

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

IN THE MATTER OF:

MARTHA GREENLEAF
Broker License No 46772 and
MARK GUGGINO
Broker License No. 18253,

NMREC CASE NO. 17-11-03-103

Respondents.

SETTLEMENT AGREEMENT

Whereas, Martha Greenleaf (hereafter, "Respondent") is licensed in New Mexico under the Real Estate Licensing Act, NMSA 1978, Sections 61-29-1 *et seq.* ("the Act"), and is subject to the jurisdiction of the Commission, and

Whereas, an NCA was issued pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017) ("ULA"), which stated that the Commission had sufficient evidence which, if not rebutted or satisfactorily explained, would justify the Commission taking disciplinary action against Respondent up to and including license revocation; and

Whereas, Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing conducted; and

Whereas, the Commission's administrative prosecutor believes that this proposed Settlement Agreement (the "Agreement") is appropriate and in the best interest of the Commission:

THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Jurisdiction:** Respondent is licensed by the Commission or otherwise subject to the Act and jurisdiction of the Commission.
2. **Voluntary Agreement:** Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that if she rejects this agreement the Commission will conduct a formal evidentiary hearing which could result in the Commission imposing discipline that is more severe or less severe than the sanctions imposed herein.

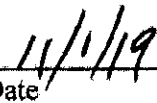
3. **Commission Approval:** This Agreement requires Commission approval. If the Commission rejects this Agreement, the Commission may proceed with a full evidentiary hearing on a date scheduled by the Commission in a subsequent notice. If the Commission rejects this Agreement, the terms of this Agreement or statements made by Respondent in support of this Agreement shall not be used against Respondent in a subsequent hearing. The approval shall be effective the date this Agreement is signed by the Commission or its designee.
4. **Waivers:** If this Agreement is accepted by the Commission, Respondent agrees to waive any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.
5. **Violations:** Respondent disputes the Commission's assertions and does not admit to any violation as alleged in the Notice of Contemplated Action issued to Respondent. As a means of amicably resolving this matter, Respondent agrees to the following disciplinary actions:
 - a. Respondent shall pay a fine of one thousand dollars (\$1,000) to the Commission's Executive Secretary within ninety (90) days of the Commission's Acceptance of this Settlement Agreement.
 - b. Respondent shall complete a 4 hour continuing education class for no credit.
6. **Non-Compliance:** Respondent understands and agrees that failure to comply with the terms of this Agreement will result in further Commission action. Any violation of this Agreement will result in the immediate, automatic filing of an administrative Notice of Non-Compliance by Commission staff. Upon the filing of a Notice of Non-Compliance, the matter shall be scheduled for the next public meeting of the Commission, at which time the Commission shall hear from Commission staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Commission meeting. Any presentation regarding the Notice of Non-Compliance shall be limited to evidence surrounding Respondent's alleged failure to comply with the Agreement. Upon finding such violation occurred, the Commission may suspend Respondent's license(s), provided that this suspension may only remain in effect until such time as the Respondent has complied with the terms of this agreement, or take other enforcement action as permitted by law. If Respondent's non-compliance constitute acts that are prohibited under the Commission's statute or rules, the Commission may also initiate a new disciplinary action and refer that matter for administrative prosecution.


7. Contact Information: Respondent shall notify the Commission within ten (10) calendar days if there is a change in employment or home address during the term of discipline or prior to completion of any conditions stated herein.
8. Public Record: This Agreement and the original complaint are public records and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018). The Commission may also publish this Agreement or a summary of the Agreement to the public, which may include posting to the Commission's website.
9. Full Compliance and Final Disposition: Upon Respondent's satisfactory completion of the terms of this agreement, the case will be deemed closed for administrative purposes without the filing of an order or official vote of the Commission.

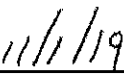
I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under the Uniform Licensing Act, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that if the Commission accepts this Agreement, I am required to comply with the terms stated herein, and that failure to comply with the Agreement may subject me to further discipline, including temporary suspension of my license(s).


Respondent


Date


Respondent's Attorney


Date

ORDER

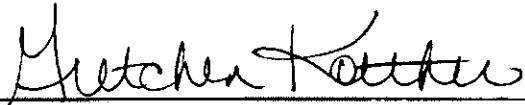
This document is not valid unless it is accepted by vote of the Commission. Having come before the Commission during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, this Agreement is:

ACCEPTED and the discipline set out in the Settlement Agreement is hereby imposed.

REJECTED

IT IS SO ORDERED.

11-18-19
Date


Chairperson, New Mexico Real Estate Commission