New Mexico Real Estate Commission

Regular Meeting

Monday, November 18, 2019, 9:00 a.m.

Greater Albuquerque Association of Realtors

1635 University Boulevard NE

Albuquerque, New Mexico

AGENDA

1. 9:00 a.m.- Call to Order and Welcome- Gretchen Koether, President
2. Determination of Quorum
3. Pledge of Allegiance
4. Introductions
5. Approval of the Agenda of the November 18, 2019 Regular Meeting
6. Approval of the Minutes of the September 16, 2019 Regular Meeting
7. Broker and Public Forum
8. Old Business
9. The property management bonding bill was included on the RLD wish list for the 2020 legislative session but not approved by the Governor for inclusion in the call.
10. Pre-NCA offer letters no longer:

* Require brokers to admit to the facts of a complaint but rather acknowledge that the alleged conduct may justify the Commission finding of violations of the law and rules if the matter were to go to hearing.
* Use language that a hearing could result in license revocation or suspension.
* Pre-NCA offers are accompanied by the actual letter of reprimand that a respondent would receive if they accept the offer.

1. Discussion and possible action on broker duties disclosure form that can be used by brokers who are not Realtors and don’t have access to NMAR forms.
2. New Business

* Discussion and possible action on forming a task force to study real estate broker teams

1. Rules Task Force
2. Review of draft changes to rules discussed at the September 16, 2019 Rules Task Force meeting and subsequently proposed by brokers and Commission staff.

* Supervisory/Acknowledgement of Qualifying Broker Responsibilities Affidavit (Part 3).
* Salesperson vs. broker exam as entry level exam for associate broker candidates (Part 3).
* Requirement for property managers to take Uniform Owner Resident Relations Act (UORRA) every three years (Part 3).
* Expand from 10 hours to 12 hours the continuing education credit that an approved instructor can earn by teaching Commission approved courses (Part 13).
* Add language prohibiting brokers from getting continuing education credit for attending disciplinary hearings in which they are a respondent (Part 13)
* Written limited service broker disclosure requirements to all brokers involved in a transaction (Part 19).
* Broker duty to disclosure all written agreements (Part 19).
* Limit requirement to hire licensed vendors to property managers vs. all brokers (Part 24)
* Expansion of broker-owner disclosure to include broker buying property (Part 32).

1. Education Advisory Committee (EAC) Reports and Minutes
2. Approval of October 9, 2019 and November 13, 2019 EAC Meeting Minutes
3. Investigators’ Report
4. Complaints Received

* September- 16
* October- 10
* November- 3
* Year to date is 93

1. Disciplinary Hearings Scheduled

* Phil Griego, November 25, 2019, 10:00 a.m., GAAR
* Daniel Griego, November 27, 2019, 9:00 a.m. Commission Office
* Anastasia Golden-Morper, December 11, 2019, 10:00 a.m. Commission Office
* Christopher Rivera, December 19, 2019, 9:00 a.m. GAAR
* Christopher Rivera, Susanne Greif, and Dale Kent Shaw, December 20, 2019, 9:00 a.m. GAAR
* Martha Greenleaf, December 23, 2019, 9:00 a.m. Coldwell Banker, Rio Rancho
* Robert Bull, January 3, 2020, 9:00 a.m. GAAR
* Elizabeth Karsten, Marc Guggino, Dennis Friedland, January 7, 2020, 9:00 a.m. Commission Office
* Cheryl Marlow, Marc Guggino, January 8, 2020, 9:00 a.m. Commission Office
* Joann Sandoval, January 29, 2020, 9:00 a.m. Commission Office

1. Executive Session
2. Reports of investigation

* NMREC Case No. 18-06-13-063
* NMREC Case No. 18-02-14-022
* NMREC Case No. 18-03-09-031
* NMREC Case No. 18-05-07-045
* NMREC Case No. 18-08-01-078
* NMREC Case No. 18-11-12-120
* NMREC Case No. 19-08-06-059
* NMREC Case No. 19-08-07-060
* NMREC Case No. 19-09-01-063
* NMREC Case No. 19-09-04-066
* NMREC Case No. 19-09-05-067
* NMREC Case No. 19-09-10-072
* NMREC Case No. 19-09-11-073
* NMREC Case No. 19-09-14-076
* NMREC Case No. 19-10-06-086
* NMREC Case No. 18-06-11-061
* NMREC Case No. 18-07-02-068
* NMREC Case No. 19-04-12-032
* NMREC Case No. 19-05-01-037
* NMREC Case No. 19-06-04-041
* NMREC Case No. 19-07-02-052
* NMREC Case No. 19-09-03-065
* NMREC Case No. 19-09-09-071
* NMREC Case No. 19-09-15-077
* NMREC Case No. 18-09-07-091

1. Hearing Officer Reports

* Tom Keesing-NMREC Case No. 16-06-03-038- Hearing Officer, Commissioner Koether.
* Lindsey Cavazos-NMREC Case No. 18-08-06-083- Hearing Officer, Commissioner Johnson.
* Lacey Royce Fox-NMREC Case No. 17-02-06-014- Hearing Officer, Commissioner Koether.
* Adam Pehrson- NMREC Case Nos. 17-06-08-046, 17-07-02-055 & 17-12-03-109 Hearing Officer, Commissioner Koether.
* Polly Watts- NMREC Case No. 18-09-03-087, Hearing Officer, Commissioner Foltz.
* Eric Neill- NMREC Case No. 19-01-04-004, Hearing Officer, Commissioner Foltz.
* Danna Cooper and Carol Alexander- NMREC Case No. 17-03-01-016, Hearing Officer, Commissioner Foltz
* Eric Valdez- NMREC Case No. 18-03-04-026, Hearing Officer, Commissioner Koether.

1. Settlement Agreements

* Stephanie Granfors, NMREC Case No. 17-10-02-095
* Martha Greenleaf, NMREC Case No. 17-11-03-103
* Susanne Greif, NMREC Case No. 17-06-10-048

1. NCA Dismissal

* Marc Guggino, NMREC Case No. 17-11-03-103
* Jason Valentine, NMREC Case No. 19-09-06-068
* Paul Chavez, NMREC Case No. 19-09-08-070

1. Request for reconsideration of Pre-NCA Offer

* Nancy Montoya, NMREC Case No. 18-01-01-001.

1. Request for reconsideration of disciplinary action

* Mary Kay Gutierrez, NMREC Case No. 16-09-03-065.

1. Stipulated Agreement

* Phil Griego, NMREC Case No. 16-06-16-042

1. Default Order

* Archie Saiz, NMREC Case No. 17-09-07-088.

1. Action on Items Discussed in Executive Session
2. Adjourn