



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

NEW MEXICO REAL ESTATE COMMISSION

5500 San Antonio Dr. NE Suite B • Albuquerque, New Mexico 87109

Office (505) 222-9820

May 2, 2018

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Pat McMurray
DEPUTY
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

Tony R. Gabel
P. O. Box 432
Logan, New Mexico 88426

Re: NMREC Case No. 17-08-09-071

Dear Mr. Gabel:

On April 17, 2018 you signed an acceptance of the Real Estate Commission's settlement offer in the above-referenced case.

The offer provides that you receive a letter of reprimand, pay a \$2,000 fine, and complete for no continuing education credit a course deemed appropriate by the Commission.

The Commission received your \$2,000 fine on April 18, 2018. You are ordered to complete for no continuing education credit the 8-hour Understanding and Using Realtors Association of New Mexico (RANM) Forms by no later than Monday, July 2, 2018. Please mail the certificate of course completion to Germelyn Vivar, Administrative Secretary, New Mexico Real Estate Commission, 5500 San Antonio Drive NE, Albuquerque, New Mexico 87109.

In keeping with the final term of the Commission's offer, you are hereby reprimanded for violating Sections 61-29-10.2 (A) (B) and 61-29-12 A (11) of the Real Estate License Law, and Parts 16.61.19.8 (A) (C) (D) (2) (G) (1) and 16.61.33.8; 16.61.33.9 of the Commission Rules.

These violations occurred when you failed to disclose on a RANM form that you were both the buyer's broker and the seller's broker for one of the two adjoining parcels in the subject transaction. Additionally, you allowed the title company to escrow the RANM Addendum to the Real Estate Contract as though it were a valid substitute for a real estate contract drawn up by an attorney. Verbiage on the addendum explicitly states that the addendum is not a real estate contract and cannot be substituted for one. These actions demonstrate negligence and failure to perform your duties as a broker with honesty and reasonable care.

This letter of reprimand will become part of your licensing file and is a matter of public record. It will be reported in the Disciplinary Actions section of the Commission website.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
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(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Finally, you are directed to correct the brokerage practices that led to the complaint and subsequent disciplinary action.

Sincerely,

Wayne W. Ciddio
Executive Secretary
New Mexico Real Estate Commission

Enclosure

cc: Brittany M. Sayer
Moses, Dunn, Farmer & Tuthill, P.C.
P. O. Box 27047
Albuquerque, New Mexico 87125

cc: Richard Randals
615 W. Rt. 66
Tucumcari, New Mexico 88401

Acceptance of Commission Offer and Waiver of Hearing

I hereby accept the terms of the offer specified in the Real Estate Commission's letter of **April 3, 2018** related to NMREC Case No. **17-08-09-071**. In so doing,

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I understand that I am admitting to the facts of the complaint that led to this offer, and I am waiving my rights to a hearing under the Uniform Licensing Act.

Tony R. Gabel

Signature

Date