

**BEFORE THE NEW MEXICO  
REAL ESTATE APPRAISERS BOARD**

**IN THE MATTER OF:**

G. VINCENT BARRETT  
License No. 506-G,

Case No. 21, 14-08-22

Respondent.

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**FINAL DECISION AND ORDER TO DISMISS COMPLAINT**

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**THIS MATTER** came before the New Mexico Real Estate Appraisers Board (hereafter, "Board") upon the receipt of Hearing Officer's Report filed after a hearing held January 12, 2016, and continued to January 26, 2016, at the City of Truth or Consequences Civic Center.

An evidentiary hearing conducted by Dean Zantow, Board Chair and duly authorized hearing officer, was held in response to a complaint dated August 22, 2014, alleging Respondent failed to disclose a conflict of interest, made multiple errors and omissions and may have been inaccurate in its commercial appraisal for a proposed welcome center for Spaceport America in Truth or Consequences, New Mexico. The complaint was filed by Sophia Peron and Ariel Dougherty, neither of whom was a party to the appraisal or was directly associated with the property in question. The Complaint resulted in the State's filing a Notice of Contemplated Action (NCA) dated August 24, 2015. During the evidentiary hearings, Respondent was represented by counsel, Pete V. Domenici, Jr. and the State was represented by administrative prosecutor Assistant Attorney General David Murphy.

On April 18, 2016, during a regularly scheduled and properly noticed meeting, the Board entered into executive session, pursuant to NMSA 1978, Sections 10-15-1(H)(1) and (3), to discuss the aforementioned matter. The Board reconvened immediately following its executive session,

entered back into open session and made a determination. In open session, the Board voted unanimously with one abstention to dismiss the complaint.

Pursuant to the Uniform Licensing Act, Sections 61-1-1 to -34, having reviewed the Hearing Officer's Report, the testimony and exhibits presented during the hearing and duly admitted into the record, the Board hereby proffers the following:

### **FINDINGS OF FACT**

The Board adopts and incorporates by reference, as if fully stated herein, the Hearing Officer's proposed Findings of Fact numbered 1 through 85, such findings being based on the record, testimony, and exhibits from the January 12 and 16 hearing dates, and attached hereto.

### **CONCLUSIONS OF LAW**

1. Respondent is licensed as an appraiser (#506-G) and is subject to the jurisdiction of the Board pursuant to the Uniform Licensing Act; the New Mexico Real Estate Appraisers Act ("Appraisers Act"), NMSA 1978, Sections 61-30-1 to -24; and the New Mexico Real Estate Appraisers Board Rules and Regulations, Title 16, Chapter 65, NMAC.
2. Pursuant to the Real Estate Appraisers Act, Section 61-30-7(L), the Uniform Licensing Act, and rules promulgated pursuant to the Real Estate Appraisers Act, the Board held a proper hearing on the above-referenced matter.
3. Respondent was provided timely notice of the hearing and was advised of his rights, including that he could appear at the hearing in person or through an attorney; that he would have the opportunity to admit evidence, testify, call witnesses, and cross-examine witnesses presented by the administrative prosecutor.
4. The Board did not find evidence that Respondent's appraisal report in question lacked sufficient support or data, or that Respondent's use of a qualitative analysis violated the

Appraisers Act or any provision of the Uniform Standards of Professional Appraisal Practice (USPAP).

5. Respondent did misidentify the intended users of the appraisal report when he included the New Mexico Finance Authority as an intended user, but during the hearing it was determined that the error was the result of a miscommunication. The Board determines that this error was minor and did not affect the intended use of the appraisal or compromise the confidentiality provisions under USPAP.
6. The errors and omissions related to comparable sales in Respondent's report raise concern with the Board but insufficient evidence was provided to support a determination that the errors amount to a violation of USPAP.
7. Serious concern was raised by the Board related to the issue of Respondent's responsibility to disclose, in writing and in his appraisal report, potential or perceived bias or conflict of interest that could manifest from personal financial interest in property in the nearby vicinity of an appraisal property; but insufficient evidence was presented in the hearing to support a specific violation of the Appraisers Act.
8. There was insufficient evidence introduced to support a conclusion that any errors or omissions in Respondent's report affected the value of the property.
9. As a result of the prosecution abandoning the charge related to the allegation of an ethics violation, the Board did not receive sufficient evidence to support a finding at this time that Respondent violated the USPAP Ethics Rule.
10. The Board concludes that insufficient evidence was introduced to find any violation of USPAP or the Appraisers Act, and that disciplinary action against Respondent's license is not warranted at this time.

**ORDER**

Based upon these Findings of Fact and Conclusions of Law, a quorum of the Board rendered the following order:

**IT IS THEREFORE ORDERED** that Case No. 21, 14-08-22 is hereby DISMISSED.

**IT IS SO ORDERED.**

**FOR THE NEW MEXICO REAL ESTATE  
APPRAISERS BOARD**

25 April 2016

**DATE**

/s/ e-signed

**DEAN ZANTOW, CHAIR**

*Executed electronic signature via e-mail  
authorization dated 4/25/2016*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this order was sent to the following persons:

Administrative Prosecutor:

Regina Ryanczak (*e-mail only*)  
rryanczak@nmag.gov

Respondent:

G. Vincent Barrett  
350 El Molino Blvd  
Las Cruces, New Mexico 88005

G. Vincent Barrett  
c/o Pete V. Domenici Jr.  
320 Gold SW Suite 1000  
Albuquerque, NM 87102  
pdomenici@domicilaw.com

Certified Mail to Respondent No.: 9171 9690 0935 0079 1565 06  
Return Receipt Requested

Date: April 26, 2016