

**STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
BOARD AND COMMISSIONS DIVISIONS**

IN THE MATTER OF:

CASE NUMBERS:

YOLANDA MARTINEZ,
JOSE AVITIA,
RACHEL DESANTAIGO, and
SAMANTHA ROSARIO,

PI-18-14-COM
PI-18-9-COM
PI-18-11-COM
PI-18-13-COM

Respondents.

**FINAL DEFAULT ORDER REVOKING
SECURITY GUARD REGISTRATION**

This matter having come before the Superintendent of the Regulation and Licensing Department (Department) on the notice of contemplated action (NCA) issued on or about October 16, 2019, and pursuant to Section 61-1-4(D)(3) of the Uniform Licensing Act:

FINDINGS OF FACT

1. The NCA issued against Respondent Jose Avitia (Respondent), stated sufficient evidence to take disciplinary action against Respondent which may include suspending or revoking of Respondent's registration and/or imposing fees, penalties and/or fines based on alleged violations of the Private Investigations Act, NMSA 1978, Sections 61-27B-1 *et seq.* and/or rules and regulations adopted pursuant thereto.

2. Respondent was advised in the NCA that failure to respond within the time and manner prescribed by law, contemplated action described therein could be taken and this action would be final.

3. The NCA in case number PI-18-09-COM, was delivered to Respondent via certified U. S. mail (No. 7019 1640 0000 7892 1937), return receipt requested, to Respondent at P.O. Box

1433, Belen, NM 88002, which was each Respondent's last known address of record on file with the Department.

4. Respondent failed to respond to the NCA and did not request a hearing on the matter within the timeframe prescribed by law.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Department reached the following conclusions:

1. The Department has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Private Investigations Act, NMSA 1978, Sections 61-27B-1 *et seq.*

2. Respondent was properly served with the NCA.

3. The Department considers the matter and disposes of it on the basis of the evidence before it if Respondent fails to respond, as contemplated by NMSA 1978, Sections 61-27B-1 *et seq.*

4. Respondent did not request a hearing and failed to respond in the time and manner prescribed by law.

5. The Department has complied with all notice and other procedural requirements of the Uniform Licensing Act, Sections 61-1-1 *et seq.*

6. The Department may suspend or revoke a license by default action if an individual chooses not to contest a NCA and appear for a disciplinary proceeding.

7. The Department, having reviewed the allegations and evidence on record, finds that there is sufficient evidence to justify taking action against Respondent as contemplated in the NCA.

FINAL ORDER

Based on these findings and conclusions **IT IS THEREFORE ORDERED** that:

1. Respondent's registration is hereby permanently revoked.

IT IS SO ORDERED.

Date: 12/28/2020

Linda M Trujillo

Digitally signed by Linda M Trujillo
DN: cn=Linda M Trujillo, o=NM Regulation
and Licensing Department, ou,
email=linda.trujillo3@state.nm.us, c=US
Date: 2020.12.28 12:55:24 -0700

Deputy Superintendent

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2021, I sent via
Certified U. S. Mail, a true and correct copy of the foregoing, Final Order to the following party
at the addresses listed below:

Jose Avitia
P. O. Box 1433
Belen, NM 87002

/S/ Ben Arimoto
Compliance Liaison

7018 1130 0001 5733 8563
Certified U. S. Mail Number