

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

IN THE MATTER OF:

**FAIRWAY MEADOWS CONDOS
BROKER LICENSE NO.: NONE**

NMREC CASE NO.: 14-09-15-091

Respondent.

DEFAULT ORDER

THIS MATTER, having come before the Real Estate Commission (the "Commission") on Monday, January 23, 2017, the Commission finds the following:

1. A Notice of Contemplated Action was issued by the Commission on September 16, 2016.
2. The Notice of Contemplated Action was sent certified mailed return receipt (No. 7016 0910 0002 0883 2456) to the licensee's address listed in the Commission's record on September 16, 2016.
3. The envelope containing the Notice of Contemplated Action was returned to the Commission unopened on or about December 6, 2016. On the envelope was a USPS label marked "forward time exp rtn to send return to sender".
4. The Notice of Contemplated Action was issued to the Respondent in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 *et seq.*
5. The Notice of Contemplated Action informed Respondent of its 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 Notice of Contemplated Action. NMSA 1978, § 61-1-4(D).
6. The Notice of Contemplated Action informed Respondent that failure to respond to the Notice of Contemplated Action may result in the Commission taking the action contemplated. NMSA 1978, § 61-1-4(E).

7. The Respondent has not mailed a request for hearing within the time and in the manner required by NMSA 1978, §§ 61-1-4(D)(3) and (E) and is therefore in default.
8. The Real Estate Commission of New Mexico has authority, pursuant to NMSA 1978, § 61-29-12 to make and enforce rules to carry out the provisions the article. More specifically, the Commission is empowered to “suspend, revoke, limit or condition a license” if a licensee in performing any actions commits any violations of the statute or rule.
9. 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.
10. The Commission’s Decision and Order in this matter is final and not subject to judicial review. NMSA 1978, § 61-1-4 (E).

IT IS THEREFORE ORDERED THAT Respondent is hereby **PROHIBITED** from obtaining a broker’s license.

IT IS FURTHER ORDERED THAT Respondent may not obtain a broker license until the Notice of Contemplated Action has been answered and resolved. President Greg Foltz is designated to sign this Default Order on behalf of the Real Estate Commission.

IT IS SO ORDERED.

**REAL ESTATE COMMISSION
OF NEW MEXICO BOARD OF**

Signed this: 2/17/17



President Greg Foltz
Real Estate Commission of New Mexico
5500 San Antonio NE, Suite B
Albuquerque, NM 87109