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### Contact Information:

505-222-9820

505-222-9886 Fax

1-800-801-7505 Toll Free

[http://www.rld.state.nm.us/boards/  
Real\\_Estate\\_Commission.aspx](http://www.rld.state.nm.us/boards/Real_Estate_Commission.aspx)

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## "Big League" Qualifying Broker Rule Changes Now In Place

By Tom Baca, Education Administrator

New rules regarding Qualifying Broker (QB) licensing requirements which were adopted by the New Mexico Real Estate Commission (Commission) in Summer of 2017 are now effective. The changes concerning QB Requirements, followed legislation that was signed into law by the Governor Susan Martinez in March 2017. The Rule Changes pertain specifically to increasing the standards by which Brokers can become QBs and new guidelines under which QBs must comply in order to renew their licenses. Some of the new requirements are additional educational requirements and include the attendance at a Commission meeting or a Commission Disciplinary Hearing sometime during their three year cycle.

### Supervisory vs. Non Supervisory QBs

The new law and concurrent NMREC Rules increase the time period in which Brokers must be actively licensed. The law and rules will increase the period of time a broker must be actively licensed from two to four years for those who apply for a Supervisory QB license. The current time period is two of the last five years. Because of this change, new QBs licenses will be designated as either Supervisory QBs or Non Supervisory QBs. All of the licensees who were QBs prior to the enactment of the Rule Change will be able to Supervise other brokers without designation as Supervisory per se. Non supervisory QB's still only need 2 of the last five years as active licensees.

### Notarized Supervisory Affidavit and Acknowledgement

The Commission's new rules now will require that all new Supervisory QB applicants submit as part of their application, a notarized affidavit of the applicant's acknowledgement of responsibilities of a QB, including the direct supervision of all brokers affiliated with the QB. The affidavit lists specific requirements such as responsibilities to review records, the promotion of appropriate training of brokers and staff, and supervision of advertising of real estate or real estate services conducted on behalf of others by anyone affiliated with the QB. Those who were licensed as QBs prior to the enactment of the new rules will have to submit this affidavit prior to renewal of their licenses.

### QB Candidate Transaction Requirements

The NMREC also added new requirements that all candidates meet a 100 point system based upon transactional experience, with at least one transaction accomplished during each of the four years prior to filing of the application.

Under the rule, different types of transactions are awarded different numbers of points based upon the type of transaction such as Residential, Commercial, Property Management or Vacant Land-Ranch. The full list of the point structure is available on the Commission web site and its various useful links. Also available are the new QB Application, the necessary affidavit forms, and QB Transaction Quantification forms. Click Here for the Link to the [Commission Web Site](#).

## Commission Flooded with New License Applicants



On any given month, the Commission licensing staff is inundated with floods of renewals, Transfers, and Trade Name Registrations. However, 2017 was a year in which a marked increase in license applications have added to the already full work load.

# Governor Susana Martinez Appoints Two New Real Estate Commissioners

## Bill Davis, Roswell



**Commissioner Bill Davis** has lived in Roswell for over 37 years and has been heavily involved in the community serving on a wide variety of charitable and professional boards. Commissioner Davis started his real estate career in 2005 and has been helping families and property owners buy and sell real

estate as a licensed Realtor® since that time. He quickly rose to the top of his profession and has been recognized as one of the top brokers in Roswell and throughout the state. His previous 25 years as owner in the dairy industry has given him extensive knowledge of agriculture, water rights, farming, and ranching in the Pecos Valley.

Commissioner Davis graduated from Arizona State University with a BA degree in Business Management and a minor in Real Estate. He then spent the next 30 years in the dairy business. Twelve years ago he transitioned from the dairy business to real estate. He and his son purchased a company in Roswell in 2009.

Three years ago Commissioner Davis joined the Berkshire Hathaway franchise and has been busy growing that business, with a Corporate Office in Roswell and satellite offices in Artesia and Hobbs. Commissioner Davis has been very involved with Realtor Association of New Mexico (RANM) as well as having served on several committees, and is currently a member of the Executive Board for RANM.

Commissioner Davis is very excited about the future for real estate in New Mexico and feels extremely honored to have received this appointment from Governor Martinez.

