

**STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
OFFICE OF THE SUPERINTENDENT**

IN THE MATTER OF:)
)
MARCUS KING) **CASE NO. PI-18-54-APP**
)
Respondent.)

**FINAL ORDER DENYING
SECURITY GUARD REGISTRATION**

THIS MATTER received a hearing on the merits on 4/18/2019, before Hearing Officer Jeff Burke, who recommended to the Superintendent that the Respondent's Level One Security Guard Registration be approved. The Superintendent, having familiarized herself with the record of the proceedings, including the Hearing Officer's Report, hereby issues the following:

FINDINGS OF FACT

The attached Hearing Officer's Report is accepted and the Proposed Findings of Facts (Numbers 1 through 3) are hereby adopted and incorporated by reference in this Order. Any other factual findings or recommendations in the Report, including those stated in the "Conclusion" and "Analysis and Discussion" are accepted. All exhibits referenced therein are accepted for the purposes stated in the Findings of Fact.

CONCLUSIONS OF LAW

Pursuant to the Private Investigations Act ("Act"), at Section 61-27B-17 and the rules promulgated thereunder at NMAC 16.48.2.17, a level one security guard registration requires that an individual compete all the requirements in the aforementioned section and rule. An applicant must also demonstrate "good moral character" pursuant to Section 61-27B-16(B)(2).

Pursuant to Section 61-27B-26(L), the New Mexico Legislature has specifically defined the grounds for denial of a license or registration pursuant to the Act to include being “adjudged mentally incompetent or insane by regularly constituted authorities.”

The Respondent’s background, as described in the Findings of Fact disqualifies him from registration as a level one security guard. Respondent’s criminal background involved a dismissal of a felony charge for aggravated assault with a deadly weapon and misdemeanor charge for negligent use of a deadly weapon on the grounds that the Respondent was deemed mentally incompetent to proceed to stand trial. This determination falls within the scope of Section 61-27B-26(L) and is this grounds for denial of the application.

FINAL ORDER

IT IS THEREFORE ORDERED that Respondent **MARCUS KING** Level One Security Guard Registration be DENIED.

SO ORDERED.

Date: 4/23/19



Marguerite Salazar, 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 24th day of April, 2019, I mailed a true and correct copy of the foregoing, *Amended Final Order Denying Security Guard Registration* to the following party at the address listed below.

MARCUS KING


Kathleen Royce
Hearing Clerk

7611 0470 0001 1515 5572
Certified Mail Number

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

IN THE MATTER OF:)	CASE NO. PI-18-54-APP
MARCUS A. KING)	
)	
APPLICANT.)	
)	

NOTICE OF CONTEMPLATED ACTION

1. **Marcus A. King** 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 King** 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 King** has failed to satisfy the Board that he has not been convicted of a disqualifying offense and is of good moral character, a requirement for registration pursuant to NMSA 1978, Sections 61-27B-16B (2) and (4). In addition, a 2016 forensic evaluation of Applicant King convinced a district court that he was incompetent – a disqualifying condition of security guard registration pursuant to NMSA 1978, Section 61-27B-26L. A background investigation of **Applicant King** revealed that:

On December 11, 2015, Applicant King was arrested for Aggravated Assault with a Deadly Weapon; the case was dismissed on October 14, 2016, on the grounds that Applicant King was deemed by the court to be incompetent, based on a forensic evaluation. On August 4, 2012, Applicant King was arrested for Possessing Instruments of Crime and Loitering.

4. **Applicant King** bears the burden of satisfying the Department that Applicant meets the requirements for registration requirements.

5. **Unless Applicant King 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: 1/17/2019

By: 
**LAWRENCE MOQUINO
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 **Marcus A. King** at 901 Tramway Blvd., N.E., Apt H57, Albuquerque, NM 87123 on this 17th day of January 2019, and emailed to Rebecca Branch at rbranch@nmag.gov.


Kathleen Roybal

Certified Mail Return Receipt Tracking Number: 7018 1130 0001 5734 3239