



STATE OF NEW MEXICO
REGULATION & LICENSING DEPARTMENT
Real Estate Commission
5500 San Antonio Dr. NE Suite B
Albuquerque, NM 87109
(505) 222-9820
1(800)-801-7505
505 222-9886 – FAX

**FILING A COMPLAINT AGAINST
A REAL ESTATE BROKER**

The New Mexico Real Estate Commission enforces New Mexico's Real Estate License Law and the Commission Rules. Part of this responsibility involves investigating complaints from individuals who believe that a licensed real estate broker, or an individual practicing without a license, has violated the law or rules.

The Commission requires complaints to be in writing, signed by the complainant, and notarized using the attached complaint form. Completed complaint forms and any supporting documentation should be mailed to the attention of the Chief Investigator, New Mexico Real Estate Commission, 5500 San Antonio Drive NW, Suite B, Albuquerque, NM 87109

The Real Estate Commission does not investigate commission disputes between brokers, or most contractual disputes between brokers and consumers. Commission disputes should be resolved between the brokers or referred to a local board or association of Realtors if the brokers are Realtor members. With the exception of a dispute over a property management agreement between a broker and a property owner, all other contractual matters should be referred to an attorney.

Filing a complaint with the Real Estate Commission does not preclude an individual from pursuing mediation or legal action against a broker. Withdrawal of a complaint does not bind the Real Estate Commission to dismiss the complaint or cease the investigation of possible law or rule violations.

DOCUMENTING A COMPLAINT

On the attached complaint form, describe in writing the nature of the complaint. What happened, when did it happen, who was involved? Be as specific as possible and list events in chronological order.

Attach complete copies of any documents or documentation related to your complaint, including contracts, closing documents, title documents, letters, emails, cancelled checks, receipts, or any other written documents that support your complaint. Because it is difficult to substantiate verbal statements or agreements, Commission Rules require brokers to perform only on written agreements.

THE COMPLAINT AND INVESTIGATION PROCESS

All written complaints are given a case number and assigned to an investigator. Complaints are investigated in the order they are received. The respondent, or subject of the complaint, is provided a copy of the complaint and given an opportunity to respond in writing.

When the investigation is completed, the investigator presents a report of investigation to the Commission in executive session at a regular Commission meeting. Based on the report, the Commission decides whether to dismiss the complaint or proceed with disciplinary action. The decision to dismiss a complaint or proceed with disciplinary action is made in open session. No testimony from complainants or respondents is permitted at this time. However, if the complaint is referred to the Attorney General's Office for prosecution, the respondent has an opportunity to request a formal hearing at which testimony is permitted. The Commission also has the option to offer a settlement in a lieu of a hearing.

Commission investigators are available from 8 a.m. to 5 p.m. Monday through Friday to discuss your complaint and answer questions by calling the main Commission telephone number (505) 222-9820, Toll Free (800) 801-7505, or the Compliance Line at (505) 222-9880.

COMPLAINT LOG # _____

CASE# _____

NEW MEXICO REAL ESTATE COMMISSION COMPLAINT FORM

Type of Complaint

	Failure to Disclose		Misrepresentation		Advertising
	Property Management		Trust Account Violations		Timeshare
	Unlicensed Activity		Other:		

COMPLAINANT'S INFORMATION

NAME:					
ADDRESS:					
CITY:		STATE:		ZIP:	
HOME PHONE:		WORK PHONE:		CELL PHONE:	
EMAIL ADDRESS:					

COMPLAINT AGAINST (RESPONDENT)

NAME:					
BUSINESS NAME:		BUSINESS PHONE:			
BUSINESS ADDRESS:					
CITY:		STATE:		ZIP:	
EMAIL ADDRESS:					

STATEMENT OF FACTS

(Attach additional pages if necessary)

COMPLAINT LOG # _____

CASE# _____

ADDITIONAL PAGE FOR COMPLAINT STATEMENT

(REMEMBER TO SUBMIT ALL DOCUMENTATION CONCERNING THE COMPLAINT!)

COMPLAINT LOG # _____

CASE# _____

LEGAL ACTION				
Are you represented by an attorney in this matter?		YES		NO
Attorney's Name:				
Address:				
City & State		Zip:		
Has a lawsuit been filed concerning this matter?		YES		NO

NOTARY

I swear/affirm the information I provided in this statement is true and complete to the best of my knowledge.

SIGNATURE OF COMPLAINANT: _____ DATE: _____

STATE OF: _____

COUNTY OF: _____

Subscribed and sworn before me on this _____ day of _____, 20__

NOTARY PUBLIC: _____
COMMISSION EXPIRES ON: _____

Mail Completed Form & Attachments to:

**Chief Investigator
c/o Germelyn Vivar, Administrative Secretary
New Mexico Real Estate Commission
5500 San Antonio Dr. NE Suite B
Albuquerque, New Mexico 87109**