

**BEFORE THE NEW MEXICO SPEECH-LANGUAGE PATHOLOGY,  
AUDIOLOGY, AND HEARING AID DISPENSING PRACTICES BOARD**

**IN THE MATTER OF:**

**GEORGE BOURNE,  
Applicant/Respondent.**

**Case No.: HAD-App-12-4**

**DEFAULT ORDER**

**THIS MATTER** came before a quorum of the New Mexico Board of Speech Language Pathology, Audiology, and Hearing Aid Dispensing Practices (the “Board”), at a regular meeting held on April 17, 2015, for a decision in the above-referenced case. With a quorum present and a unanimous vote in the affirmative, the Board renders this Order.

**FINDINGS OF FACT**

1. On November 13, 2014, the Board issued a Notice of Contemplated Act (“NCA”) against Respondent George Bourne (“Respondent”), stating that the Board had sufficient evidence to justify denying Respondent’s application for a license to practice as a hearing aid dispenser based on alleged violations of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act (“Practices Act”), NMSA 1978, Sections 61-14B-1 through 61-14B-25 (1996, as amended through 2005) and the Board’s rules and regulations.

2. The NCA stated that, unless explained or rebutted at a formal hearing, Respondent’s alleged conduct justified the Board in denying Respondent’s application for a license to practice as a hearing aid dispenser. See NCA ¶ 1, Attachment 1.

3. On November 13, 2014, the Board mailed Respondent an NCA in case number HAD-APP-12-14 via certified mail, return receipt requested, to his address located at 1850 San Pedro NE, Suite 5, Albuquerque, New Mexico 87121.

4. The United States Postal Service (“USPS”) delivered the NCA to Respondent’s address on November 14, 2014. Respondent’s agent, Mohammad Ghadimi, accepted service of the NCA on Respondent’s behalf.

5. Respondent did not request a hearing within twenty (20) days of service of the NCA, as contemplated by Sections 61-1-4(D)(3) and 61-1-5 of the Uniform Licensing Act (“ULA”), NMSA 1978, Sections 61-1-1 through 61-1-31 (1957, as amended through 2003).

6. Respondent failed to otherwise respond to the NCA.

### **CONCLUSIONS OF LAW**

Based on the findings of fact, the Board reaches the following conclusions of law:

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Practices Act and the ULA.

2. Section 61-1-5 of the ULA provides that, where notice is served via certified mail, “it shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice . . . to the addressee or refusal of the addressee to accept delivery of the notice or decision.” NMSA 1978, § 61-1-5.

3. In accordance with Sections 61-1-4 and 61-1-5 of the ULA, Respondent received service of the decision on November 14, 2014.

4. The Board may take the action contemplated in the NCA if the Respondent does not deposit in the mail a certified, return receipt requested, letter addressed to the Board containing a request for a hearing within twenty (20) days after service of the NCA. See NMSA 1978, §§ 61-1-4(D)(3) and (E).

5. More than twenty (20) days have passed since Respondent was served with the NCA and Respondent has failed to request a hearing. Thus, the Board is authorized to take the action contemplated in the NCA pursuant to Section 61-1-4(E) of the ULA.

6. The Board has complied with all notice and other procedural requirements of the Act and the ULA.

7. This order is final and not subject to judicial review. See NMSA 1978, § 61-1-4(E).

**ORDER**

Based on the above findings of fact and conclusions of law, the Board renders this order.

**IT IS THEREFORE ORDERED** that Respondent's application for a license to practice as a hearing aid dispenser is **DENIED**. This Decision and Order shall be served upon Respondent in accordance with Section 61-1-5 of the ULA.

**IT IS SO ORDERED.**

FOR THE NEW MEXICO  
SPEECH LANGUAGE  
PATHOLOGY, AUDIOLOGY AND  
HEARING AID DISPENSING  
PRACTICES BOARD

5/6/15  
Date

Victoria S. Smidt  
Victoria Smidt  
Board Chair