

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

IN THE MATTER OF:)	
)	
DAWN OLANDER)	NMREC CASE NOS. 15-02-14-022
BROKER LICENSE No.: 17619)	15-02-15-023
)	
Respondent.)	

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 February 14, 2017.
2. The NCA was sent certified mail return receipt (No. 7016 2710 0000 3046 4562) to the licensee’s address on file with the Commission on February 14, 2017.
3. The envelope containing the NCA was returned unopened to the Commission on March 20, 2017. On the envelope is a USPS label stating “return to sender not deliverable as addressed unable to forward”.
4. The NCA was issued to the Respondent 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 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:

(5) failed, within a reasonable time, to account for or remit any money coming into the licensee's possession that belongs to others, commingled funds of others with the licensee's own or failed to keep funds of others in an escrow or trustee account or failed to furnish legible copies of all listing and sales contracts to all parties executing them; or

(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.

And

Part 24-Property Management 16.61.24.12 Reports and Documents to Owners:

(A) Owner Statements. The qualifying broker shall provide the owner with a report of receipts and disbursements monthly or as required by the management agreement, showing the following: (A) previous balance; (2) funds deposited by category; (3) funds disbursed by category; and (4) ending balance.

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's broker license 17619 is hereby revoked;

IT IS FURTHER ORDERED THAT Respondent may not reinstate her broker license until the NCA has been answered and resolved.

President Gretchen Koether is designated by the Commission to sign this Order on behalf

