

This is an amendment to 1.8.5 NMAC, Sections 8 and 10, effective 11/4/2025.

1.8.5.8 COMPLAINTS:

A. Any person may submit a complaint against a notarial officer alleging an act or omission that, if proven, would justify denial, revocation, suspension, or the imposition of a condition on the notarial officer's authority to perform notarial acts. The complaint shall:

- (1) provide the name and the address of the respondent who is the subject of the complaint;
- (2) attach any supporting documentation related to the complaint's allegations;
- (3) be submitted on a form provided by the Commission or on a substantially equivalent form; and
- (4) be submitted by electronic mail to ethics.commission@sec.nm.gov or by U.S. mail to the Commission's mailing address.

B. Upon receiving a properly submitted complaint, the director may share the complaint with the Office of the Secretary of State and request the SOS to provide records related to the respondent; provided that, if the complainant names a respondent who is a judicial officer, the director shall refer the complaint to the judicial standards commission and take no further action on the complaint.

C. After receiving the respondent's file from the Secretary of State, the director shall determine whether the complaint is within the commission's jurisdiction.

D. If the director determines the commission does not have jurisdiction over a complaint, the director shall inform the complainant of the reasons and close the matter without further action.

E. If the director determines the complaint is within the commission's jurisdiction, the director shall:

- (1) send the complainant a notification of receipt of the complaint;
- (2) send the complaint to the respondent at every address and electronic mail address that either the complainant provided to the commission or the respondent provided to the Secretary of State; and
- (3) request that the respondent submit a response in writing within 30 days of the director's sending a copy of the complaint pursuant to paragraph 2 of this subsection.

[D] E. If the respondent fails to provide a response to the complaint, then the respondent's failure to provide a response will be construed as the respondent's failure to maintain address information with the Secretary of State, as required by Subsection E of 12.9.3.8 NMAC, and the Commission may take adverse action, up to and including revocation of the respondent's authority to perform notarial acts, on that basis.

[E] G. After receiving the respondent's response, the director shall conduct an investigation and review the complaint, the response, and any other relevant documents or material that the director may obtain pursuant to an investigation. As part of an investigation, the director may interview witnesses, request documents, and obtain and review any other evidence reasonably related to the complaint.

[F] H. Failure by a complainant or a respondent to participate in the investigation in good faith is a basis for the Commission to draw an adverse inference.

[1.8.5.8 NMAC-N, 7/1/2023; A, 11/4/2025]

1.8.5.10 APPEALS OF COMMISSION DECISIONS: A final decision by the Commission on a complaint may be appealed by an aggrieved party pursuant to Rule 1-075 NMRA.

[1.8.5.10 NMAC-N, 7/1/2023; A, 11/4/2025]