

**BEFORE THE NEW MEXICO  
REAL ESTATE COMMISSION**

**IN THE MATTER OF:**

**NMREC Case No. 17-11-06-106**

**JONAH LUCERO,  
License Applicant,**

**Respondent.**

**FINAL DECISION AND ORDER**

This matter was presented to the New Mexico Real Estate Commission (“Commission”) during its July 15, 2019, meeting held at the Greater Albuquerque Association of Realtors located at 1635 University Blvd NE, Albuquerque, New Mexico, for a Decision and Order pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 to -34.

An Application Hearing was held on June 17, 2019, before the designated hearing officer, Commissioner Gretchen Koether, at the New Mexico Real Estate Commission Office located at 1635 University Blvd NE, Albuquerque, New Mexico. Rebecca C. Branch, Assistant Attorney General and Administrative Prosecutor, was present on behalf of the State. Respondent, Jonah Lucero, appeared *pro se*. Lori Chavez, Assistant Attorney General and Commission Counsel was present to advise the hearing officer.

On July 15, 2019, a quorum of the Commission, having familiarized themselves with the record, including the Hearing Officer’s Report, participated in the deliberation and decision in this matter. A copy of the Hearing Officer’s Report is attached hereto and incorporated by reference. By an affirmative vote of 4-0, the Commission adopts the Hearing Officer’s Report and reaches the following Decision and Order:

## CONCLUSIONS OF LAW

- A. Jonah Lucero applied for a broker's license pursuant to the Real Estate Brokers and Salesmen Act, NMSA 1978, Section 61-29-1 through -29 ("Act"), and is therefore, subject to the jurisdiction of the New Mexico Real Estate Commission. NMSA 1978, Section 61-29-4.
- B. The Commission may refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has by false or fraudulent representations 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 as follows:
  - (6) been convicted in any court of competent jurisdiction of a felony or any offense involving moral turpitude;
- C. The Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within their specialized knowledge. NMSA 1978, Section 61-1-11(B).
- D. The preponderance of the evidence reveals Respondent is currently on probation until February 2020 for a felony conviction.
- E. The preponderance of the evidence reveals that during the probationary period Respondent has been sufficiently rehabilitated to justify granting him a conditional license.

## ORDER

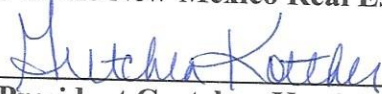
Upon consideration of all the facts and circumstances the Commission **ORDERS**:

- A. Respondent be granted a conditional license with the following stipulations:
  - 1. No further arrests. If arrested, Respondent shall immediately notify the Commission office and the matter shall be taken to the Commission for reconsideration of the conditional license.
  - 2. No complaints filed with the Commission office for violations of the Act or rules that results in a determination by the Commission that Respondent violated the Act or rules
  - 3. Within sixty days after being discharged from probation, provide the Commission office a copy of the Discharge Order.
- B. Any violation of the Order shall result in the automatic revocation of Respondent's conditional license.
- C. Upon submission of the Discharge Order, and without any violation of the Order, the conditional license shall be converted to an unconditioned broker's license.

Gretchen Koether, the Commission's President, is designated to sign this Decision and Order. A copy of the Decision and Order shall be filed and served upon the Respondents in accordance with the law.

**NOTICE:** Pursuant to Section 61-1-17 of the Uniform Licensing Act and NMSA 1978, Section 39-3-1.1, a person aggrieved by an adverse decision of the Commission issued after a hearing may obtain a review of the decision in the District Court of Santa Fe County or in the District Court of any county in which a hearing on the matter was conducted. To obtain such review, a notice of appeal must be filed in the proper District Court within thirty (30) days after the date of the Commission's decision. Failure to file a notice of appeal within the time stated herein shall operate as a waiver of the right to judicial review and shall result in the decision of the Commission becoming final. The procedures for filing an appeal from the Commission to the District Court are governed by Rule 1-074 of the Rules of Civil Procedure for the District Courts.

**For the New Mexico Real Estate Commission**

  
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**President Gretchen Koether**

7-23-19  
**Date**