

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

IN THE MATTER OF:

MAXIMO LOERA,
Respondent.

)
)
)
)

CASE NO. PI-18-29-APP

**SUPERINTENDENT'S ORDER DENYING
SECURITY GUARD REGISTRATION**

THIS MATTER received a hearing on the merits on October 17, 2018, before Hearing Officer Jeff Burke, who recommended to the Superintendent that the Respondent's registration as a Security Guard Registration Level 1 be denied. The Superintendent, having familiarized himself with the record of the proceedings, including the Hearing Officer's Report (attached), hereby issues the following:

ADMITTED EXHIBITS – CORRECTION TO THE RECORD

Exhibit 1, consisting of 48 pages, and was improperly labeled in the Hearing Officer's Report as "Respondent's application for Level One Guard Card." The label for Exhibit 1 is hereby corrected to read, "Respondent's Security Guard Application, Criminal Background Check and Other Documentation Regarding Respondent's Application."

FINDINGS OF FACT

The attached Hearing Officer's Report with Findings of Fact (Numbers 1 through 13) are hereby adopted and incorporated by reference in this Order.

CONCLUSIONS OF LAW

Pursuant to the Private Investigations Act, §61-27B-16 NMSA 1978, Security Guard Level One Registration requirements states, in part:

- B. The department shall issue a registration for a level one security guard to an individual who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant: ...
 - (2) is of good moral character; ...

Respondent's criminal background reflects a history of serious arrests with at least seven convictions, two involving Driving While Intoxicated (DWI) offenses, and a failure to attend DWI classes, required terms of a guilty plea. In addition, because Respondent did not attend the hearing he requested on this matter, he has failed to address the concerns identified in the Notice of Contemplated Action (Exhibit 2). Accordingly, Respondent's behavior is deemed to indicate he lacks good moral character.

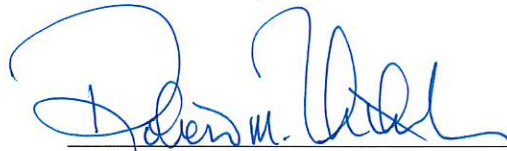
FINAL ORDER

IT IS THEREFORE ORDERED

That Respondent Maximo Loera's Level One Security Guard Registration be DENIED.

IT IS SO ORDERED.

Date: 12/26/2018



ROBERT "Mike" UNTHANK, Superintendent
N.M. Regulation & Licensing Department

NOTICE OF RIGHTS

Following a hearing, a person aggrieved by the adverse final order of the Superintendent may appeal to the District Court pursuant to the provisions of Sections 12-8-16 and 39-3-1.1 NMSA 1978.

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of December, 2018, I mailed a true and correct copy of the foregoing, *Superintendent's Order Denying Security Guard Registration* to the following party at the address listed below.

Maximo Loera

Vanesa Moubge
Hearing Clerk

97196009350155178668
Certified Mail Number

Maximo Loera
229 Parsifal NE
Albuquerque, NM 87123

9171 9690 0935 0155 1786 68

JUL 30 2018
RED-UM

July 25, 2018

Private Investigations Advisory Board

P.O. Box 25101

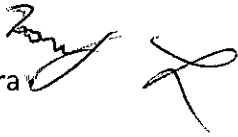
Sant Fe, New Mexico, 87504

To whom it may concern,

I received a Notice of Contemplated Action from the New Mexico Regulation and Licensing Department regarding Case Number PI-18-29-APP. I am writing this letter to formally request a hearing in this matter. I look forward to your prompt response.

