

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

IN THE MATTER OF:

KRISTA ROTH
Broker License No. 49446
(Expired)

NMREC CASE NO. 18-07-03-069

Respondent.

DEFAULT ORDER

THIS MATTER, came before the Real Estate Commission (the “Commission”), during its regular meeting scheduled for Monday, July 20, 2020, 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. A Notice of Contemplated Action (“NCA”) was issued by the Commission on March 16, 2020.
2. The NCA was sent to Respondent via United States Postal Service certified mail return receipt (No. 7019 2280 0001 3954 5859) to the Respondent’s address on file with the Commission on March 16, 2020.
3. The certified return receipt mail tracking shows that Respondent received the envelope on March 23, 2020.
4. The NCA was issued to the Respondents in compliance with the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 *et seq.*
5. The NCA informed the Respondent of her right to a hearing and that the 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 the 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. 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 a false or fraudulent representation obtained a license or, in performing or attempting to perform any of the actions specified in Chapter 61, Article 29, Part 12(A) NMSA 1978, an applicant or licensees has:
 - (1) made substantial misrepresentations;
 - (2) pursued a continued and flagrant course of misrepresentation; made false promises through agents, salespersons, advertising or otherwise, or used any trade name or insignia of membership in any real estate organization of which the licensee is not a member;
 - (10) violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission;

(11) committed an act, whether of the same or different character from that specified in this subsection, that is related to dealings as a qualifying broker or an associate broker and that constitutes or demonstrates bad faith, incompetency, untrustworthiness, impropriety, fraud, dishonesty, negligence or any unlawful act;

10. The Commission's Decision and Order are final and not subject to judicial review.

NMSA 1978. Section 61-1-4(E).

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

IT IS SO ORDERED.

**REAL ESTATE COMMISSION
OF NEW MEXICO**

8-21-20
Date: _____

Gretchen Koether
President Gretchen Koether