

**BEFORE THE NEW MEXICO BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

IN THE MATTER OF:

**JAMES D. BRAUER, PE,
License No. 15639**

Case No. 1-PE-06-26-2014

Respondent.

DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Board of Licensure for Professional Engineers (hereafter “the Board”), and with a quorum present and a majority voting in the affirmative, the Board finds as follows:

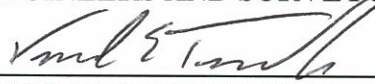
1. A Notice of Contemplated Action (“NCA”) was served upon Respondent on April 27, 2016, in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 to -34 (1957, as amended through 2013).
2. The Board mailed Respondent the NCA in case number 1-PE-06-26-2014 via certified mail, return receipt requested, to Respondent’s address located at 7201 San Benito St. NW, Albuquerque, NM 87120, which is the last known address as shown by the records of the Board.
3. The NCA stated that the Board has sufficient evidence of a violation of NMSA 61-23-1 *et seq.* (engaging in the practice of engineering without a license).
4. 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.

5. 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.
6. 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.
7. It is therefore ordered and adjudged that Respondent did fail to respond to a properly served NCA in case number 1-PE-06-26-2014 and is therefore found to be in default.
8. Respondent James D. Brauer is hereby **ORDERED** to pay a \$2,500 fine in pursuant to the Board's authority under NMSA 1978, § 61-23-24. This action is final and is not subject to judicial review.

IT IS SO ORDERED.

03 Nov 16
Date

**FOR THE NEW MEXICO BOARD OF
ENGINEERS AND SURVEYORS**



**KARL TONANDER, PE Board Chair
Professional Engineering Committee
Board of Licensure for Professional
Engineering and Professional Surveyors**