Thank you,

Maximo Loera

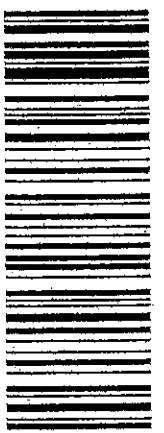


229 Parsifal NE

Albuquerque, NM 87123

Maximo Lopez
229 Paristfold Dr
Abbeville LA 7123

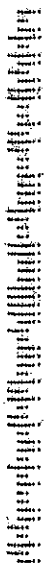
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL

NM Private Investigations
Quincy Board
PO Box 25101
Santa Fe, NM
87504

87504-5101

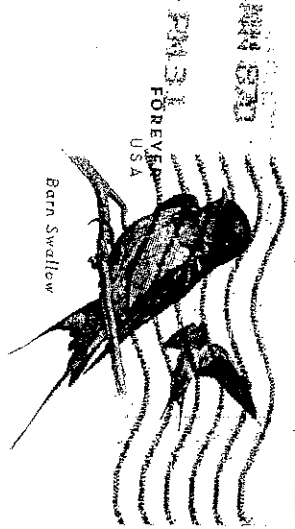


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UNITED STATES POSTAL SERVICE
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Barn Swallow

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

IN THE MATTER OF:)	CASE NO. PI-18-29-APP
MAXIMO LOERA)	
)	
APPLICANT.)	
)	

NOTICE OF CONTEMPLATED ACTION

1. **Maximo Loera** is an applicant for Security Guard Registration as a Level 1 as provided in the Private Investigations Act (Act), NMSA 1978, § 61-27B-1 et seq., and is therefore subject to the jurisdiction of the Regulation and Licensing Department (“Department”) and of the Uniform Licensing Act (ULA), NMSA 1978, § 61-1-3.

2. **Applicant Loera** is hereby notified that the Board has before it sufficient evidence, that Applicant has failed to satisfy the requirements for registration which, unless rebutted or satisfactorily explained at a formal hearing, will justify the Department in denying the application or taking other disciplinary action as permitted under the Act and Section 61-1-4 of the ULA.

3. **Applicant Loera** has failed to satisfy the Board that he is of good moral character. A background investigation revealed that:

On February 15, 2007, Applicant Loera was arrested for DWI (Misdemeanor). On February 13, 2008, Applicant Loera was arrested for DWI and Resisting/Evading or Obstructing an Officer (refusal to stop). He pled guilty to DWI and Reckless Driving. He was ordered to attend DWI school but failed to attend. On November 27, 2008, Applicant Loera was arrested for Kidnapping (first degree), Aggravated Battery with a Deadly Weapon and Bribery of a Witness. On September 14, 2010, Applicant Loera was arrested for Trafficking a Controlled Substance. A Nolle Prosequi was filed.

4. **Applicant Loera** bears the burden of satisfying the Department of Applicant’s qualifications.

5. **Unless Applicant Loera within 20 days after service of this Notice of Contemplated Action mails a letter Certified, Return Receipt Requested, addressed to the Private Investigations Advisory Board, at P.O. Box 25101, Santa Fe, New Mexico 87504 and containing a request for a hearing, the Department shall take the contemplated action by default.**

6. The ULA in section 61-1-8 affords an applicant entitled to a hearing the following rights:

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 therefore to the board or the hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or hearing officer.

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 such 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.

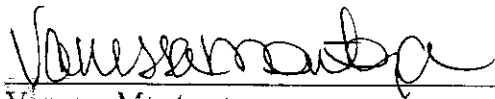
**REGULATION & LICENSING
DEPARTMENT**

Date: 7/13/2018

By: 
TONY GARLEY, CHAIR
PRIVATE INVESTIGATIONS
ADVISORY BOARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Contemplated Action was mailed to **Maximo Loera** at **229 Parsital, N.E., Albuquerque, NM 87123** on this 13th day of July 2018, and emailed to Rebëcca Branch at rbranch@nmag.gov.


Vanessa Montoya

Certified Mail Return Receipt Tracking Number: 9171 9690 0935 0079 1647 23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X: <i>Maximo Loera</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center; font-size: 1.2em;">Maximo Loera 229 Parsital, NE Albuquerque, NM 87123</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If Yes, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em;">9171 9690 0935 0079 1647 23</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

