

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

IN THE MATTER OF:

Case No. PI-18-37-APP

Yolanda Emily Martinez

(Applicant for License or Registration)

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 Yolanda Emily Martinez (“Respondent”); such evidence served as the basis for a Notice of Contemplated Action issued to Respondent by the Board.

FINDINGS

1. Respondent applied to obtain a security guard I 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: 2029 Valley Road SW, 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 11/9/2018 (*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 November 9, 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

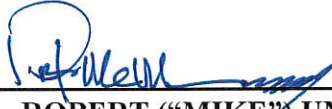
IT IS THEREFORE ORDERED ...

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

IT IS SO ORDERED.

**NEW MEXICO REGULATION
& LICENSING DEPARTMENT**

Date: 12-18-2019

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

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

IN THE MATTER OF:)	CASE NO. PI-18-37-APP
YOLANDA EMILY MARTINEZ)	
)	
APPLICANT.)	
)	

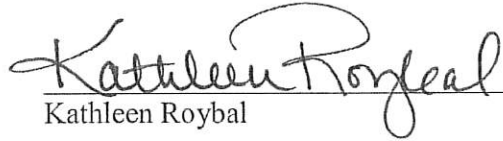
NOTICE OF CONTEMPLATED ACTION

1. **Yolanda Emily Martinez** 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 Martinez** 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 Martinez** has failed to satisfy the Board that she is of good moral character, a requirement for registration pursuant to NMSA 1978, Section 61-27B-16(B)(2). A background investigation revealed that:

On May 29, 2001, Applicant Martinez was arrested for Aggravated Battery Against a Household Member (Misdemeanor). On July 26, 2004, Applicant Martinez was arrested for Aggravated Battery Against a Household Member (Felony).
4. **Applicant Martinez** bears the burden of satisfying the Department of Applicant’s qualifications.
5. **Unless Applicant Martinez 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.**

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Contemplated Action was mailed to **Yolanda Emily Martinez** at **2029 Valley Road, S.W., Albuquerque, NM 87105** on this 27th day of September, 2018, and emailed to Rebecca Branch at rbranch@nmag.gov.


Kathleen Roybal

Certified Mail Return Receipt Tracking Number: 9171 9690 0935 0155 6259 64

9171 9690 0935 0155 6259 64

Yolanda Martinez
2029 Valley Road SW
Albuquerque, NM 87105

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Yolanda Martinez 2029 Valley Road SW Albuquerque, NM 87105</p> <p> 9590 9402 3782 8032 0739 44</p>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ Date of Delivery _____</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below _____</p>
<p>2. Article Number (Transfer from service label) 9171 9690 0935 0155 6259 64</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>

