

**BEFORE THE STATE OF NEW MEXICO SPEECH-LANGUAGE PATHOLOGY,
AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD**

IN THE MATTER OF:

**SUSAN BENNETT,
Respondent.**

Case No.: HAD-14-08-03-APP

DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Board of Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board (hereafter "the Board"), and with a quorum present and a majority voting in the affirmative, the Board finds as follows:


1. A Notice of Contemplated Action ("NCA") was served upon Respondent on August 31, 2011 in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 to -34 (1957, as amended through 2013).
2. Respondent did not respond to that NCA and this Board issued a Default Order finding that Respondent violated NMSA 1978 Sections 61-14B-21(A)(4), (10), (12) and Sections 16.26.7.8 (A)(1), (E)(2) and 16.26.9.8 (B) (4), (C)(4) and (N)(3) NMAC, revoked Respondent's license as a hearing aid dispenser trainee and ordered Respondent to pay a \$500 fine.
3. Respondent submitted an application for licensure as a hearing aid temporary trainee to the Board on or about June 1, 2014, denying that she had any disciplinary action regarding her practice.
4. The Board stated in a May 24, 2016 NCA its intention to deny Respondent's application for a hearing aid dispenser license because her previous license was revoked and because Respondent falsely denied the existence of past disciplinary action against her.

5. The Board informed Respondent of her rights to a hearing on the denial of the license application in accordance with the Uniform Licensing Act and stated that it would take the contemplated action unless, within twenty (20) days after service of the NCA the Respondent requested a formal hearing.
6. Section 61-1-5 of the ULA provides that, where notice is served via certified mail, "it shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice or decision to the addressee or refusal of the addressee to accept delivery of the notice or decision." § 61-1-5.
7. Respondent failed to request a hearing within twenty (20) days of receipt of the NCA as required under Section 61-1-4 of the ULA.
8. Pursuant to the provisions of the ULA, specifically Section 61-1-4(E), if Respondent does not request a hearing, the Board may proceed to take the action contemplated in the notice and such action shall not be subject to judicial review.
9. It is therefore ordered and adjudged that Respondent failed to respond to a properly served NCA in case number HAD-14-08-03-APP and is therefore found to be in default.
10. The June 1, 2014 Hearing Aid Dispenser application of Respondent SUSAN BENNETT, is hereby DENIED. This action is final and is not subject to judicial review.

IT IS SO ORDERED.

**FOR THE NEW MEXICO SPEECH-
LANGUAGE PATHOLOGY, AUDIOLOGY
AND HEARING AID DISPENSING
PRACTICES BOARD**

9-30-16
Date


Dr. Richard Cram, Board Chair

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Default Order was mailed by certified mail to:

**Susan Bennett
2016 Summit Drive
Farmington, NM 87401**

Certified Mail #: 9171 9690 0850079 156933

By: Shelia Harris
Compliance Liaison

Susan Bennett
2016 Summit Drive
Farmington, NM 87401
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Susan Bennett
2016 Summit Drive
Farmington, NM 87401

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