

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

**IN THE MATTER OF:**

**NEIL H. BONNER**  
**Broker License Nos. 19339, 18241**  
**(Expired)**

**NMREC CASE NO. 17-11-01-101**

**Respondent.**

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**DEFAULT ORDER**

**THIS MATTER**, came before the Real Estate Commission (the “Commission”), during its special meeting scheduled for Monday, September 16, 2019, 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 August 23, 2019.
2. The NCA was sent to Respondent certified mail return receipt (No. 7018 2290 0001 9899 8069) to the Respondent’s address on file with the Commission on August 23, 2019.
3. The certified return mail receipt envelope or card were not returned to the Commission.
4. The NCAs were issued to the Respondents 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. It is unlawful for a person to engage in the business or act in the capacity of real estate associate broker or qualifying broker within New Mexico without a license issued by the commission. A person who engages in the business or acts in the capacity of an associate broker or a qualifying broker in New Mexico, except as otherwise provided in Section 61-29-2 NMSA 1978, with or without a New Mexico real estate broker's license, has thereby submitted to the jurisdiction of the state and to the administrative jurisdiction of the commission and is subject to all penalties and remedies available for a violation of any provision of Chapter 61, Article 29 NMSA 1978. NMSA 1978, Section 61-29-1.
9. 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.
10. 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:

- (1) made substantial misrepresentations;
- (2) pursued a continued and flagrant course of misrepresentation; made false promises through agents, salespersons, advertising or otherwise, or used any trade name or insignia of membership in any real estate organization of which the licensee is not a member;
- (7) employed or compensated, directly or indirectly, a person for performing any of the acts regulated by Chapter 61, Article 29 NMSA 1978 who is not a licensed qualifying broker or an associate broker; provided, however, that a qualifying broker may pay a commission to a qualifying broker of another state . . .
- (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;

11. 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's licenses are revoked and Respondent may not apply for and shall not receive a broker's license until the NCA has been answered and resolved.

President Gretchen Koether 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:**

9-16-19

  
**President Gretchen Koether**