

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

IN THE MATTER OF:

**ROBERT O. MOORE
BROKER LICENSE Nos.: 7245 AND 11853**

Respondent.

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NMREC CASE NO. 16-06-03-037

DEFAULT ORDER

THIS MATTER, having come before the Real Estate Commission (the "Commission"), on Monday, September 25, 2017, the Commission finds the following:

1. A Notice of Contemplated Action ("NCA") was issued by the Commission on August 11, 2017.
2. The NCA was sent certified mail return receipt (No. 7015 0920 0002 0652 8977) to the Respondent's address on file with the Commission on August 11, 2017.
3. The certified return receipt for the envelope containing the NCA was returned signed by Robert O. Moore to the Commission on August 14, 2017.
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 his 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. NMSA 1978, Section 61-29-17.2. Such action may include the imposition of fines, costs or any other penalty authorized by NMSA 1978, Sections 61-1-3 and 61-29-17.2 and may be subject to payment of all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-3.2.
9. NMSA 1978, Section 61-29-9(A) provides that a license shall be granted only to persons who meet the requirements for licensure prescribed by law and are deemed by the Commission to be of good repute and competent to transact the business of a qualifying broker or an associate broker in a manner that safeguards the interests of the public.
10. 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:
 - (6) been convicted in any court of competent jurisdiction of a felony or any offence involving moral turpitude,
 - (10) violated a provision of Chapter 61, Article 29 NMSA 1978 or a rule promulgated by the commission; and
 - (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.

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.

11. NMSA 1978, Section 28-2-4 provides that any board or agency having jurisdiction over employment by the state or any of its political subdivisions or the practice of any trade, business or profession may refuse to grant or renew or may suspend or revoke any public employment or license or other authority to engage in the public employment, trade, business or profession for any one or any combination of the following causes:

- (1) Where the applicant, employee or licensee has been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction directly relates to the particular employment, trade business or profession;
- (2) Where the applicant, employee or licensee has been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction does not directly relate to the particular employment, trade, business or profession, if the board or other agency determines after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust.

NMSA 1978, Section 28-2-6 provisions of the Criminal Offender Employment Act relating to any board or other agency which has jurisdiction over the practice of any trade, business or profession apply to authorities made subject to its coverage by law, or by any such authorities' rules or regulations if permitted by law.

12. 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 Robert O. Moore's broker

Licenses 7245 and 11853 are hereby revoked;

IT IS FURTHER ORDERED THAT Respondent Robert O. Moore may not reinstate his broker license until the NCA has been answered and resolved;

IT IS FURTHER ORDERED THAT Respondent Robert O. Moore 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: 9-25-17


President Gretchen Koether