

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

IN THE MATTER OF:

**ARCHIE SAIZ
Broker License No.: 15615
(Revoked)**

NMREC CASE NO. 17-09-07-088

Respondent.

DEFAULT ORDER

THIS MATTER came before the Real Estate Commission (the "Commission") during its regularly scheduled meeting on Monday, November 18, 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. Notice of Contemplated Action ("NCA") was issued by the Commission on September 4, 2019.
2. On September 4, 2019, a NCA was sent certified mail return receipt (No. 7018 2290 01 9899 8342) to Respondent's address on file with the Commission.
3. The certified return mail receipt card was returned back to the Commission on September 6, 2019 signed by the Respondent on September 5, 2019.
4. The NCA was issued to Respondent in compliance with the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 *et seq.*
5. The NCA informed Respondent of his right to a hearing and that 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 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. 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 and 61-29-10.2. Such action may include the imposition of fines, costs, education requirements or any other penalty authorized by NMSA 1978, Section 61-1-3.

9. The Commission may refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission, NMSA 1978, Section 61-29-12(A)(10).

10. The Commission's Decision and Order is final and not subject to judicial review. NMSA 1978, Section 61-1-4(E).

IT IS ORDERED THAT Respondent's license is hereby revoked and he may not apply for and shall not receive a broker's license until this 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.

Date: 11-18-19

FOR THE NEW MEXICO
REAL ESTATE COMMISSION

Gretchen Koether

Gretchen Koether, President
New Mexico Real Estate Commission