

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

IN THE MATTER OF:

ROBERT MICHAEL RIVERA
License number: 03112-A

Case No. 22, 11-06-06 (B)
32, 11-09-09 (B)

Respondent.

SETTLEMENT AGREEMENT

WHEREAS, the State of New Mexico Real Estate Appraisers Board (“Board”) received a complaint on June 6, 2011 and on August 9, 2011, stating that the Respondent violated various sections of USPAP and New Mexico Real Estate Appraisers Statutes and Regulations; and

WHEREAS, on November 4, 2011, the Board found sufficient reason to unanimously vote to issue a Notice of Contemplated Actions (“NCA”), against licensee, Robert Michael Rivera; and

WHEREAS, the parties wish to resolve this matter in an amicable fashion without the need for the issuance of an NCA under the Uniform Licensing Act, and without the need for a formal hearing; and

WHEREAS, the Board believes that this Settlement Agreement to (“Agreement”) is appropriate and in the best interests of both the Board and Respondent,

THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. Jurisdiction. The Respondent is licensed under the Real Estate Appraisers Act, NMSA 1978, Section 61-30-1 *et seq.* and is subject to the jurisdiction of the New Mexico Real Estate Appraisers Board (“Board”). The Board has jurisdiction over the Respondent and the subject matter.

2. Violations. The Respondent acknowledges that this disciplinary action is for the following conduct:
 - A. Failure to comply with the provisions of USPAP Ethics Rule as to Conduct and Record Keeping and Regulation 16.62.1.12 (B) (08/21/2010).
3. Discipline. This Agreement constitutes disciplinary action by the Board against the Respondent.
 - A. The complaints and this Agreement shall be reported to the Appraisers Subcommittee (ASC) National Registry as discipline action against licensee.
4. The Board shall take no further action against Respondent with respect to the matters in the subject case, provided that Respondent complies with the following:
 - A. Respondent agrees to immediately surrender his apprentice license to the Board.
 - B. Should Respondent desire to be licensed in the future Respondent shall be required to reapply and meet all current requirements of licensure.
5. Waiver of rights.
 - A. Respondent waives all rights to have this matter heard within the time frame set by the Uniform Licensing Act, NMSA 1978, Section 61-1-1 *et. seq.* (“ULA”).
 - B. Respondent understands that he has a statutory right to a full evidentiary hearing on the charges made in the complaint against him including the right to confront and cross-examine witnesses, pursuant to

the ULA and that he would have the right to appeal any decision of the Board following such hearing; and he hereby waives these rights.

C. Respondent waives his right to assert a claim of bias or move to excuse any Board member based upon the Board member's consideration of this Agreement.

D. Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

6. Respondent has the right to be represented by an attorney.

7. Respondent's execution of this Agreement is made knowingly, intentionally, and voluntarily.

8. Upon execution of this Agreement, Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint, file Notices of Contemplated Actions, and take the actions described herein.

9. This Agreement is subject to Board approval. If the Board rejects this Agreement, the Board will set this matter for hearing on the underlying violations, and the terms of this Agreement shall not be used against Respondent in the hearing.

10. This Agreement is binding upon the Board and the Respondent.

11. Failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent as it deems appropriate under the circumstances.

12. This Agreement is a settlement of Board case number 22, 11-06-06 (B)

and 32, 11-09-09 (B). This Agreement pertains only to the specific allegations contained therein.

13. The complaint and this Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6(E). Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by the New Mexico Real Estate Appraisers Practice Act.



Robert Michael Rivera
Respondent
215 Alamo Dr.
Santa Fe, New Mexico 87501
(505) 577-5745

April 9, 2012
Date

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

IN THE MATTER OF:)

ROBERT MICHAEL RIVERA)

License number: 03112-A)

Respondent.)

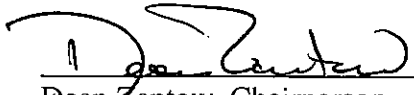
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ORDER

This matter having come before the Real Estate Appraisers Board on 6/18/12,
_____, and with a quorum being present and a majority voting for the action designated below,
this Settlement Agreement is:

Accepted

Rejected



Dean Zantow, Chairperson
New Mexico Real Estate Appraisers Board
P.O. Box 25101
Santa Fe, New Mexico 87505
(505) 476-4622

Date

6/18/12