

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 61    REAL ESTATE BROKERS**  
**PART 12        LICENSE SUSPENSION AND REVOCATION**

**16.61.12.1        ISSUING AGENCY:** New Mexico Real Estate Commission.  
[16.61.12.1 NMAC - Rp, 16 NMAC 61.12.1, 1-1-2002]

**16.61.12.2        SCOPE:** The provisions in Part 12 of Chapter 61 apply to brokers whose licenses have been suspended or revoked by the commission.  
[16.61.12.2 NMAC - Rp, 16 NMAC 61.12.2, 1-1-2002; A, 1-1-2006]

**16.61.12.3        STATUTORY AUTHORITY:** Part 12 of Chapter 61 is promulgated pursuant to the Real Estate Licensing Law, NMSA 1978 Section 61-29-1.  
[16.61.12.3 NMAC - Rp, 16 NMAC 61.12.3, 1-1-2002]

**16.61.12.4        DURATION:** Permanent.  
[16.61.12.4 NMAC - Rp, 16 NMAC 61.12.4, 1-1-2002]

**16.61.12.5        EFFECTIVE DATE:** 8-15-97, unless a later date is cited at the end of a section.  
[16.61.12.5 NMAC - Rp, 16 NMAC 61.12.5, 1-1-2002]

**16.61.12.6        OBJECTIVE:** The objective of Part 12 of Chapter 61 is to set forth the procedures for license suspension and revocation for violation of the real estate license law or the commission rules.  
[16.61.12.6 NMAC - Rp, 16 NMAC 61.12.6, 1-1-2002; A, 1-1-2006]

**16.61.12.7        DEFINITIONS:** Refer to Definitions 16.61.1.7 NMAC.  
[16.61.12.7 NMAC - Rp, 16 NMAC 61.12.7, 1-1-2002]

**16.61.12.8        DISCIPLINARY ACTIONS:** Violation of any provision of the real estate license law or commission rules may be cause for disciplinary action against any person who engages in the business or acts in the capacity of a real estate broker in New Mexico with or without a New Mexico real estate license, up to and including license suspension or revocation if the person is licensed in New Mexico, and other penalties as provided by law, commission rules, or policies, in the case of an unlicensed person. A person found by the commission to be engaging in unlicensed real estate activity has thereby submitted to the jurisdiction of the state and to the administrative jurisdiction of the commission and is subject to all penalties and remedies available for a violation of any provision of the real estate license law Chapter 61, Article 29 NMSA 1978 and the commission rules, Title 16 Chapter 61 NMAC. Nothing herein contained shall be deemed to be a restriction on any other penalty or provision provided by law.  
[16.61.12.8 NMAC - Rp, 16 NMAC 61.12.8, 1-1-2002; A, 1-1-2006; A, 12-31-2008]

**16.61.12.9        LICENSE SURRENDER:**

A. Any qualifying broker's or associate broker's license suspended or revoked by an order, stipulated agreement or settlement agreement approved by the commission shall be surrendered to the commission by the broker upon the delivery of the order to the broker by the commission, or on the effective date of the order.

B. All real-estate-related activity conducted under such license shall cease for the duration of the license suspension or revocation, and the license of any associate broker affiliated with a qualifying broker whose license is suspended or revoked shall be automatically placed on inactive status until a new qualifying broker or broker in charge is designated.

[16.61.12.9 NMAC - Rp, 16 NMAC 61.12.9, 1-1-2002; A, 1-1-2006; A, 1-1-2014]

**HISTORY OF 16.61.12 NMAC:**

**Pre-NMAC History:**

The material in this part was derived from that previously filed with the state records center and archives under:  
Real Estate License Law Manual, filed 10-2-73;  
REC-18, Rule No. 18, Penalties, filed 6-15-79;  
REC 70-17, Penalties, filed 10-6-81;

REC 71-18, Penalties, filed 11-29-82;  
Rule No. 17, Penalties, filed 12-18-87;  
NMREC Rule 17, Investigation/Penalties, filed 10-3-94.

**History of Repealed Material:**

16 NMAC 61.12, License Revocation (filed 6-25-97) repealed 1-1-2002.

**Other History:**

That portion of NMREC Rule 17, Investigation/Penalties (filed 10-3-94) was renumbered, reformatted, amended, and replaced by 16 NMAC 61.12, License Revocation, effective 8-15-97.

16 NMAC 61.12, License Revocation (filed 6-25-97) was replaced by 16.61.12 NMAC, License Suspension and Revocation, effective 1-1-2002.