

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

IN THE MATTER OF:

**LAMOUNT AUSTIN
BROKER LICENSE NO.: Unlicensed**

NMREC CASE NO.: 14-10-07-113

Respondent.

DEFAULT ORDER

THIS MATTER, having come before the Real Estate Commission (the "Commission") on Monday, March 20, 2017, the Commission finds the following:

1. A Notice of Contemplated Action was issued by the Commission on October 31, 2016.
2. The Notice of Contemplated Action was sent certified mailed return receipt (Nos. 7016 0910 0002 0884 4800 and 7016 0910 0002 0884 4794) to the licensee's address listed in the Commission's record on October 31, 2016.
3. The certified mail 7016 0910 0002 0884 4800 containing the Notice of Contemplated Action was returned to the Commission unopened on or about November 21, 2016. On the envelope was a USPS label marked "return to sender attempted not known unable to forward". Neither the certified mail 7016 0910 0002 0884 4794 or the return receipt was received by the Commission.
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 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 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, § 61-29-17.2 may:

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 in an amount not to exceed one thousand dollars (\$1000.00) for each violation or, if the commission can so determine, in the amount of the total commissions received by the person for the unlicensed activity. The commission may assess administrative costs or other proceedings against any such person. Any money collected by the commission under the provisions of this section shall be deposited into the real estate recovery fund.

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 person 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. NMAC 16.61.12.8.

10. NMAC 16.61.32.8 requires all real estate advertising be true and factual representations of the property and real estate services being advertised and shall not be presented in such a manner that will confuse or mislead the public. NMAC 16.61.32.8 (A). These requirements apply to all forms of advertising, including but not limited to print, audio and video recordings, computer presentations, online and electronic media. NMAC 16.61.32.8(G).
11. The Commission's Decision and Order in this matter is final and not subject to judicial review. NMSA 1978, § 61-1-4 (E).

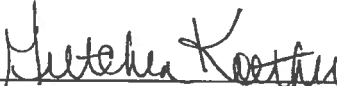
IT IS THEREFORE ORDERED THAT Respondent may not apply for or receive a New Mexico real estate broker or associate broker license until the Notice of Contemplated Action has been answered and resolved. President Gretchen Koether is designated to sign this Default Order on behalf of the Real Estate Commission.

IT IS SO ORDERED.

Signed this:

4-20-17

**REAL ESTATE COMMISSION
OF NEW MEXICO BOARD**



President Gretchen Koether
Real Estate Commission of New Mexico
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Albuquerque, NM 87109