

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 4 COMPLAINTS AND DISCIPLINARY ACTIONS

16.42.4.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.
[11/10/97; 16.42.4.1 NMAC - Rn, 16 NMAC 42.4.1, 10/26/2002; A, 11/14/2009; A, 8/15/2014]

16.42.4.2 SCOPE: The provisions in Part 4 of Chapter 42 apply to all licensed holders, 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.
[11/10/97; 16.42.4.2 NMAC - Rn, 16 NMAC 42.4.2, 10/26/2002]

16.42.4.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Interior Design Act, NMSA 1978, Sections 61-24C-5; 61-24C-10; 61-24C-11 and 61-24C-12 ~~NMSA 1978~~ and the Uniform Licensing Act, NMSA 1978, Section 61-1-36.
[11/10/97; 16.42.4.3 NMAC - Rn, 16 NMAC 42.4.3, 10/26/2002, A, xx/xx/2021]

16.42.4.4 DURATION: Permanent.
[11/10/97; 16.42.4.4 NMAC - Rn, 16 NMAC 42.4.4, 10/26/2002]

16.42.4.5 EFFECTIVE DATE: ~~November 10, 1997~~ December 31, 2021 unless a different date is cited at the end of a section of paragraph.
[11/10/97; 16.42.4.5 NMAC - Rn, 16 NMAC 42.4.5, 10/26/2002, A, xx/xx/2021]

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 regarding ground for denial, suspension, or revocation of a license.
[11/10/97; 16.42.4.6 NMAC - Rn, 16 NMAC 42.4.6, 10/26/2002]

16.42.4.7 DEFINITIONS: [RESERVED]

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 and must be filed with the board.
[11/10/97; 16.42.4.8 NMAC - Rn, 16 NMAC 42.4.8, 10/26/2002]

16.42.4.9 DISCIPLINE: Disciplinary procedure is governed by ~~61-1-1 NMSA 1978~~ the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -36.
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 or Subsection B of this section.
B. Unprofessional conduct is grounds for denial, suspension or revocation of a license under Subsection G of Section 61-24C-10; ~~unprofessional~~ Unprofessional conduct shall be deemed to include, but not limited to, violations of the code of professional conduct for interior design.
[11/10/97; 16.42.4.9 NMAC - Rn, 16 NMAC 42.4.9, 10/26/2002; A, 11/14/2009, A, xx/xx/2021]

16.42.4.10 DISQUALIFYING CRIMINAL CONVICTIONS: 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. NMSA 1978, Section 30-2-1 "Murder"
 2. NMSA 1978, Section 30-2-3 "Manslaughter"
 3. NMSA 1978, Section 30-3-1 "Assault"
 4. NMSA 1978, Section 30-3-4 "Battery"
 5. NMSA 1978, Section 30-6-1 "Abandonment or abuse of a child"
 6. NMSA 1978, Section 30-4-1 "Kidnapping"

