

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

IN THE MATTER OF:

CASE No. PI-2014-007

HENRY CADENA/AAA SECURITY,

Respondent.

SUPERINTENDENT'S FINAL ORDER

THIS MATTER came before Chris Martinez, Hearing Officer, for a hearing on the merits on August 4, 2016, and the Hearing Officer having filed a Hearing Officer's Report containing findings of fact and recommendations on December 27, 2016; and the Superintendent, being otherwise fully apprised, accepts the Hearing Officer's Report in its entirety and finds that Respondent Henry Cadena/AAA Security's actions has resulted in violations of the Private Investigations Act.

THEREFORE, IT IS ORDERED that:

Respondent shall pay a fine of two thousand dollars (\$2,000.00), to the board within thirty (30) days of the date this Final Order is signed; and

Respondent shall take four hours of continuing education from an approved source, not to be counted toward renewal of his license, within sixty (60) days of the date this Final Order is signed

Failure to comply with the terms of this Order may result in further discipline.

IT IS SO ORDERED.

Date: _____

ROBERT "Mike" UNTHANK, Superintendent
NM Regulation & Licensing Department

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has be sent via Certified Mail, with Return Receipt Requested to Henry Cadena/AAA Security, 1025 Solar NW, Albuquerque, NM 87107 on this _____ day of January, 2017.

Certified Mail No. _____

Hearing Clerk

BEFORE THE NEW MEXICO PRIVATE INVESTIGATIONS ADVISORY BOARD

IN THE MATTER OF:
DEBBIE L. GONZALEZ,
License No. 48360, and

Case No(s). 2014-017

HENRY CADENA/AAA SECURITY,
License No. 1421,

Respondents.

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Regulation and Licensing Department (“Department”) has sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Department’s imposing a civil penalty against Debbie L. Gonzalez and Henry Cadena/AAA Security, which could total up to one thousand dollars (\$1,000). *See* NMSA 1978, § 61-27B-27(B)(1).

APPLICABLE LAW

The Department has the authority to enforce and administer the Private Investigations Act (“the Act”), and to adopt rules regarding private patrol companies. NMSA 1978, § 61-27B-1 to -36. The Private Investigations Advisory Board (“the Board”) is authorized, to “assist the department...as requested by the superintendent [of the department] or [as] provided by the rules of the department.” NMSA 1978, § 61-27B-6(B).

It is unlawful for an individual to act as a security guard unless that person currently possesses an active license for the State of New Mexico. NMSA 1978, § 61-27B-3 (“It is unlawful for an individual to: (A) act as a...security guard...unless the individual is licensed by the department...[or] (C) act as a...security guard...if the individual’s license issued...has expired”).

“A security guard shall wear the registration card on the outside of the guard’s uniform so that the card is visible to others.” Section 61-27B-22(D).

The Department is authorized to impose “a civil penalty not to exceed one thousand dollars (\$1,000) for each violation” of the Act. *See* NMSA 1978, § 61-27B-27(B)(1). Under the Act, “[a] private patrol company is liable for the conduct of the company’s employees, including the conduct of its private patrol manager.” Section 61-27B-23(E).

Also, if a hearing is requested, “Licensees shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees or if they prevail at the hearing....” NMSA 1978, 61-1-4(G).

NATURE OF THE EVIDENCE AGAINST THE RESPONDENT

On December 9, 2014, Inspector Carlos Baca conducted an inspection at the Santa Fe Municipal Airport on behalf of the Board. Inspector Baca witnessed Ms. Gonzalez acting as a security guard at the main terminal of the airport. She was wearing a firearm, a “Smith and Wesson,” but was not displaying her “guard card” as required. Ms. Gonzalez admitted to Inspector Baca when questioned that she was not currently licensed or registered to be a security guard in New Mexico. Inspector Baca confirmed with a record check that Ms. Gonzalez was not currently licensed or registered.

On January 5, 2015, Henry Cadena responded to the complaint filed about the above incident. He stated, “AAA Security has acknowledged that our employee Debbie Gonzale[z] was working at the Santa Fe Airport security post without her New Mexico Guard Card.” Mr. Cadena further stated that Ms. Gonzalez had completed her paperwork to apply for her license/registration, but her license/registration had not yet been issued. Department records indicate that Ms. Gonzalez

was issued a Level 3 Security Guard Registration on January 21, 2015, but at the time of the above incident she was not licensed or registered.

RIGHTS OF THE RESPONDENT

You have a right to request a formal hearing in this matter. In order to exercise that right, **you must respond to this Notice of Contemplated Action with a request for a hearing within twenty (20) days of the service of this Notice.** NMSA 1978, Section 61-27B-27(A). The Uniform Licensing Act (“the ULA”), NMSA 1978, Sections 61-1-1 to -34, governs the procedures for conducting this hearing to the extent that those procedures do not conflict with the Act. *See* NMSA 1978, § 61-27B-27(A). As such, **the hearing request must be made in writing, sent to the Board by certified receipt requested letter to the address provided below.** Section 61-1-4(B). Failure to respond in this prescribed manner (requesting a hearing) will result in the Board taking the contemplated action; and, such action shall be final, without any opportunity to appeal for judicial review. Please send any request for a formal hearing to:

John Francis, Board Administrator
Private Investigations Advisory Board
P.O. Box 25101
Santa Fe, NM 87504
(505) 476-4634

If that hearing is requested, it will be conducted in accordance with the ULA, to the extent that those procedures do not conflict with the Act. *See* Section 61-27B-27. With respect to any formal hearing, as the respondent you have the following rights under NMSA 1978, Section 61-1-8:

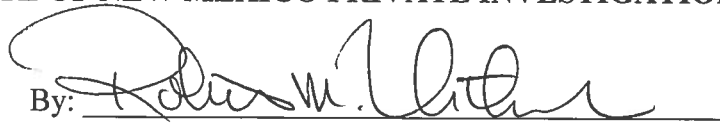
- A. A person entitled to be heard under the Uniform Licensing Act shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine 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 therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

- 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 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.

Dated on this 5th day of October, 2015.

STATE OF NEW MEXICO PRIVATE INVESTIGATION ADVISORY BOARD

By: 

Superintendent
New Mexico Regulation and Licensing Department

Administrative Prosecutor
Brian Parrish, Assistant Attorney General
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504-1508
(505) 827-6624

Certification of Service

I, Sheila Harris, do hereby certify that a true and correct copy of the this Notice of Contemplated Action was mailed to Respondents, Henry Cadena/AAA Security and Debbie L. Gonzalez, at their last known addresses as shown by the records of the New Mexico Private Investigation Advisory Board on this 6th day of October, 2015.

Return Receipt Request No.: 7013 DL600 0001 8695 6105

Sheila Harris
Print the Name of Individual Certifying Service

Compliance Liaison
Title/Organization

Sheila Harris
Signature