

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

<b>IN THE MATTER OF:</b>	)	
	)	
<b>JESUS CANO</b>	)	<b>NMREC CASE NO. 15-03-02-028</b>
<b>BROKER LICENSE No.: 38902</b>	)	
	)	
<b>EXPIRED</b>	)	
	)	
<b>AND</b>	)	
	)	
<b>CAROLINA OLIVARES</b>	)	
<b>UNLICESED</b>	)	
	)	
<b>Respondents.</b>	)	

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**DEFAULT ORDER**

**THIS MATTER**, having come before the Real Estate Commission (the “Commission”), on Monday, May 15, 2017, the Commission finds the following:

1. A Notice of Contemplated Action (“NCA”) was issued by the Commission on March 23, 2017.
2. The NCA was sent certified mail return receipt (Nos. 7015 0920 0002 0652 9097 and 7015 0920 0002 0652 9080) to the Respondents addresses on file with the Commission on March 24, 2017.
3. The envelope containing the NCA sent to Respondent Cano certified return receipt mail 7015 0920 0002 0652 9097 was returned unopened to the Commission on April 12, 2017. On the envelope was a USPS label stating “return to sender attempted – not known unable to forward”. The certified return receipt 7015 0920 0002 0652 9080 for the envelope containing the NCA sent to Respondent Olivares was signed by Gabriela Hernandez on March 27, 2017 and the certified return receipt was returned to the Commission on March 28, 2017.

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 Respondents of their right to a hearing and that the Respondents 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 Respondents that failure to respond to the NCA will result in the Commission taking the contemplated action. NMSA 1978, Section 61-1-4(E).
7. Respondents 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 has the authority, pursuant to NMSA 1978, Section 61-29-12 to:
  - (A) Refuse to issue a license or may suspend, revoke, limit or condition a license if the applicant or licensee has by false or fraudulent representation obtained a license or, in performing or attempting to perform any of the actions specified in Chapter 61, Article 29 NMSA 1978, an applicant or licensee has:
    - (1) Made a substantial misrepresentation;
    - (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.
  - (B) Title 16, Chapter 61, Part 12, of the New Mexico Administrative Code delineates the procedures for disciplinary actions by the Commission in regard to persons acting in the capacity of a real estate broker in New Mexico. The regulation provides that “violation of any provision of the real estate license law or commission rules may be cause for disciplinary action against any person who engages in the business or acts in

the capacity of a real estate broker in New Mexico with or without a New Mexico real estate license, up to and including license suspension or revocation if the person is licensed in New Mexico. Regulation 16.61.12.8 NMAC.

16.61.19.8 NMAC Broker duties; disclosure. Before the time a broker generates or presents any written document that has the potential to become an express written agreement acknowledgement from their prospective customer or client, showing the delivery of the disclosure of the following broker duties:

(A) Honesty and reasonable care as set forth in the provision of this section.

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

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

**IT IS THEREFORE ORDERED THAT** Respondent Cano's broker license 38902 is hereby revoked;

**IT IS FURTHER ORDERED THAT** Respondent Cano may not reinstate his broker license until the NCA has been answered and resolved;

**IT IS FURTHER ORDERED THAT** Respondent Olivares may not apply for or receive a New Mexico real estate broker or associate broker 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**

Signed: \_\_\_\_\_

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**President Gretchen Koether**