

**BEFORE THE NEW MEXICO REAL ESTATE APPRAISERS BOARD
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**REBECCA GARCIA,
RESPONDENT.**

CASE: #31, 08-12-19

DEFAULT ORDER

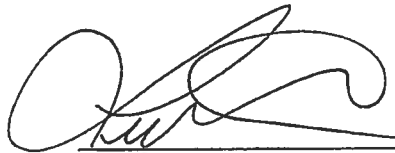
This matter having come before the New Mexico Real Estate Appraisers Board on March 30, 2011 with a quorum present and a majority voting in the affirmative the Board finds as follows:

1. A notice of Contemplated Action (NCA) was served upon Respondent in accordance with the Uniform Licensing Act (ULA), Section 61-1-1 to 61-1-33 NMSA 1978.
2. Respondent did not request a hearing within twenty (20) days of receipt of service of the NCA as set forth in the ULA.
3. Pursuant to the provisions of the ULA, if the Respondent does not request a hearing, the Board may proceed to take action against the license of the Respondent by default.
4. As such, the Board unanimously voted in open session as follows:
 - a. Respondent shall pay a fine in the amount of \$2,000, two thousand dollars; this fine must be paid prior to reinstatement;
 - b. Respondent shall be required to reapply and meet all current requirements of licensure.
5. Failure to complete any of the aforementioned penalties shall result in subsequent, independent action against the Respondent.

IT IS THEREFORE ORDERED.

Date

6/17/2011



Lee Morris, Chairman
New Mexico Real Estate Appraisers Board

CERTIFIED MAIL NO. 9010 1610 0000 8617 8486
RETURN RECEIPT REQUESTED

BEFORE THE NEW MEXICO REAL ESTATE APPRAISERS BOARD
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

REBECCA GARCIA,
RESPONDENT.

CASE: #31, 08-12-19

SUPPLEMENTAL DEFAULT ORDER

This matter came before the New Mexico Real Estate Appraisers Board on March 30, 2011 with a quorum present and a majority voting in the affirmative to revoke the license of the Respondent.


A Default Order, signed June 7, 2011, confirmed the actions of the Board, noting that Respondent shall pay a fine in the amount of \$2,000 (two thousand dollars), paid prior to reinstatement and also ordering that if Respondent desires to be licensed in the future, she shall be required to reapply and meet all current requirements of licensure.

The Default Order was served upon Respondent in accordance with the Uniform Licensing Act (ULA), Section 61-1-1 to 61-1-33 NMSA 1978.

It is therefore noted that Respondent's license is hereby revoked.

It is also noted that Respondent has failed to pay the aforementioned fine.

1.13.12
Date



Dean Zantow, Chairman
New Mexico Real Estate Appraisers Board

CERTIFIED MAIL NO. 7010 1670 0000 0677 6608
RETURN RECEIPT REQUESTED

**STATE OF NEW MEXICO
BOARD OF REAL ESTATE APPRAISERS**

IN THE MATTER OF:

CASE NO.: 31, 08-12-19

REBECCA M. GARCIA

License Number: 02628-R

RESPONDENT.

NOTICE OF CONTEMPLATED ACTION

1. Respondent, Rebecca Garcia, is licensed under the Real Estate Appraisers Act, NMSA 1978, Section 61-30-1 *et seq.*, and, as such, is subject to the jurisdiction of the New Mexico Real Estate Appraisers Board (hereafter "Board").

2. The Board has sufficient evidence, which if not rebutted or explained, will justify the Board in suspending or revoking or taking other action against Respondent's license pursuant to NMSA 1978, Section 61-30-15, imposing costs and a fine pursuant to Section 61-1-3(L) and 61-1-4(G), NMSA 1978, and ordering a refund to the consumer pursuant to Section 61-1-3(N).

3. The general nature of the evidence is contained in the Complaint, dated December 8, 2008 that has been previously provided to the Respondent and the appraisal prepared by the Respondent dated October 16, 2008 with Respondent's date of signature and report being December 1, 2008. By way of summary only, the Respondent's appraisal completed on 3737 N. Fran DR, Silver City, NM 88061 includes inaccurate information throughout the report, the report is misleading and unreliable. Most notably, Respondent misrepresented that she did the report when she did not. Respondent misrepresented that she inspected the subject property when another

inspected it. Respondent misrepresented through her certification that no one assisted her in the performance of the appraisal.

4. The services performed by Respondent in connection with the subject appraisal violated Section 61-30-15 B (1) (2) and (3) NMSA; and in violation of the Competency Rule (1), (2) and (3), Ethics Rule on conduct, competency and Standards Rules, Standard 1-1 (a), (b) and (c); 2-1 (a) ; and 2-2 of the Uniform Standards of Professional Appraisal Practice.

5. **Unless the Respondent, within twenty (20) days after service of this Notice of Contemplated Action, deposits in the mail a certified return receipt requested letter, addressed to the Board at the address below and containing a request for hearing, the Board will take the contemplated action.**

6. The formal hearing, if requested, will be conducted pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, Sections 61-1-1 et seq.

Pursuant to Section 61-1-8, the Respondent/Licensee is specifically advised as follows:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notice issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

THE STATE OF NEW MEXICO
REAL ESTATE APPRAISERS BOARD



Chair
Real Estate Appraisers Board
P.O. Box 25101
Santa Fe, New Mexico 87504

Approved as to form:

S/David Tourek
David Tourek
Administrative Prosecutor
111 Lomas Blvd NW Ste. 300
Albuquerque NM 87109