

MESSAGE THERAPY BOARD
Special Meeting

May 20, 2005 at 1:30 p.m.
Toney Anaya Building - West Capitol Complex
(Pecos Room – 2nd Floor)
2550 Cerrillos Road - Santa Fe, New Mexico

A G E N D A

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. NEW BUSINESS**
 - A. Appointment of Hearing Officer**
MT Case #04-05-013 and 04-06-015
- IV. EXECUTIVE SESSION - Pursuant to §10-15-1.H (1) and (3)**
 - A. Complaints**
MT Case #05-05-011
 - B. Cases Referred to the Attorney General's Office for the Issuance of NCA's**
MT Case #03-09-013
- V. BOARD ACTION FOR MATTERS CONSIDERED IN EXECUTIVE SESSION**
 - A. Complaints**
MT Case #05-05-011
 - B. Cases Referred to the Attorney General's Office for the Issuance of NCA's**
MT Case #03-09-013
- VI. ADJOURNMENT**

MASSAGE THERAPY BOARD
Special Meeting

May 20, 2005 at 1:30 p.m.
Toney Anaya Building - West Capitol Complex
(Pecos Room – 2nd Floor)
2550 Cerrillos Road - Santa Fe, New Mexico

MINUTES

MEMBERS PRESENT: Kathleen Egenes, Chair
Randy Barnes, Massage Therapist
Quinn Lopez, Public Member

STAFF PRESENT Geraldine Mascarenas, Compliance Liaison
Carmen E. Payne, Board Director

OTHERS PRESENT: Mona Valicenti, Assistant Attorney General

I. CALL TO ORDER

Chair Egenes called the meeting to order at 1:30 p.m. At least one member present was a public member and a quorum was established to conduct business.

II. APPROVAL OF AGENDA

Mr. Lopez **MOVED** for the Board to accept the agenda as presented. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

III. NEW BUSINESS

A. Appointment of Hearing Officer - MT Cases 04-05-013 and 04-06-015

Mr. Lopez **MOVED** for the Board to appoint an in-house Hearing Officer as provided in 61-1-7.A of the Uniform Licensing Act in the matter of MT Cases 04-05-013 and 04-06-015. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

IV. EXECUTIVE SESSION - Pursuant to §10-15-1.H (1) and (3)

Mr. Lopez **MOVED** for the Board to enter into Executive Session pursuant to Sections 10-15-1.H (1) and (3) of the Open Meetings Act to discuss the cases listed in Agenda Item IV. A and B, MT Case #05-05-11 and MT Case #03-09-013. Mr. Barnes **SECONDED** the motion and upon a roll call vote, Mr. Barnes, Mr. Lopez, and Ms. Egenes voted to enter into Executive Session. The motion **PASSED**. The time was 1:33 p.m.

V. BOARD ACTION FOR MATTERS CONSIDERED IN EXECUTIVE SESSION

At, 2:07 p.m., the Board came out of Executive Session. Chair Kathleen Egenes stated for the record that the only matter discussed in Executive Session was the matter outlined in the motion for Executive Session and the following action was taken in open session.

A. Complaints – MT Case #05-05-011

Mr. Lopez **MOVED** for the Board to refer Case #05-05-011 to the Attorney General's Office for the issuance of a Notice of Contemplated Action for violation of, to include but limited to, 61-12C-24.B(6), 61-12C-24.B(10), 61-12C-24.B(12), 16.7.2.8.B (2) and 16.7.2.8.F (1). Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Mr. Lopez **MOVED** for the Board to authorize the appointment of an in-house Hearing Officer in the matter pertaining to MT Case #05-05-011 as provided in §61-1-7.A of the Uniform Licensing Act. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

B. Cases Referred to the Attorney General's Office for the Issuance of NCA's – MT Case #03-09-013

Mr. Lopez **MOVED** for the Board to accept the Assistant Attorney General's position not to issue a Notice of Contemplated Action for the reason given by the AGO that it was not presented with sufficient evidence to prosecute the case. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Mr. Lopez **MOVED** for the Board to offer the Respondent a Pre-NCA Settlement to include: (1) a penalty of \$500 for failure to cooperate with the Board's investigation, which is a violation of 16.7.2.8.G. (2) NMAC; and (2) that if the Respondent fails to accept the Board's Pre-NCA Settlement offer that the matter be referred to the AGO for issuance of a Notice of Contemplated Action, and (3) that if and when the Notice of Contemplated Action is issued, that the case be assigned to an in-house Hearing Officer as provided in §61-1-7.A of the Uniform Licensing Act.

Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

VI. ADJOURNMENT

There being no further business before the Board, Chair Kathleen Egenes adjourned the meeting. The time was 2:14 p.m.

Respectfully Submitted by Carmen E. Payne, Board Director
Approved by the Board on June 24, 2005
Accepted by Kathleen Egenes, Board Chair, on June 24, 2005