issued against Respondent; and

Whereas, Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing and the proposed Settlement Agreement (the "Agreement") is appropriate and in the best interest of the Respondent; and

Whereas, the Commission believes that this proposed Agreement is appropriate and in the best interest of the Commission:

THEREFORE, IT IS AGREED AS FOLLOWS:

1. Jurisdiction: Respondent is unlicensed by the Commission but is otherwise subject to the Act, and therefore, subject to the jurisdiction of the Commission.

2. Voluntary Agreement: Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after full opportunity to consult an attorney. Respondent understands that if she rejects this agreement the Commission will conduct a formal evidentiary hearing, which may result in the Commission imposing discipline that is more serious or less serious than the sanctions imposed herein.

3. Commission Approval: This Agreement is subject to Commission approval. If the Commission rejects this Agreement, the Commission may proceed with a full evidentiary hearing on a date scheduled by the Commission in a subsequent notice. If the Commission rejects this Agreement, the terms of this Agreement or statements made by Respondent in support of this

Agreement shall not be used against Respondent in a subsequent hearing, nor shall any terms herein be used against Respondent in any subsequent proceeding as evidence or admission of any violation.

4. Waivers: If this Agreement is accepted by the Commission, Respondent agrees to waive any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61- 1-1 through -34 (1957, as amended through 2017), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to confront and cross examine witnesses, and the right to judicial review.

5. Waiver of Sixty-Day Rule: Respondent understands that she has the right to have a hearing in this case begin within sixty (60) days from the date of service of the notice of hearing, pursuant to NMSA 1978, Section 61-1-4(F). Respondent understands that her signature on this form means that Respondent gives up the right to seek the dismissal of this case without the imposition of discipline if the hearing does not begin within sixty (60) days from the date of service of the notice of hearing. After reading and understanding all of the above, Respondent knowingly and voluntarily gives up the right to have the hearing in this matter begin within the time limits provided by NMSA 1978, Section 61-1-4(F). If the Commission accepts this Agreement, no hearing shall be necessary or held in this case.

6. Without admission of wrongdoing, the Respondent admits the Commission has sufficient evidence to proceed with the issuance of a NCA alleging Respondent engaged in unlicensed activity in New Mexico, but ceased such activity in 2016.

7. Conditions: Respondent agrees to the following conditions:

a. Respondent shall pay to the Commission \$1,000.00 within ninety (90) days from the date this Agreement is accepted by the Commission to reimburse it for investigative and administrative costs incurred in connection with this case.

b. Cease and Desist: For so long as she remains unlicensed as a real estate broker in New Mexico, Respondent shall cease and desist from engaging in any brokerage activity in New Mexico that requires a New Mexico Real Estate Broker's license.

8. Respondent understands that failure to comply with the terms of this Agreement will result in further Commission action to secure compliance.

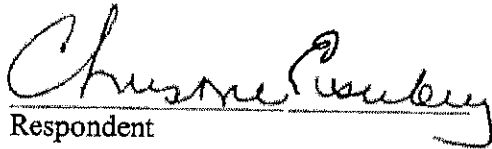
9. Public Record: This Agreement and the original complaint are public records and may be provided for inspection if requested, pursuant to the Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018).

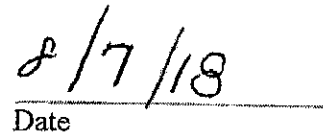
10. Final Disposition: Upon Respondent's satisfactory completion of the terms of this agreement the case will be deemed closed for administrative purposes without the filing of an order or official vote of the Commission.

I understand and have read the above. I hereby agree to the terms of this Agreement freely and

voluntarily. I understand that by entering into this Agreement I am giving up my rights under the Uniform Licensing Act. I understand I am giving up my right to an evidentiary hearing on the merits of the alleged violations, the right to confront, cross-examine and compel the attendance of witnesses, and the right to present all relevant evidence by means of witnesses and books, papers, documents and other evidence.

I understand that if the Commission accepts this Agreement, I am subject to legal action in the event that I violate any of the terms or conditions set forth.


Respondent


Date

ORDER

This proposed settlement comes before the Commission during a properly scheduled public meeting with a quorum present and majority voting in the affirmative, this Agreement is:

ACCEPTED REJECTED

IT IS SO ORDERED.


Kirstin Johnson, President
New Mexico Real Estate Commission

Dated this 7 day of August 2018