

**BEFORE THE NEW MEXICO REAL ESTATE APPRAISERS BOARD**

**In the Matter of:**

**LaRae Henderson  
Lic. O2456-R**

**Desert Appraiser, LLC  
dba Accent on Appraisal**

**Respondent.**

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**No. REA 16-09-COM**

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**DECISION**

**THIS MATTER** came before the New Mexico Real Estate Appraisers Board (the “Board”) on June 9, 2017, for a decision pursuant to provisions of the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through 61-1-33 (“ULA”) and the Real Estate Appraisers Act, Chapter 61, Article 30.

**FINDINGS OF FACT**

1. The Board received a complaint against Respondent on April 5, 2016.
2. At the Board’s August 5, 2016 meeting, the Board referred the Complaint to the Attorney General’s office for issuance of a Notice of Contemplated Action (NCA) with a proposed early resolution of the complaint on conditions that the Respondent (1) pay a \$1000 fine within 90 days; and (2) successfully complete an in-person 15-hour USPAP course within six months and document successful completion through a passing examination score sent to the New Mexico Regulation and Licensing Department, Real Estate Appraisers Board. The USPAP class may not be used as continuing education credit.
3. In accordance with NMSA 1978, § 61-1-4(D), the Board sent its Notice of

Contemplated Action (“NCA”) in Case number 16-09-COM to Respondent at her last known address of record on March 23, 2017 via United States Postal Service Certified Mail, Return Receipt Requested, Article No.9171 9690 0935 0076 8949 44. Exhibit 1.

4. The NCA notified Respondent that the Board had before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, justified its imposition of disciplinary action on Respondent, to include education and a fine.

5. The NCA notified Respondent that the Board would take action against Respondent’s license unless “within twenty (20) days after receipt of this Notice of Contemplated Action, the Respondent requests of the Board a formal hearing by certified mail, return receipt requested.”

6. Respondent did not request a hearing.

7. Respondent instead wrote the Board, formally waiving her right to a hearing as provided in the NCA and requesting that the Board “proceed with the contemplated action.” Respondent stated, “I am aware of and agree with the evidence that I violated USPAP as stated in the Notice.” Exhibit 2.

8. A quorum of the Board at its June 9, 2017 meeting voted to impose discipline against Respondent on terms as proposed for early settlement and agreed to by Respondent, including a requirement for payment of a \$1000 fine within 90 days and successful completion within six months of an in-person USPAP course that cannot be used for continuing education credit.

#### **CONCLUSIONS OF LAW**

1. The purpose of the New Mexico Real Estate Appraisers Act is to provide a comprehensive body of law for the effective regulation and active supervision of the business of developing and communicating real estate appraisals in response to the federal Financial Institutions Examination Council Act of 1978, 12 U.S.C. 3301, et seq., as amended by Title

XI, Real Estate Appraisal Reform Amendments, 12 U.S.C. 3331 through 3351. NMSA 1978, § 61-30-2 (A).

2. The New Mexico legislature intends that persons who develop and communicate real estate appraisals be regulated by the state for the protection of those persons relying upon real estate appraisals. NMSA 1978, § 61-30-2 (B).

3. The New Mexico Real Estate Appraisers Board is authorized in law to regulate the practices of New Mexico Real Estate appraisers and appraisal management companies. NMSA 1978, §61-30-7.

4. The New Mexico Real Estate Appraisers Board has complied with all notice and hearing provisions of the ULA and has afforded Respondent all applicable due process rights.

5. NMSA 1978, § 61-1-4 (E) authorizes the Board to take the action contemplated in the NCA if a person does not mail a request for a hearing within the time and in the manner prescribed by law. It further provides that such action taken by the Board shall be final and not subject to judicial review.

### **ORDER**

IT IS THEREFORE ORDERED that Respondent pay a penalty of \$1000 within 90 days of receipt of this Order, in the form of a check or money order payable to the New Mexico Real Estate Appraisers Board, c/o Regulation and Licensing, 2550 Cerrillos Rd., Second Floor, Santa Fe, New Mexico 87505.

IT IS FURTHER ORDERED that Respondent successfully complete an in-person 15-hour USPAP course within six months of receiving this Order and document successful completion through a passing examination score sent to the Regulation and Licensing Department, Real Estate Appraisers Board at the above address. The course taken pursuant to this Order cannot be used for continuing education credit.