	7.	<u>NMSA 1978, Section 30-4-3 “False imprisonment”</u>
	8.	<u>NMSA 1978, Section 30-9-19, “Sexual assault”</u>
B.		<u>Property Damage</u>
	1.	<u>NMSA 1978, Section 30-15-1 “Criminal damage to property”</u>
	2.	<u>NMSA 1978, Section 30-7-5 “Dangerous use of explosives”</u>
	3.	<u>NMSA 1978, Section 30-15-1.1 “Unauthorized graffiti on personal or real property</u>
	4.	<u>NMSA 1978, Section 30-17-5 “Arson and negligent arson”</u>
C.		<u>Fraud</u>
	1.	<u>NMSA 1978, Section 30-16-6 “Fraud”</u>
	2.	<u>NMSA 1978, Section 30-16-18 “Improper sale, disposal, removal or concealing of encumbered property”</u>
	3.	<u>NMSA 1978, Section 7-1-73 “Tax fraud”</u>
	4.	<u>NMSA 1978, Sections 59A-16C-1 to -17, violations of the Insurance fraud act</u>
	5.	<u>NMSA 1978, Section 30-28-2 “Conspiracy”</u>
	6.	<u>NMSA 1978, Section 30-44-4 “Falsification of documents” under the Medicaid fraud act</u>
	7.	<u>NMSA 1978, Section 30-51-4 “Money laundering”</u>
D.		<u>Theft</u>
	1.	<u>NMSA 1978, Section 30-14-8 “Breaking and entering”</u>
	2.	<u>NMSA 1978, Section 30-16-1 “Larceny”</u>
	3.	<u>NMSA 1978, Section 30-16-2 “Robbery”</u>
	4.	<u>NMSA 1978, Section 30-16-3 “Burglary”</u>
	5.	<u>NMSA 1978, Section 30-16-20 “Shoplifting”</u>
	6.	<u>NMSA 1978, Section 30-16-24.1 “Theft of identity”</u>
	7.	<u>NMSA 1978, Section 30-16-26 “Theft of a credit card”</u>
	8.	<u>NMSA 1978, Section 30-16-11 “Receiving stolen property”</u>
E.		<u>Financial Crimes</u>
	1.	<u>NMSA 1978, Section 30-16-8 “Embezzlement”</u>
	2.	<u>NMSA 1978, Section 30-16-9 “Extortion”</u>
	3.	<u>NMSA 1978, Section 30-16-10 “Forgery”</u>
	4.	<u>NMSA 1978, Section 30-41-1 “Soliciting and receiving illegal kickbacks”</u>
	5.	<u>NMSA 1978, Section 30-42-4 “Racketeering”</u>
F.		<u>Drug Offenses</u>
	1.	<u>NMSA 1978, Section 30-31-20 “Trafficking of controlled substances”</u>
	2.	<u>NMSA 1978, Section 30-31-23 “Possession of controlled substances”</u>
	3.	<u>NMSA 1978, Section 30-31-21 “Distribution to a minor”</u>
	4.	<u>NMSA 1978, Section 30-6-3 “Contributing to the delinquency of a minor”</u>
G.		<u>Sex Crimes</u>
	1.	<u>NMSA 1978, Section 30-37A-1 “Unauthorized distribution of sensitive images”</u>
	2.	<u>NMSA 1978, Section, 30-52-1 “Human trafficking”</u>
	3.	<u>NMSA 1978, Section 30-9-11 “Criminal sexual penetration”</u>
	4.	<u>NMSA 1978, Section 30-9-12 “Criminal sexual contact”</u>
	5.	<u>NMSA 1978, Section 30-9-13 “Criminal sexual contact of a minor”</u>
	6.	<u>NMSA 1978, Section 30-6A-3 “Sexual exploitation of children”</u>
	7.	<u>NMSA 1978, Section 29-11A-4(P) “Failure to register as required by sex offender registration and notification act”</u>
H.		<u>Any crimes identified under NMSA 1978, Section 61-24C-10.</u>
I.		<u>Miscellaneous</u>
	1.	<u>NMSA 1978, Section 30-7-16(B) “Felon in possession of a firearm”</u>
	2.	<u>NMSA 1978, Section 30-24-1 “Bribery of an official”</u>
	3.	<u>NMSA 1978, Section 30-24-3.1 “Acceptance of a bribe by a witness”</u>
	4.	<u>NMSA 1978, Section 30-19-3 “Commercial gambling”</u>
	5.	<u>NMSA 1978, Section 30-3A-3 “Stalking”</u>

6. NMSA 1978, Section 30-20-12 “Use of telephone to terrify, intimidate, threaten, harass, annoy or offend another
 7. NMSA 1978, Section 30-22-9 “Escape from a penitentiary”
 8. NMSA 1978, Section 66-8-102 “Driving under the influence of intoxicating liquor or drugs”
 9. practicing as a licensed Interior Designer without a license or on a revoked or suspended license
 10. NMSA 1978 Section 47-15-8 Certain violations of the mortgage foreclosure act
 11. NMSA 1978 Section 58-21-22 and Section 58-21-30 Certain violations of the mortgage loan company act
 12. NMSA 1978, Section 58-32-807 Certain violations of the uniform money services act
 13. NMSA 1978, Section 47-15-8 Certain violations of the New Mexico subdivision act
 14. NMSA 1978, Section 30-31-1 to -41 Violations of the controlled substances 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](#), NMSA 1978, Sections 61-24C-1 to -17 and/or the Uniform Licensing Act, NMSA 1978, Section 61-1-1 to-36, 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](#)

[11/10/97; 16.42.4.10 NMAC - Rn, 16 NMAC 42.4.10, 10/26/2002; [A, Xx/xx/2021](#)]

HISTORY OF 16.42.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

IDB Rule 89-7, Complaints filed 12/19/1989.

IDB Rule 89-8, Denial, Suspension, Failure filed 12/19/1989.

History of Repealed Material: [RESERVED]