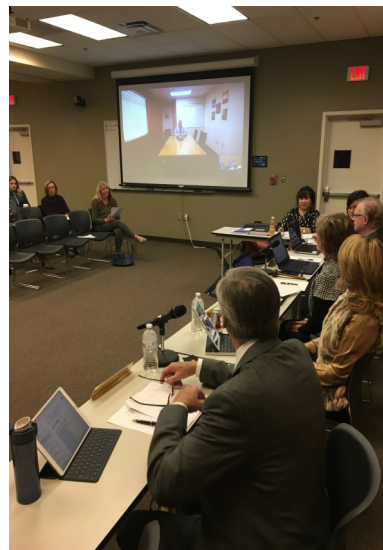
## Lindsay Rollins, Clovis



**Commissioner Lindsay Rollins**, hails from Clovis, and will serve as the Commission's Public Member. Public members on appointed boards and commissions are usually not licensees of the profession being regulated, and serve

to represent the public interests at large. Commissioner Rollins has been a mortgage loan professional for 14 years. She has worked for New Mexico Bank & Trust in Clovis for the last 6 years, and has been a resident of Clovis, New Mexico for 20 years. Commissioner Rollins states, "My profession allows me to meet the needs of the community by offering a depth of experience in financing to help families achieve the dream of homeownership. It is an honor to serve as a Commissioner for the New Mexico Real Estate Commission. This is a way for me to help the people of NM. With my lending experience I see a different side of how policies and procedures could affect the interest of the people along with the real estate professionals."

## Commission Explores Streaming Official Meetings



With its partner, the Greater Albuquerque Association of Realtors, the New Mexico Real Estate Commission has been exploring the feasibility of "streaming" live, its official meetings. The project is still in its infancy but the hope of the Commission is to be able to eliminate extensive travel by licensees from out of state or in-state remote areas in order to attend meetings to meet the new Qualifying Broker meeting attendance license renewal requirements. Other uses of this technology would be potentially streaming live required courses such as the NMREC Core Course.

# ***Renewing On Line***

If you are due to renew this year, remember you will have to renew online. However, you must first receive a notice from Roxanne Romo, Licensing Manager.

Approximately 60 days prior to your renewal deadline (license expiration date), the notice will be sent to your e-mail account you have on record with the Commission.

The Commission email will include a link to allow you to register for online renewal. It will include a registration code that will be your permanent registration code for current and future license renewals. Debit or credit cards will be the only acceptable form of payment for online renewal.

The on-line renewal form will be self-explanatory. You will be asked to answer a series of questions similar to those found on the current license renewal form.

There will be some significant changes, including the requirement that brokers enter their own continuing education completion data into the appropriate fields. You will be required to scan and email course completion certificates to the specific email address supplied in the registration materials. DO NOT EMAIL TO COMMISSION STAFF DIRECTLY.

You must use the email address supplied in the online materials.

Once you input the course completion data, you will not be able to change it. So it is important that you input the information carefully. If you find that you made an error after the fact, Commission staff will be able to correct the error, provided you have uploaded/ emailed the corresponding course completion certificate at the time of renewal.

You will also need to upload .pdf copies of your E & O Insurance and the completed Fingerprint Authorization Form.

Once the fee portion (credit card) of the renewal is complete and the fee is accepted, please allow the Commission Staff 10 to fourteen days to process your renewal application. If there are any deficiencies in your submittal, a member of the Commission licensing staff will get in touch with you directly.

Your license will not be renewed until all of the fields are complete and supporting documentation is submitted. If you have questions, please feel free to contact Roxanne Romo, Licensing Manager at [Roxanne.romo@state.nm.us](mailto:Roxanne.romo@state.nm.us)

## **2017 Core Course A Continues and 2018 Core Course B Now Available**

Since January 1, 2017, the Commission initiated a requirement that all licensees take an “annual” Core Course during their 3-year licensing cycle. The first iteration of the annually required course was the 2017 NMREC Core Course A. Many licensees who are to renew in 2018 and 2019 need to have taken the 2017 NMREC Core Course A, but haven’t yet.

For this reason, the 2017 NMREC Core Course A continues to be offered in order for licensees who missed the opportunity, in order to comply with the requirement by the time they renew in 2018 or 2019.

Please check the Commission web page for the 2017 NMREC Core Course A offering schedule and if you need it, register as soon as you possibly can since they fill up quickly.

The 2018 NMREC Core Course B became available in November of 2017 to facilitate compliance for those who renewed early in 2018 and needed this as part of their annual requirement within their 3-year cycle. It will continue to be available throughout the 2018 Calendar year. Please check the Commission web page for the 2018 NMREC Core Course B offering schedule.



**NEW MEXICO REAL ESTATE  
COMMISSION****New Mexico Real  
Estate License Law  
and Real Estate  
Commission Rules****2018 WEB-EDITION**

Issued by: The New Mexico Real Estate Commission

Wayne Ciddio, Executive Secretary

1/1/2018



This is the official 2018 web-edition of the NM Real Estate Commission License Law and Commission Rules. Any changes to the rules from previous editions have been made by the Commission subsequent to public rule hearings held in accordance with NM State Statutes and Open Meeting requirements.

