

**STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
NEW MEXICO ATHLETIC COMMISSION**

IN THE MATTER OF:

Case No. AC-18-3-PRA

TONY MARTINEZ

License No. ACT10703

Respondent.

DEFAULT ORDER

THIS MATTER came before the New Mexico Athletic Commission ("Board"), after evidence presented by the Child Support Enforcement Division ("CSED") of the Human Services Department indicated that TONY MARTINEZ ("Respondent") was not in compliance with a judgment and order for support or subpoenas or warrants relating to paternity or child support; such evidence served as the basis for a Notice of Contemplated Action issued to Respondent by the Board.

FINDINGS

1. Respondent was issued a license (or registration) pursuant to the Professional Athletic Competition Act (Article 2A of Chapter 60, NMSA 1978).
2. The Board issued a Notice of Contemplated Action (NCA) to Respondent, *attached*, stating that the Board contemplated taking an action against Respondent that would result in the revocation of the Respondent's license.
3. The NCA advised the Respondent of the right to request a hearing by certified mail, return receipt requested, in a letter directed to the Board and mailed within 20 days after the service of the NCA.

4. The NCA was served via certified mail, return receipt requested, directed to the Respondent's last known address on file with the Board and the New Mexico Regulation and Licensing Department ("Department"); September 26, 2018.
5. The date borne by the return receipt reflects the delivery or the last attempted delivery or refusal by the addressee to accept delivery of the NCA on September 27, 2018 (*attached*).
6. Respondent's request for hearing was not received.

CONCLUSIONS OF LAW

1. Pursuant to the Uniform Licensing Act (NMSA 1978, Sections 61-1-1 through 61-1-34) and the Professional Athletic Competition Act (Article 2A of Chapter 60, NMSA 1978) has jurisdiction over Respondent and Respondent's license.
2. In accordance with Section 5 of the Uniform Licensing Act, Respondent is deemed to have been served with the Notice of Contemplated Action (NCA) on the date borne by the return receipt, showing delivery or last attempted delivery or refusal of the addressee to accept delivery of the notice on September 27, 2018.
3. Respondent failed to timely request a hearing in the manner required by the Uniform Licensing Act, therefore, the "the action contemplated in the notice ... shall be final and not subject to judicial review". See Section 4E of the Uniform Licensing Act.

Based on the above Findings of Fact and Conclusions of Law, the following default action is ordered:

FINAL ORDER

IT IS THEREFORE ORDERED THAT

Respondent's License is hereby revoked, License No. . ACT10703.

IT IS SO ORDERED.

**NEW MEXICO REGULATION
& LICENSING DEPARTMENT**

NEW MEXICO ATHLETIC COMMISSION

Date: 02/12/19


By: 
BOARD CHAIRPERSON

CERTIFICATE OF SERVICE

I hereby certify that this Default Order was mailed to the Respondent at his last known address on this the 12 day of February 2019.

Tony Martinez
6924 Acequia Drive, S.W.
Albuquerque, NM 87105

Compliance Liaison
New Mexico Boards and Commissions
P.O Box 25101
Santa Fe, New Mexico 87504
Phone: (505) 476-4622

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee																	
1. Article Addressed to: <div style="text-align: center;"> <p>Tony Martinez 6924 Acequia Drive, S.W. Albuquerque, NM 87105</p>  <p>9590 9402 3732 7335 6974 63</p> </div>	B. Received by (Printed Name) <i>MARTINEZ</i>	C. Date of Delivery <i>09/27</i>																
2. Article Number (Transfer from service label) 9171 9690 0935 0155 1617 76	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, enter delivery address below:																	
<div style="display: flex; justify-content: space-between;"> <div style="border: 2px solid black; padding: 5px; font-size: 2em; font-weight: bold; writing-mode: vertical-rl; transform: rotate(180deg);">RECEIVED</div> <div style="text-align: center;"> <p>OCT 02 2018</p> </div> </div>																		
3. Service Type <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail, Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>			<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail, Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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**STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
NEW MEXICO ATHLETIC COMMISSION**

IN THE MATTER OF:

CASE NO.: AC-18-3-PRA

TONY MARTINEZ,
LICENSE NOS. ACT10703

Respondent.

**NOTICE OF CONTEMPLATED ACTION
REGARDING PARENTAL RESPONSIBILITY**

YOU ARE HEREBY NOTIFIED that the New Mexico Athletic Commission (“Board”) has sufficient evidence which, if not rebutted or satisfactorily explained, will justify the Board taking action against your license to practice as a licensed professional trainer in the State of New Mexico. Pursuant to the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to -13, the Board can deny an application for a license, can deny the renewal of a license, or can suspend or revoke a license if an applicant or licensee is not in compliance with a Judgment and Order for Support, or subpoenas or warrants, relating to paternity or child support proceedings. NMSA 1978, Sections 40-5A-1 to -13; Rule 16.1.1 NMAC.

The general nature of the evidence against you is as follows:

Your name appeared on the most recent parental responsibility non-compliance certified list. On February 28, 2018, on March 30, 2018, on April 30, 2018, on May 31, 2018, on June 20, 2018, on July 17, 2018 and on August 10, 2018, you were sent a letter from the Board notifying you that you were non-compliant with your parental responsibilities, and may be issued a Notice of Contemplated Action (“NCA”).

The Board, pursuant to its authority granted in NMSA 1978, Section 40-5A-6, will take the contemplated action and suspend or revoke your license UNLESS, you request a hearing within 20 days of receiving this NCA or provide a “Statement of Compliance” from

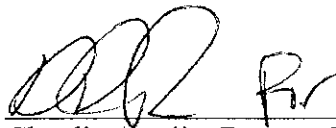
HSD. See 16.1.1.8(D)(1) NMAC. Your request for a hearing or Statement of Compliance must be sent by Certified mail, Return Receipt Requested, and must be addressed to the Regulation and Licensing Department, New Mexico Athletic Commission, P.O. Box 25101, Santa Fe, New Mexico 87504.

If you request a hearing, the only facts to be considered at the hearing are whether you have complied with the Judgment and Order for Support that was issued to you. The hearing will be conducted pursuant to the Uniform Licensing Act, NMSA 1978, Section 61-1-8.

If you disagree with HSD's determination of your non-compliance, or if you wish to come into compliance, you should immediately contact the HSD Child Support Enforcement Division at (800) 288-7207.

Failure to respond to this NCA will result in the suspension or revocation of your license.

Dated: 9/25/18

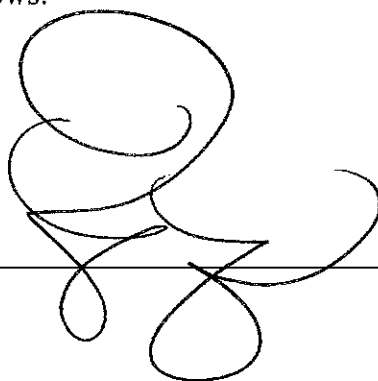


Claudia Armijo, Deputy General Counsel
Regulation and Licensing Department
P. O. Box 25101
Santa Fe, New Mexico 87504-5101
(505) 476-4655

CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of September 2018 a true and correct copy of the foregoing Notice of Contemplated Action Regarding Parental Responsibility has been duly sent via certified, return receipt mail to Respondent as follows:

Tony Martinez
6924 Acequia Drive, S.W.
Albuquerque, NM 87105



9171 9690 0935 0155 1617 76