

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

IN THE MATTER OF:

**JESSICA OLIVARES
Broker License No.: 50126**

NMREC CASE NO. 16-10-05-074

And

**CAROLINA OLIVARES
UNLICENSED**

Respondents.

DEFAULT ORDER

THIS MATTER came before the Real Estate Commission (the “Commission”) during its regularly scheduled meeting on Monday, November 19, 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. Notices of Contemplated Action (“NCA”) were issued by the Commission on October 12, 2018.
2. A NCA was sent certified mail return receipt (No. 7017 3040 0000 8686 4280) to the Respondent Jessica Olivares’ address on file with the Commission on October 12, 2018.
3. The certified return mail receipt card was signed by Ariana Olivares on or about October 15, 2018 and received by the Commission on October 15, 2018.
4. A NCA was sent certified mail return receipt (No. 7017 3040 0000 8686 4297) to Respondent Carolina Olivares’ last known address on October 12, 2018.
5. The certified return mail receipt card was never received back by the Commission

6. The NCA was issued to the Respondents in compliance with the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 *et seq.*
7. The NCA informed the Respondents of their right to a hearing and that the Respondents 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).
8. The NCA informed the Respondents that failure to respond to the NCA will result in the Commission taking the contemplated action. NMSA 1978, Section 61-1-4(E).
9. Respondents did not mail a request for hearing within the time and manner required by NMSA 1978, Sections 61-1-4(D) and (E).
10. 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. More specifically, the Commission is empowered to “suspend, revoke, limit or condition a license” if a licensee in performing any actions specified by Chapter 61, Article 29 NMSA 1978 commits any violations as enumerated in NMSA 1978, Sections 61-29-12. Such action may include the imposition of fines, costs, education requirements or any other penalty authorized by NMSA 1978, Section 61-1-3.
11. The Commission may refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has a false or fraudulent representation obtained a license or, in performing or attempting to perform any of the actions specified in Chapter 61, Article 29, Part 12(A) NMSA 1978, an applicant or licensees has:
 - (7) employed or compensated, directly or indirectly, a person from performing any of the acts regulated by Chapter 61, Article 29 NMSA 1978 who is not a license qualifying broker or an associate broker; provided, however, that a qualifying broker may pay a

commission to a qualifying broker of another state as provided in Section 61-29-16.1 NMSA 1978;

(10) violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission;

(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;

12. 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.

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

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

IT IS ORDERED THAT Respondent Jessica Olivares' license 50126 is hereby revoked and may not apply for and shall not receive a broker's license until this NCA has been answered and resolved.

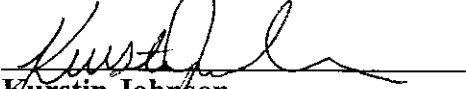
IT IS FURTHER ORDERED THAT Respondent Carolina Olivares may not apply for and shall not receive a broker's license until this NCA has been answered and resolved.

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

IT IS SO ORDERED.

Date 11/19/18

**NEW MEXICO REAL ESTATE
COMMISSION**


Kurstin Johnson
President