

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

IN THE MATTER OF:

**GREGG DARLING
License No. Unlicensed**

NMREC CASE NO. 16-03-02-017

Respondent.

DEFAULT ORDER

THIS MATTER, came before the Real Estate Commission (the “Commission”), during its regularly scheduled meeting on Monday, May 21, 2018, for a decision in the above referenced case. With a quorum present and majority vote of the Commission in the affirmative, the Commission finds the following:

1. A Notice of Contemplated Action (“NCA”) was issued by the Commission on February 23, 2018.
2. The NCA was sent certified mail return receipt (No. 7017 3040 0000 8674 4070) to the Respondent’s address on file with the Commission on February 23, 2018.
3. The envelope containing the NCA was returned unopened to the Commission on March 29, 2018 with a USPS sticker adhered to the envelope stating “return to sender, unclaimed, unable to forward, return to sender”.
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. The Commission has the authority, pursuant to NMSA 1978, Section 61-29-17.2 to impose a civil penalty on any person who is found, through a court or administrative proceeding to have acted in violation of Chapter 31, Article 29 NMSA 1978 in an amount not to exceed one thousand dollars (\$1,000.00) for each violation or, if the commission can determine, the amount of the total commissions received by the person for the unlicensed activity. The commission may assess administrative costs for any investigation and administrative or other proceedings against any such person.
10. Violation of any provisions 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, and other penalties as provided by law, commission rules, or policies.

16.61.12.8 NMAC.

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

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

IT IS ORDERED THAT Respondent may not apply for and shall not receive a broker's license until this NCA has been answered and resolved.

President Kurstin Johnson 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**

Date:

May 21, 2018

Kyle S. Hoff for
President Kurstin Johnson