

This is an amendment to 16.42.4 NMAC, adding Section 10, effective 3/12/2022.

**16.42.4.10 CRIMINAL OFFENDERS EMPLOYMENT ACT:** Convictions for any of the following offense, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify and applicant from receiving or retaining a license or certificate by the board.

- A. Physical harm to others:**
  - (1) murder;
  - (2) manslaughter;
  - (3) assault;
  - (4) battery;
  - (5) abandonment of a child resulting in death or great bodily harm;
  - (6) abuse of a child;
  - (7) kidnapping;
  - (8) false imprisonment;
  - (9) sexual assault;
- B. Property damage:**
  - (1) shooting at property;
  - (2) criminal damage to property;
  - (3) dangerous use of explosives;
  - (4) graffiti;
  - (5) arson;
- C. Fraud:**
  - (1) misrepresentation fraudulent statements or alterations of documents;
  - (2) improper sale, disposal, removal or concealing of encumbered property;
  - (3) tax fraud;
  - (4) conspiracy;
  - (5) Medicaid, Medicare or insurance fraud;
  - (6) money laundering;
- D. Theft:**
  - (1) breaking and entering;
  - (2) larceny;
  - (3) robbery;
  - (4) burglary;
  - (5) shoplifting;
  - (6) I.D. theft;
  - (7) credit card or other financial information;
  - (8) receiving or transferring stolen property;
- E. Financial crimes:**
  - (1) embezzlement;
  - (2) extortion;
  - (3) receiving stolen property;
  - (4) forgery;
  - (5) receiving illegal kickbacks;
  - (6) racketeering;
  - (7) falsification of documents;
  - (8) white collar crimes;
- F. Drug offenses:**
  - (1) drug trafficking;
  - (2) possession;
  - (3) contributing to the delinquency of a minor;
- G. Sex crimes:**
  - (1) distribution of pornography;
  - (2) human trafficking;

- (3) criminal sexual penetration or contact;
- (4) failure to register with the sex offender and notification act;
- H.** Any crimes identified under Section 61-24C-10, NMSA 1978;
- I.** Miscellaneous:
  - (1) felon in possession of a firearm;
  - (2) bribery of an official;
  - (3) accepting a bribe;
  - (4) gambling and gaming crimes;
  - (5) stalking;
  - (6) terrify, intimidate, threaten, harass, annoy or offend another;
  - (7) escape from incarceration;
  - (8) DWI;
  - (9) practicing a profession without a license or on a revoked or suspended license;
  - (10) violation of the subdivision act, mortgage foreclosure act, mortgage loan company act or uniform money services act;
  - (11) violation of the controlled substance act;
- J.** The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in Section 16.42.4.10 NMAC.
- K.** The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in 16.42.4.10 NMAC.
- L.** Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Interior Designers Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in 16.42.4.10 NMAC.
- M.** In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:
  - (1) an arrest not followed by a valid conviction;
  - (2) a conviction that has been sealed, dismissed, expunged or pardoned;
  - (3) a juvenile adjudication; or
  - (4) a conviction for any crime other than the disqualifying criminal convictions listed in 16.42.4.10 NMAC

16.42.4.10 NMAC  
[16.42.4.10 NMAC - N, 3/12/2022]