

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

IN THE MATTER OF:)	
)	
PAUL DON QUIROGA)	CASE NO. PI-19-5-APP
)	
Applicant.)	

**FINAL ORDER DENYING
SECURITY GUARD REGISTRATION**

THIS MATTER received a hearing on the merits on 6/6/2019, before Hearing Officer Jeff Burke, who recommended to the Superintendent that the Applicant’s Level Three Security Guard Registration be denied. 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 7) 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 Decision” 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 NMSA 1978, Section 61-27B-18 and the rules promulgated thereunder at NMAC 16.48.2.19, a level three security guard registration requires that an individual complete all the requirements in the aforementioned section and rule.

An applicant must also demonstrate “good moral character” pursuant to NMSA 1978, Section 61-27B-16(B)(2).

The New Mexico Legislature has specifically defined the criminal activities that are disqualifying for purposes of issuing a security guard registration: conviction of a felony or an offense involving dishonesty, an offense involving an intentional violent act or the illegal use or possession of a weapon. *See* NMSA 1978, Section 61-27B-16(B)(4). The Act defines “conviction” as “any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise and whether or not the sentence is deferred or suspended.” *See* NMSA 1978, Section 61-27B-2(E).

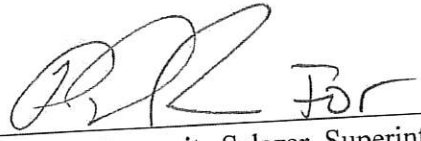
The Applicant’s criminal background investigation showed a history of six arrests between 1981 and 2019. All six arrests were verified during the investigation or during the Applicant’s testimony at the hearing. The latest arrest took place on May 12, 2019 for aggravated DWI (2nd or subsequent offense) in Sierra County, New Mexico. The Hearing Officer found that the Applicant’s lack candor and false statements made during the hearing, as described in the Findings of Fact, disqualify him from licensure as a level three security guard. Moreover, the factors noted in the hearing officer’s conclusion warrant a finding that the Applicant is not of good moral character.

FINAL ORDER

IT IS THEREFORE ORDERED that Applicant **Paul Don Quiroga**, Level Three Security Guard Registration be DENIED.

SO ORDERED.

Date: 7/9/19



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

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 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.

Paul Don Quiroga


Kathleen Royce
Hearing Clerk

7011 3500 0002 1599 8186
Certified Mail Number

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

IN THE MATTER OF:)	CASE NO. PI-19-5-APP
PAUL DON QUIROGA)	
)	
APPLICANT.)	
)	

NOTICE OF CONTEMPLATED ACTION

1. **Paul Don Quiroga** is an applicant for Security Guard Registration as a Level 3 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 Quiroga** 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 Quiroga** has failed to satisfy the Board that he is of good moral character, a requirement for registration pursuant to NMSA 1978 Section 61-27B-16 (B)(2). A background investigation of **Applicant Quiroga** revealed that:

On October 12, 1996, Applicant Quiroga was arrested for Assault (two counts). On June 22, 2004, Applicant Quiroga was arrested for Resisting/Obstructing and Battery on a Household Member. On October 10, 2011, Applicant Quiroga was arrested for Battery on a Household Member.

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

5. **Unless Applicant Quiroga 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: 4/11/19

By: _____


**LAWRENCE MOQUINO
BOARD ADMINSTRATOR
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 **Paul Don Quiroga** at P.O. Box 907, Dona Ana, NM 88032 on this 1st day of April, 2019, and emailed to Rebecca Branch at rbranch@nmag.gov.


Kathleen Roybal

Certified Mail Return Receipt Tracking Number: 70181130000157340931