

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

**IN THE MATTER OF:**

**Glynn Anderson  
Broker License No: Unlicensed**

**NMREC Case No. 17-06-09-047**

**and**

**Scott Oury  
Broker License No: Unlicensed**

**Respondents.**

**SETTLEMENT AGREEMENT**

Whereas, Glynn Anderson (hereafter "Respondent Anderson"), d/b/a Red Cliff Vacation Rentals was unlicensed by the Commission at the time of the complaint; and

Whereas, Scott Oury (hereafter "Respondent Oury"), d/b/a Red Cliff Vacation Rentals was unlicensed by the Commission at the time of the complaint; and

Whereas, the Respondents are alleged to have been acting as property managers, a practice which requires licensure under the Real Estate Licensing Act, NMSA 1978 § 61-29-1 through § 61-29-29 ("The Act") and are therefore subject to the jurisdiction of the New Mexico Real Estate Commission ("Commission"); and

Whereas, the Commission received a formal complaint alleging that Respondents have violated the Act; and

Whereas, the Commission found sufficient evidence to refer the matter to its administrative prosecutor and request that a Notice of Contemplated Action ("NCA") be issued against Respondents; 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 Respondents up to and including license revocation; and~~

Whereas, Respondents are willing to resolve this matter in an amicable fashion and without the need for a formal hearing and time and expense of, a formal hearing being conducted as required pursuant to the Uniform Licensing Act (the "ULA"); and

Whereas, the undersigned Administrative Prosecutor believes that this Settlement Agreement ("Agreement") is appropriate and in the best interest of the Commission and the State, and therefore recommends that the Commission approve the Settlement Agreement,

**THEREFORE IT IS HEREBY AGREED AS FOLLOWS:**

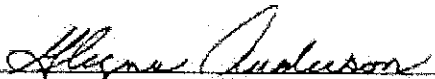
1. **Jurisdiction:** The Commission is responsible for licensure and enforcement under the Real Estate Licensing Act, NMSA 1978, §§ 61-29-1 through -29 (the "Act"). Respondents are licensed by the Commission and are subject to the Act and jurisdiction of the Commission.
2. **Voluntary Agreement:** Respondents enter into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondents understand that if they reject 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 Respondents in support of this Agreement shall not be used against Respondents 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, Respondents agree to waive any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2019), 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:** Respondents acknowledge that this disciplinary action is based on allegations that they violated:
  - a. NMSA §61-29-1
  - b. NMSA §61-29-2 A(3)(b)(e), (11)(d) and B
  - c. NMSA §61-29-17.2
  - d. NMAC 16.61.12.8

6. Sanctions and Conditions: Respondents are not admitting guilt but acknowledging that the alleged conduct in this matter may justify the Commission's finding of violations under the Act or the rules promulgated by the Commission under that Act if this matter went to hearing. Respondents further acknowledge that this Settlement Agreement constitutes disciplinary action pursuant to the Commission's authority.
  - a. Fine: Each Respondent shall pay to the Commission a fine of two thousand dollars five hundred (\$2500.00) within sixty (60) days from the date the Respondents receive the signed, executed agreement from the Commission. Payment of the fine shall be in the form of a cashier's check payable to the New Mexico Real Estate Commission and mailed to:

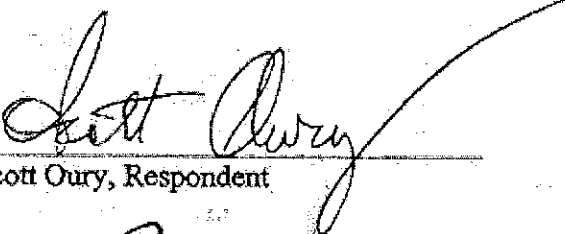
Germelyn Vivar, Administrative Secretary  
New Mexico Real Estate Commission  
5500 San Antonio Dr. NE, Suite B  
Albuquerque, New Mexico 87109
  - b. Respondents shall cease all activities as a property manager (as defined by statute/regulation) for any individual, until and unless they become properly licensed real estate brokers.
7. Reportable Discipline: Respondents understand that this Agreement constitutes formal disciplinary action by the Commission. As such, the Commission will report the action to the applicable professional licensing national database, if any.
8. Non-Compliance: Respondents understand and agree 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. Respondents 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 Respondents' alleged failure to comply with the Agreement. Upon finding such violation occurred, the Commission may suspend Respondents' licenses, provided that this suspension may only remain in effect until such time as the Respondents have complied with the terms of this agreement, or take other enforcement action as permitted by law. If Respondents' non-compliance constitutes 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.

9. Contact Information: Respondents 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.
10. 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.
11. Full Compliance and Final Disposition: Upon Respondents' 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. However, this matter may still constitute disciplinary action as provided herein for purposes of Respondents' record with the Commission.

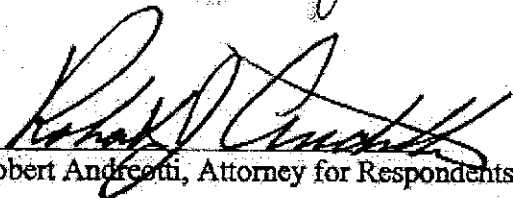
9/13/19  
DATE

  
Glynn Anderson, Respondent

9/13/19  
DATE

  
Scott Oury, Respondent

9-13-19  
DATE

  
Robert Andreotti, Attorney for Respondents

Prepared by:

/s/ Erin Lecocq

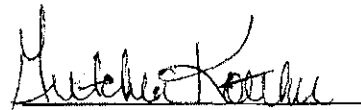
Erin Lecocq  
Assistant Attorney General  
Administrative Prosecutor  
(505)490-4060  
elecocq@nmag.gov

ORDER

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

ACCEPTED       REJECTED

IT IS SO ORDERED.

  
Gretchen Kother, Commission President  
New Mexico Real Estate Commission

12/18/19  
Date