Since 2017, the Commission has published its Rules in a Web-Edition and it has been available to all licensees on the Commission web site. Previous editions had been published as hard-copies. The average cost for the printed editions was \$25,000 per printing. Wayne Ciddio, Executive Secretary for the Commission along with Education Administrator, Tom Baca, spearheaded the task of developing a Web version of the booklet.

Ciddio stated: “Unfortunately, every time we published the printed editions, by the time the copies were hot off the press, the rules were already outdated. The web edition not only saves the taxpayer thousands of dollars, it allows for almost immediate inclusion of effective rule changes made by the Commission or even changes in the Statutes.”

The edition includes the updated NM Statutes sections pertaining to NM real estate law as well as the Uniform Owner-Resident Relations Act. The Web-Edition can be accessed by clicking the following link: **[2018 Rule Book](#)**

**New Rules Add “*Broker Obligations to Other Brokers*” Language**

**Broker Obligations to Other Brokers.** Brokers owe the following professional obligations to other brokers; however, brokers are not required to provide to one another a list of these broker obligations.

- (1) Honesty, reasonable care, and ethical and professional conduct;
- (2) Timely presentation of offers or counter-offers and responses thereto, unless otherwise agreed to in writing by the party to whom the broker is directly providing real estate services;
- (3) Active participation in assisting the party to whom the broker is directly providing real estate services in complying with the terms and conditions of the contract and with the closing of the transaction, unless otherwise agreed to in writing by the party to whom the broker is directly providing real estate services;
- (4) Compliance with local, state, and federal fair housing and anti-discrimination laws, the New Mexico real estate license law and the Real Estate Commission rules; the New Mexico Uniform Owner-Resident Relations Act, and other applicable local, state, and federal laws and regulations;
- (5) Written disclosure of any adverse material facts actually known by the broker about the property or the transaction, or about the financial ability of the parties to the transaction to complete the transaction; adverse material facts requiring disclosure do not include any information covered by federal fair housing laws or the New Mexico Human Rights Act;
- (6) Written disclosure of any potential conflict of interest that the broker has in the transaction, including but not limited to, any material interest the broker has in the transaction or any relationship of a business, personal, or family nature that the broker has with a party to the transaction;
- (7) Non-interference with a purchase agreement or any express written agreement that another broker has with a buyer, seller, landlord (owner) or tenant.

## NMREC Disciplinary Actions

You may also access Disciplinary Actions and updated links to associated documents on the New Mexico Real Estate Commission Web Page, Board Discipline and Enforcement Actions Tab at [http://www.rld.state.nm.us/boards/Real\\_Estate\\_Commission\\_Disciplinary\\_Actions.aspx](http://www.rld.state.nm.us/boards/Real_Estate_Commission_Disciplinary_Actions.aspx)

Action Taken	Case Number	Name	License#	Findings
Settlement Agreement	16-01-02-02	<u>Jasmine McGarvey</u>	17876	\$1,000 Fine  Continuing Education - no credit  Letter of Reprimand
Decision and Order	14-11-06-119	<u>Jason Valentine</u>	18789	\$1,000 Fine  Letter of Reprimand  Cost of Disciplinary Proceedings (\$384.53)
Decision and Order	14-11-07-120	<u>Jason Valentine</u>	18789	\$5,000 Fine  6 month License Suspension  Letter of Reprimand  Continuing Education - no credit - 30 hr. Course - Broker Basics  Cost of Disciplinary Hearing (\$384.53)
Decision and Order	14-07-04-060	<u>Adam Trubow</u>	16137	License Revoked  \$5,000 Fine  Cost of Disciplinary Proceedings (\$3,295.46)
Decision and Order	14-07-04-060	<u>Patrick McBride</u>	45040	License Revoked  \$5,000 Fine  Cost of Disciplinary Proceedings (\$3,295.46)

