

**STATE OF NEW MEXICO  
PRIVATE INVESTIGATIONS ADVISORY BOARD**

**IN THE MATTER OF:**

**LL&D INC dba  
RESPOND NEW MEXICO,  
LICENSE NO. 1480**

**Case No. PI-15-58-COM**

**Respondent.**

**STIPULATED SETTLEMENT AGREEMENT**

Whereas, the New Mexico Private Investigations Advisory Board (“Board”) has issued a Notice of Contemplated Action in this matter to Respondent; and

Whereas, the parties wish to resolve this matter in an amicable fashion without the need for a formal hearing;

Now, therefore, the parties stipulate and agree as follows:

1. The Board has jurisdiction over this matter pursuant to NMSA 1978, Section 61-27B-1 et seq.
2. Respondent enters into this Settlement Agreement voluntarily and knowingly waives its right to a hearing pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -31.
3. This Settlement Agreement is subject to the approval of the Board. If the Board rejects this Settlement Agreement, this matter will be heard at a later time, date and place to be set by the Board, and any statements made by either party in support of this Settlement Agreement may not be used at a hearing before the Board.

4. In order for the Board to have adequate time to consider this Settlement Agreement, Respondent waives the right to have this matter heard and decided within the time frame set by the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -31.
5. As resolution of this matter, Respondent does not contest the Board's assertion of its violations of the Board's rules and regulations and/or statutory provisions as alleged in the Notice of Contemplated Action, in that Respondent employed six drivers who were not licensed as security guards in accordance with the Private Investigations Act at the time of inspection, but now are appropriately licensed, and thus, agrees to the following disciplinary action, pursuant to the Uniform Licensing Act, NMSA 1978, Section 61-1-3, 61-27B-23G and 61-27B-27:
  - a. Respondent shall pay a civil fine for six violations of the Private Investigations Act, NMSA 1978, Section 61-27B-23G, in the amount of five hundred dollars (\$500) per violation for a total of three thousand dollars (\$3,000).
  - b. Respondent shall pay said fine to the Board within thirty (30) days of the Board's approval of this Settlement Agreement.
  - c. Respondent agrees that a failure by Respondent to timely make payment in accordance with this Settlement Agreement shall result in this matter being set for hearing under the Notice of Contemplated Action issued on August 19, 2016, without the filing of a new or secondary Notice of Contemplated Action.
    - i. Respondent further agrees to waive its right to a timely hearing on the original Notice of Contemplated Action in the event Respondent violates the terms of this Settlement Agreement.

6. Respondent understands and agrees that if, after approval of this Settlement Agreement, the Board receives credible information that Respondent has violated this Settlement Agreement, the Board may seek further disciplinary action, pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -31.
7. Respondent further understands that this Settlement Agreement is a matter of public record and may be reported to a licensing database.
8. This Settlement Agreement constitutes a full and complete resolution of all claims and defenses that either party did raise or could have raised in this matter.

IT IS SO STIPULATED AND AGREED:

Date 10-5-16

Respondent Ronda S Moore

Date \_\_\_\_\_

Board Chair \_\_\_\_\_

**BEFORE THE NEW MEXICO PRIVATE INVESTIGATIONS ADVISORY BOARD**

IN THE MATTER OF  
LL & D, dba RESPOND NM,

Case No. PI-15-58-COM

Respondent.

**NOTICE OF CONTEMPLATED ACTION**

**YOU ARE HEREBY NOTIFIED** that pursuant to the provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act (“ULA”) the New Mexico Private Investigations Advisory Board (“NMPIAB”) has sufficient evidence of unlicensed activity which, if not rebutted or satisfactorily explained at a formal hearing, will justify the NMPIAB’s denying, suspending or revoking a license or registration held or applied for under the Private Investigations Act (“the Act”) and imposing a civil penalty not to exceed one thousand dollars (\$1,000) for each violation. NMSA 1978, Sections 31-27B-23G, 31-27B-26, and 31-27B-27B(1) & (2).

**APPLICABLE LAW**

The Department has the authority to enforce and administer the Private Investigations Act (“the Act”), and to adopt rules regarding registering security guards. NMSA 1978, § 61-27B-5D(1). The Private Investigations Advisory Board (“the Board”) is authorized, to “assist the department...as requested by the superintendent of the department or as provided by the rules of the department.” NMSA 1978, § 61-27B-6.

The department may deny a license or registration held or applied for under the Act upon the grounds that not every employee of the private patrol company was licensed or registered by the department. See NMSA 1978, Section 61-27B-23G.

### **NATURE OF THE EVIDENCE AGAINST THE RESPONDENT**

On August 24, 2015, Regulation and Licensing Department (“RLD”) employees conducted a random inspection of records of LL & D, Inc. to determine whether the company was employing unlicensed individuals to perform security duties that required a license. A review of company records revealed that 9 out of 61 employees were not licensed as security guards through RLD.

### **RIGHTS OF RESPONDENT**

You have a right to request a formal hearing in this matter. In order to exercise that right, **you must respond to this Notice of Contemplated Action with a request for a hearing within twenty (20) days of the service of this Notice.** NMSA 1978, Section 61-27B-27(A). The Uniform Licensing Act (“the ULA”), NMSA 1978, Sections 61-1-1 through 61-1-34, governs the procedures for conducting this hearing to the extent that those procedures do not conflict with the Act. *See* NMSA 1978, § 61-27B-27(A). As such, **the hearing request must be made in writing, sent to the Board by certified receipt requested letter to the address provided below.** *See* NMSA 1978, § 61-1-4(B). Failure to respond in this prescribed manner (requesting a hearing) will result in the Board taking the contemplated action; and, such action shall be final, without any opportunity to appeal for judicial review. Please send any request for a formal hearing to:

Marcus Erickson  
Compliance Officer  
Private Investigations Advisory Board  
P.O. Box 25101  
Santa Fe, NM 87504  
(505) 476-4667

If that hearing is requested, it will be conducted in accordance with ULA, to the extent that those procedures do not conflict with the Act. *See* Section 61-27B-27. With respect to any formal hearing, as the respondent you have the following rights under NMSA 1978, Section 61-1-8:

- A. A person entitled to be heard under the Uniform Licensing Act shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.
- B. Upon written request to another party, any party is entitled to: (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing. The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.
- C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Dated on this 22<sup>nd</sup> day of August, 2016.

**STATE OF NEW MEXICO PRIVATE INVESTIGATION ADVISORY BOARD**

By: 

Superintendent

New Mexico Regulation and Licensing Department

Prepared by:

/s/ Regina Ryanczak

Assistant Attorney General

Administrative Prosecutor

P.O. Box 1508

Santa Fe, NM 87504

Telephone: (505) 827-6920

Facsimile: (505) 827-6036

rryanczak@nmag.gov



**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE BY CERTIFIED MAIL**

**Return Receipt Request No:** 9171 9690 0935 0079 1638 18

I, **Marcus Erickson**, do hereby certify that I mailed a true and correct copy of the above provided Notice of Contemplated Action in **Case No. PI-15-58-COM** before the New Mexico Board of Private Investigations Advisory Board to the Respondent at his last known address of record, this 24th day of August, 2016.

*Marcus Erickson*

Print the Name of Individual Certifying Service

*Compliance officer / RLD*

Title/Organization

*Marcus Erickson*

Signature