

BEFORE THE STATE OF NEW MEXICO
PRIVATE INVESTIGATIONS ADVISORY BOARD

Case No. PI-2-2014-APP

IN THE MATTER OF
MICHAEL C. MONTAÑO,
License No. 48806
Respondent.

STIPULATED SETTLEMENT AGREEMENT

The parties wish to resolve this matter by settlement, and agree to the following:

1. Michael C. Montañó (Respondent) applied for registration as a Level One Security Guard as required by NMSA 1978, Section 61-27B-16(A), of the Private Investigations Act (Act), NMSA 1978, Sections 61-27B-1 to -36.
2. The Regulation and Licensing Department (Department) has the power to enforce and administer the Act and adopt rules for registering security guards pursuant to NMSA 1978, Section 61-27B-5. The Act requires that a completed application must provide "satisfactory evidence that the applicant...has not been convicted of a felony or an offense involving dishonesty, an offense involving an intentional violent act or the illegal use or possession of a deadly weapon." Section 61-27B-16(B)(4). If the applicant fails to do so, the Department may deny...a registration...applied for under the Act...upon the grounds that the...applicant...has been convicted of a felony or any crime involving dishonesty or illegally using, carrying or possessing a deadly weapon." NMSA 1978, § 61-27B-26(D).
3. Respondent knowingly, intentionally, and voluntarily waives his right to a hearing and the right to a judicial appeal as provided under the New Mexico Uniform Licensing Act (ULA), NMSA 1978, Section 61-1-1 to -34 (2013). This waiver includes, but is not limited to: (1) a full evidentiary hearing, including the right to present evidence and confront and cross-examine witnesses; and (2) any right to appeal this settlement or any decision rendered by the Board in connection with these proceedings.
4. Department will register Respondent as a Level One Security Guard, but for the first six (6) months of that registration period Respondent will serve a period of probation under the following condition(s):

If Respondent violates any of the rules, regulations, or statutes related to the Act or if Respondent incurs any criminal charges, then his Level One Security Guard registration is subject to immediate revocation at the discretion of the Department.

5. This Settlement Agreement shall be effective only after it is formally approved and executed by an authorized representative of the Department.
6. Whether or not the Department approves and executes this Settlement Agreement, Respondent by his signature below, waives all rights to have this matter heard within the timeframe(s) set by the ULA or the Act in order to allow reasonable and adequate time for the Settlement Agreement to be considered by the Department.
7. Respondent understands that this Settlement Agreement and other documents related to these proceedings, including but not limited to the complaint, are a matter of public record under the Inspection of Public Records Acts, NMSA 1978, Sections 14-2-1 to 14-2-12, unless excepted under applicable law.
8. No admission of wrongdoing on the part of Respondent is implied nor should be inferred by this Settlement Agreement.
9. Respondents is aware of his right to seek legal counsel in conjunction with this Settlement Agreement.
10. The Department agrees that the resolution of this case is a settlement in Case No. PI-2-2014-APP by agreement in full and final resolution of all allegations set forth in the Notice of Contemplated Action.

Michael C. Montañó
MICHAEL C. MONTAÑO

Date: 4-27-15

PRIVATE INVESTIGATIONS ADVISORY BOARD:

By: Robert M. Urthel

Date: 5/5/15

Title: Superintendent

REGULATION AND LICENSING DEPARTMENT:

By: Jill J. Jell

Date: 5-6-2015

Title: COMPLIANCE LIAISON

**THE STATE OF NEW MEXICO
PRIVATE INVESTIGATIONS ADVISORY BOARD**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Decision and Order was mailed by certified mail to:

Michael Montano
P.O. Box 22
San Rafael, NM 87051

Certified Mail # 7010 0780 0002 3928 4283



Randy Perez
Compliance Liaison
Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87505

Dated this 7th day of May, 2015.