Action Taken	Case Number	Name	License #	Findings
Default Order	15-09-05-087	<u>Dennis E. Defoor</u>	6887	License Revoked
Default Order	15-10-07-099; 15-10-10-102; 15-10-11-103; 15-10-12-104; 15-10-13-105; 15-11-02-109; 15-11-03-110; 15-11-06-113; 15-11-11-118; 15-12-03-122; 16-02-07-015	<u>Marybelle Spears</u>	Unlicensed	Revoked by Default
Default Order	15-10-07-099; 15-10-10-102; 15-10-11-103; 15-10-12-104; 15-10-13-105; 15-11-02-109; 15-11-03-110; 15-11-06-113; 15-11-11-118; 15-12-03-122; 16-02-07-015	<u>Laura Melissa Threet</u>	18844	Revoked by Default
Default Order	15-10-07-099; 15-10-10-102; 15-10-11-103; 15-10-12-104; 15-10-13-105; 15-11-02-109; 15-11-03-110; 15-11-06-113; 15-11-11-118; 15-12-03-122; 16-02-07-015	<u>Laura Melissa Threet</u>	18844	Revoked by Default
Default Order	15-10-07-099; 15-10-10-102; 15-10-11-103; 15-10-12-104; 15-10-13-105; 15-11-02-109; 15-11-03-110; 15-11-06-113; 15-11-11-118; 15-12-03-112; 16-02-07-015	<u>Christal Newton</u>	Unlicensed	Revoked by Default
Default Order	15-10-07-099; 15-10-10-102; 15-10-11-103; 15-10-12-104; 15-10-13-105; 15-11-02-109; 15-11-03-110; 15-11-06-113; 15-11-11-118; 15-12-03-112; 16-02-07-015	<u>Brandon Newton</u>	Unlicensed	Revoked by Default
Decision and Order	16-10-03-072	<u>Martha Lynn Eden</u>	37830	Granted a Conditional License  Cost of Disciplinary Proceedings (\$1,277.37)
<u>Order To Show Cause</u>	11-06-03-048	<u>John "Jack" Piserchia</u>	17707	Licensed Revoked  \$3,000 Fine  Commission approved course on the Uniform Owner Resident Relations Act and Trust Account.  Letter of Reprimand

Action Taken	Case Number	Name	License #	Findings
Decision and Order	15-06-04-055	<u>David Vazquez</u>	48171	<p>License Suspended for 2 years.</p> <p>\$7,000 Fine</p> <p>Continuing Education - no credit - 30 hr. Broker Basics.</p> <p>Letter of Reprimand</p> <p>Cost of Disciplinary Proceedings (\$580.91)</p>
Default Order	16-06-03-037	<u>Robert O. Moore</u>	7245 and 11853	License Revoked
Default Order	15-07-06-074	<u>James Kyle Berry</u>	48223	License Revoked
Decision and Order	14-09-23-099	<u>Brian Crawford</u>	47646	<p>\$500 Fine</p> <p>Continuing Education - no credit.</p> <p>Cost of Disciplinary Proceedings (\$352.49)</p>
Decision and Order	14-09-23-099	<u>Phillip Stoes</u>	14450	<p>\$500 Fine</p> <p>Continuing Education - no credit.</p> <p>Cost of Disciplinary Proceedings (\$352.49)</p>
Default Order	14-01-15-015	<u>Donavan Lopez</u>	Unlicensed	Revoked by Default
Settlement Agreement	16-05-17-036	<u>Richard Lucero</u>	45230	<p>\$1,000 Fine</p> <p>Continuing Education - no credit.</p> <p>Letter of Reprimand</p>

Action Taken	Case Number	Name	License #	Findings
Decision and Order	14-12-08-136	<u>Dan J. Cash III</u>	19707 and 14339	\$2,000 Fine  Continuing Education - no credit.  Letter of Reprimand  Cost of Disciplinary
Settlement Agreement	14-09-06-082	<u>Greg Gray</u>	8539	\$3,000 Fine  Continuing Education - no credit.
Settlement Agreement	14-12-05-133	<u>Emese Fisher</u>	16057	\$3,000 Fine  Continuing Education - no credit.  Letter of Reprimand
Settlement Agreement	16-08-01-053	<u>Dean F. Robens</u>	19262	\$2,000 Fine  Continuing Education - no credit.
Default Order	13-06-06-067	<u>Mary Lackey</u>	18793 and 47114	License Revoked
Default Order	14-01-12-012	<u>Stefano Pecchia</u>	Unlicensed	Revoked by Default
Default Order	13-09-02-098	<u>Joyce R. Barger</u>	12941	License Revoked
Default Order	14-06-08-052	<u>Laura Melissa Threet</u>	18844	License Revoked
Default Order	14-04-04-032	<u>Carrie Moore</u>	18706	License Revoked
Default Order	14-09-15-091	<u>Fairway Meadows Condos</u>	Unlicensed	Revoked by Default
Decision and Order	15-05-05-033	<u>Nancy Wils</u>	18597	\$1,000 Fine Continuing Education - no credit. Letter of Reprimand Cost of Disciplinary Proceedings (\$2,081.36)