

**STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
PRIVATE INVESTIGATIONS ADVISORY BOARD**

IN THE MATTER OF:

Case No. PI-18-2-APP

Manuel O. Iturralde-Carrizales

License No. 36572

Respondent.

DEFAULT ORDER

THIS MATTER came before the Private Investigations Advisory Board ("Board"), under the directive of the Superintendent of the New Mexico Regulation and Licensing Department ("Department"), after evidence presented to the Board raised concerns regarding the qualification (for licensure/to be examined for licensure) of Manuel O. Iturralde-Carrizales ("Respondent"); such evidence served as the basis for a Notice of Contemplated Action issued to Respondent by the Board.

FINDINGS

1. Respondent applied to renew a security guard III registration pursuant to the Private Investigations Act (Article 27B of Chapter 61, NMSA 1978).
2. The Board issued a Notice of Contemplated Action (NCA) to Respondent, *attached*, stating that the Board contemplated taking an action against Respondent that would result in the denial of the Respondent's application.
3. The NCA advised the Respondent of the right to request a hearing by certified mail, return receipt requested, in a letter directed to the Board and mailed within 20 days after the service of the NCA.

4. The NCA was served via certified mail, return receipt requested, directed to the Respondent's last known address on file with the Department of Regulation and Licensing: 417 Crestview Drive, Albuquerque, NM 87105.
5. The date borne by the return receipt reflects the delivery or the last attempted delivery or refusal by the addressee to accept delivery of the NCA on 4/20/2018(*attached*).
6. Respondent's request for hearing was not received.

CONCLUSIONS OF LAW

1. Pursuant to the Uniform Licensing Act (NMSA 1978, Sections 61-1-1 through 61-1-34) and the Private Investigations Act (Chapter 61, Article 27B NMSA 1978), the Department has jurisdiction over Respondent and Respondent's application.
2. In accordance with Section 5 of the Uniform Licensing Act, Respondent is deemed to have been served with the Notice of Contemplated Action (NCA) on the date borne by the return receipt, showing delivery or last attempted delivery or refusal of the addressee to accept delivery of the notice on 4/20/2018.
3. Respondent failed to timely request a hearing in the manner required by the Uniform Licensing Act, therefore, the Department "may take the action contemplated in the notice and such action shall be final and not subject to judicial review". *See* Section 4E of the Uniform Licensing Act.

Based on the above Findings of Fact and Conclusions of Law, the Department takes the following default action:

FINAL ORDER

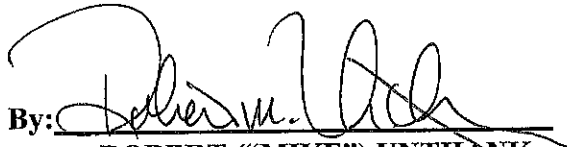
IT IS THEREFORE ORDERED ...

That, by default, Respondent's application for licensure is hereby revoked.

IT IS SO ORDERED.

**NEW MEXICO REGULATION
& LICENSING DEPARTMENT**

Date: 12/21/2018

By: 
**ROBERT ("MIKE") UNTHANK,
SUPERINTENDENT
REGULATION & LICENSING
DEPARTMENT**

**BEFORE THE NEW MEXICO PRIVATE INVESTIGATIONS ADVISORY BOARD
OF THE REGULATION & LICENSING DEPARTMENT**

IN THE MATTER OF
LOCATION 2 LOCATION,
Respondent.

Case No. PI-18-1-COM
Case No. PI-18-2-COM

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-23(G), 31-27B-26, and 31-27B-27(B)(1) and (2).

APPLICABLE LAW

1. The Department has authority to enforce and administer the Private Investigations Act (“the Act”) and to adopt rules regarding security guards. NMSA 1978, § 61-27B-5(D)(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(B). The department may deny a license or registration held or applied for under the Act upon the ground that not every employee of the private patrol company was licensed or registered by the department. *See* NMSA 1978, § 61-27B-26.
2. This Notice is based upon the following alleged statutory or regulatory violation(s):
 - a. NMSA § 16.48.1.10
 - b. NMSA § 61-27B-23 (E), (F) and (G)
 - c. NMSA § 16-27B-15
 - d. NMSA § 16.48.1.8 (A) (1), (2), (4), (7), (9) and (10)

NATURE OF THE EVIDENCE AGAINST THE RESPONDENT

The New Mexico Private Investigators Advisory Board has received information that the Respondent employed several unlicensed individuals to perform security duties that required a license. The Respondent knowingly placed such unlicensed individuals in security guard posts without proper licensure. As a result of these acts, Respondent presented fraudulent services to the public. The Respondent also paid several of its employees at a rate lower than the Santa Fe minimum wage in violation of the Living Wage Ordinance and failed to maintain appropriate payroll standards.

RIGHTS AND OBLIGATIONS 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:

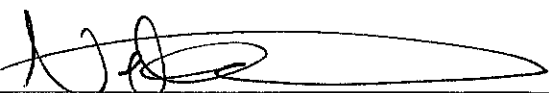
Vanessa Montoya
Compliance Liaison
Private Investigations Advisory Board
New Mexico Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87504
(505) 476-4622

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 (10) days after the mailing or delivery of the request. No request shall be made less than fifteen (15) 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 5th day of December, 2019.

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

By: 
Nicolas Karns
Board Administrator

Prepared by:

/s/ Amye Green

Amye Green
Assistant Attorney General
Administrative Prosecutor
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504
Telephone: (505) 490-4058
AGreen@nmag.gov

CERTIFICATE OF SERVICE
CERTIFICATE OF SERVICE BY CERTIFIED MAIL

I, Vanessa Montoya, do hereby certify that I mailed a true and correct copy of the above provided Notice of Contemplated Action in this matter before the New Mexico Board of Private Investigations Advisory Board to the Respondent at their last known address of record, this 07th day of December, 2019.

Joel Perez
Location 2 Location
2754 Corte De La Villa
Rio Rancho, NM 87124

Return Receipt Request No. 9171969009350079158265

Darrell Salyers
Location 2 Location
8201 Golf Course Road NW, #D3-112
Albuquerque, NM 87120

Return Receipt Request No. 9171969009350079158272

Vanessa Montoya
Vanessa Montoya