



The Applicant's first criminal arrest incident took place in March 2009 for a felony "Bringing in and Harboring Aliens/Transporting Non-Citizens for Financial Gain" through the United States District Court. Applicant testified that she was drinking alcohol at the time and traveled into Juarez, Mexico with her boyfriend, who was in the United States without authorization. While in Mexico, the couple gathered the boyfriend's aunt and three children, all of non-U.S. citizen status, into the couple's vehicle. Upon re-entry to the U.S. with the non-authorized individuals, her boyfriend asked her to pay for a bottle of alcohol while he used the restroom. Customs and Border Protection Officials detained and arrested Applicant after an investigation. The Applicant pled guilty and was sentenced to five (5) years of probation. The last arrest incident took place in December 2009, wherein Applicant was arrested for misdemeanor Driving While Under the Influence of Intoxicating Liquor and/or Drugs. The Applicant explained she was sober and driving a vehicle for intoxicated friends and was stopped by law enforcement for having an inoperative headlight. Applicant was not able to complete field sobriety tests and was arrested. Applicant provided a breath sample and it was found to contain no evidence of alcohol. Testimony provided during the hearing also revealed that after pleading not guilty and being released on conditions prior to trial, Applicant caused an electronic alcohol monitor to give a false alert due to her using perfume. Applicant was arrested on a violation of conditions order before being released without further incident. The case was later dismissed upon motion by the state. The Applicant provided a brief written explanation for her arrest history to the Department in response to the NCA, which is included in Exhibit 1, NM000043.

Applicant testified that she has been employed with ADC Security since January 2019 as a Security Guard. The Hearing Officer observed the Applicant was wearing an apparent uniform in the photos she had submitted with her application. The Applicant testified that she was wearing

an ADC Security uniform at the time of the photos, and had been providing Level Two Security Guard services in the Albuquerque area until she received her NCA Letter in July 2019. The Hearing Officer noted the apparent violation of the Private Investigations Act regarding Applicant's unlicensed activity, and the employer's liability for her conduct as an employee.

The above information requires the Hearing Officer to render an opinion that the Applicant, due to the evidence of approximately seven (7) months of unlicensed activity as a Level Two Security Guard within 2019, is not of good moral character and is not suitable to perform Level One or Level Two Security Guard services within New Mexico. It should be noted that the Hearing Officer believes the Applicant's previous limited occasions of criminal activity do not interfere with her being of good moral character.

**FINAL ORDER**

**IT IS THEREFORE ORDERED** that Applicant Guadalupe Barraza's Levels One and Two Security Guard Registration be DENIED.

**SO ORDERED.**

Date: 11/16/19

  
\_\_\_\_\_  
Marguerite Salazar, Superintendent

**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 NMSA 1978, Sections 12-8-16 and 39-3-1.1.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of November, 2019, I mailed a true and correct copy of the foregoing, *Final Order Denying Security Guard Registration* to the following party at the address listed below.

**Guadalupe Barraza**  
**824 Cagua Drive SE**  
**Albuquerque, NM 87108**

  
Hearing Clerk

7018113000157341914  
Certified Mail Number

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

<b>IN THE MATTER OF:</b>	)	<b>CASE NO. PI-19-28-APP</b>
<b>GUADALUPE BARRAZA</b>	)	
	)	
<b>APPLICANT.</b>	)	
	)	

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**NOTICE OF CONTEMPLATED ACTION**

1. **Guadalupe Barraza** is an applicant for Security Guard Registration as a Level One and Level Two as provided in the Private Investigations Act (Act), NMSA 1978, Sections 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, Section 61-1-3.

2. **Applicant Barraza** 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 Barraza** 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 of **Applicant Barraza** revealed that:

Applicant Barraza was convicted of Transporting Non-Citizens for Financial Gain-Felony.

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

5. **Unless Applicant Barraza 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: 7/3/19

By: \_\_\_\_\_

  
**LAWRENCE MOQUINO  
BOARD ADMINISTRATOR  
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 **Guadalupe Barraza** at 824 Cagua Drive, S.E., Albuquerque, NM 87108 on this 3rd day of July, 2019, and emailed to Rebecca Branch at rbranch@nmag.gov.

  
Kathleen Roybal

Certified Mail Return Receipt Tracking Number: 7011 3500 0002 1599 7974

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OF THE REGULATION & LICENSING DEPARTMENT**

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	)	
<b>APPLICANT.</b>	)	
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**REGULATION & LICENSING  
DEPARTMENT**

Date: 7/3/19

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