

This is an amendment to 16.42.4 Sections 1, 2, 3, 6, 8, 9 and 10, effective July 18, 2023.

**16.42.4.1 ISSUING AGENCY:** Regulation and Licensing Department~~[-, New Mexico Interior Design Board].~~  
[11/10/1997; 16.42.4.1 NMAC - Rn, 16 NMAC 42.4.1, 10/26/2002; A, 11/14/2009; A, 8/15/2014; A, 7/18/2023]

**16.42.4.2 SCOPE:** The provisions in Part 4 of Chapter 42 apply to all ~~[licensed holders]~~ licensees, and applicants for licensure. ~~[These provisions may also be of interest to anyone who may wish to file a complaint against a licensee of this board.]~~  
[11/10/1997; 16.42.4.2 NMAC - Rn, 16 NMAC 42.4.2, 10/26/2002; A, 7/18/2023]

**16.42.4.3 STATUTORY AUTHORITY:** ~~[This part is adopted]~~ These rules are promulgated pursuant to the Interior Design Act, 61-24C-5; 61-24C-10; 61-24C-11 and 61-24C-12 NMSA 1978.  
[11/10/1997; 16.42.4.3 NMAC - Rn, 16 NMAC 42.4.3, 10/26/2002; A, 7/18/2023]

**16.42.4.6 OBJECTIVE:** The objective of Part 4 is to establish the procedures for filing complaints against a licensee, the authority of the ~~[board]~~ department regarding ground for denial, suspension, or revocation of a license.  
[11/10/1997; 16.42.4.6 NMAC - Rn, 16 NMAC 42.4.6, 10/26/2002; A, 7/18/2023]

**16.42.4.8 COMPLAINTS:** Disciplinary proceedings against a licensed interior designer may be initiated by a sworn complaint of any person~~[-, including members of the board].~~ Complaint forms shall be obtained from the ~~[board's office]~~ department or department website and must be filed with the ~~[board]~~ department or online.  
[11/10/1997; 16.42.4.8 NMAC - Rn, 16 NMAC 42.4.8, 10/26/2002; A, 7/18/2023]

**16.42.4.9 DISCIPLINE:** ~~[Disciplinary procedure is governed by 61-1-1 NMSA 1978, et. seq.~~  
~~\_\_\_\_\_ A. \_\_\_\_\_~~ Grounds for discipline: License denial will be issued when an applicant fails to meet the qualifications for licensure or fails to pay the fees or where the applicant's conduct meets the requirements of Subsection G of Section 61-24C-10 NMSA, 1978 or Subsection B of this section.  
~~\_\_\_\_\_ B.]~~ Unprofessional conduct is grounds for denial, suspension or revocation of a license under Subsection ~~[G]~~ E of Section 61-24C-10 NMSA 1978, unprofessional conduct shall ~~[be deemed to]~~ include, but is not limited to, violations of the code of professional conduct for interior design.  
[11/10/1997; 16.42.4.9 NMAC - Rn, 16 NMAC 42.4.9, 10/26/2002; A, 11/14/2009; A, 7/18/2023]

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

- 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~~ department 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~~ department 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~~ department 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~~ department 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 - N, 3/12/2022; A, 7/18/2023]