



**New Mexico Regulation and Licensing Department**  
**BOARDS AND COMMISSIONS DIVISION**  
New Mexico Real Estate Commission  
5500 San Antonio Dr. Suite A • Albuquerque, New Mexico 87109  
[www.rld.state.nm.us](http://www.rld.state.nm.us)

August 16, 2019

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DEPUTY DIRECTOR  
&  
EXECUTIVE SECRETARY

**Marilyn Torbett**  
114 Whitetail Dr. NE  
Albuquerque, New Mexico 87122

Re: NMREC Case No. 18-06-12-062

Dear Ms. Torbett:

As you have been notified previously, Mark Miller filed a complaint against you with the New Mexico Real Estate Commission alleging that you violated the Real Estate License Law and the Commission Rules in the course of managing his property at 720 Palomas NE in Albuquerque.

On April 29, 2019, the Real Estate Commission offered you a \$500 fine, a letter of reprimand, and the opportunity to voluntarily surrender your license to settle this case. On May 28, 2019 you accepted the Commission's offer. Commission records indicate that you allowed your license to expire on May 31, 2019.

You are directed to pay the fine in the form of a cashier's check payable to the New Mexico Real Estate Commission by close of business on Monday, September 16, 2019. The check should be mailed to the Commission office at 5500 San Antonio Drive NE, Albuquerque, New Mexico 87109, Attn: Germelyn Vivar, Administrative Assistant.

In keeping with the final term of the settlement agreement, you are hereby reprimanded for violating Sections 61-29-10.2 B; 61-29-12 A (1) (2) (5) (10) (11) of the Real Estate License Law, and Part 5 16.61.5.8 and 16.61.5.13; Part 16 16.61.16.9 E and G; Part 19 16.61.19.8 A, C, D (2), F, G (1) (2); Part 23 16.61.23.8 D and E, 16.61.23.10 A and D; Part 24 B, C, CC, PP and SS; 16.61.24.12 A (1)(2)(3)(4) and D; and Part 33 16.61.33.8 and 16.61.33.9 of the Commission Rules.

These violations occurred when, without notifying the property owner and receiving his consent, you allowed the tenant at the subject property to break the terms of a one-year lease, abated the rent for the month of October 2017 and charged the tenant no rent for the remaining three months of the lease.

Furthermore, while acting as the exclusive agent of the property owner in the property management transaction, you entered into a brokerage relationship with the tenants to assist them in the purchase of a home. You failed to disclose in

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writing to your property owner client that you had entered into a brokerage relationship with the tenants.

Additionally, you failed to provide your property owner client with reconciled monthly reports, a final accounting of the trust account upon termination of the property management agreement, and other documents related to the management of his property. You also failed to produce in a timely manner documents needed by the Commission investigator to investigate Mr. Miller's complaint against you.

Finally, in the course of investigating the complaint, the investigator discovered that you did not have proof that you had an errors and omissions insurance policy as required by the Real Estate License Law and Commission rule.

Cumulatively, these violations are a serious breach of your duties as a real estate broker, and demonstrate bad faith, incompetency, untrustworthiness, and negligence on your part.

This letter of reprimand will become part of your licensing file and it is a matter of public record. It will be published in the Disciplinary Actions section of the Commission web site.

Sincerely,



Wayne W. Ciddio  
Executive Secretary  
New Mexico Real Estate Commission

cc: Mark Miller  
12441 Chelwood Place NE  
Albuquerque, NM 87112