

COMPLAINT LOG # \_\_\_\_\_

CASE # \_\_\_\_\_



**STATE OF NEW MEXICO**  
**REGULATION AND LICENSING DEPARTMENT**  
**New Mexico Real Estate Commission**  
**5500 San Antonio Dr. NE, Suite B**  
**Albuquerque, NM 87109**  
**(505) 222-9820**  
**Toll Free (800) 801-7505**  
**FAX (505) 222-9886**

### **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 Dr. NE, Suite B, Albuquerque, New Mexico 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.

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## NEW MEXICO REAL ESTATE COMMISSION COMPLAINT FORM

### Type of Complaint

<b>Failure to Disclose</b>	<b>Misrepresentation</b>	<b>Advertising</b>
<b>Property Management</b>	<b>Trust Account Violations</b>	<b>Timeshare</b>
<b>Unlicensed Activity</b>	<b>Other:</b>	

### Complainant(s) Information

<b>Name:</b>					
<b>Address:</b>					
<b>City:</b>		<b>State:</b>		<b>Zip:</b>	
<b>Home Phone:</b>		<b>Work Phone:</b>		<b>Cell Phone:</b>	
<b>Email Address:</b>					

### Complaint Against-Respondent(s)

<b>Name:</b>					
<b>Business Name:</b>		<b>Business Phone</b>			
<b>Business Address:</b>					
<b>City:</b>		<b>State:</b>		<b>Zip:</b>	
<b>Email Address:</b>					

### Statement of Facts

(Attach additional pages if necessary)

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**Additional Page for Complaint Statement**

**(Remember to Submit All Documentation Concerning the Complaint)**

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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	

What would you consider a fair resolution to this complaint? \_\_\_\_\_  
\_\_\_\_\_.

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: \_\_\_\_\_

Print name of Complainant: \_\_\_\_\_.

State Of: \_\_\_\_\_

County Of: \_\_\_\_\_

Subscribed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_

Commission Expires On: \_\_\_\_\_

Mail Completed Form & Attachments to:

**New Mexico Real Estate Commission  
Enforcement Division  
5500 San Antonio Dr. NE, Suite B  
Albuquerque, NM 87109**