



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

P.O. Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4600 • Fax (505) 476-4620 • www.rld.state.nm.us

April 1, 2016

Via email: tamthuha@yahoo.com

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Tam Thu Ha d/b/a NM Nails & Spa
I-40 East US Hwy 550 Suite B
Bernalillo, NM 87004

Re: New Mexico Board of Barbers & Cosmetologists
Complaint # BC 47, 13-09-12 COM
Complainant – Sheree Doll

Dear Tam Thu Ha d/b/a NM Nails & Spa:

This is in regard to the above referenced complaint and the Final Decision and Order you entered into with the New Mexico Board of Barbers & Cosmetologists on February 4, 2016.

The records of the Board reflect that you have fulfilled the terms of the agreement. Based upon full compliance with the terms and conditions set forth in the Stipulated Agreement, this case is closed.

If you have any questions regarding this matter, please call me at the telephone number provided below.

Sincerely,

Randy Perez

Compliance Liaison
New Mexico Board of Barbers & Cosmetologists
Regulation and Licensing Department
Boards and Commissions
Ph: (505) 476-4622
Randy.Perez@state.nm.us

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
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Financial Institutions Division
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**STATE OF NEW MEXICO
BOARD OF BARBERS AND COSMETOLOGISTS**

IN THE MATTER OF:

Case No: BC 47, 13-09-12 COM

**TAM THU HA dba NM NAILS & SPA,
License No. 08748**

Respondent

FINAL DECISION AND ORDER

THIS MATTER came before a quorum of the New Mexico Board of Barbers and Cosmetologists (“Board”), at a regular meeting held on February 1, 2016, for a decision in the above-referenced case. An evidentiary hearing on the merits was heard by the designated hearing officer, Tammy Hingtgen, on November 16, 2015, at the Office of the City Clerk, 600 2nd Street, NW, Albuquerque, New Mexico. Assistant Attorney General and Administrative Prosecutor, Peggy Jeffers, was present to prosecute the case on behalf of the Board. Respondent appeared in person and proceeded *pro se*. Assistant Attorney General Susanne Roubidoux was present to assist the hearing officer.

The Board, having familiarized themselves with the record of the proceedings, including the Hearing Officer’s Report and the exhibits, and by a unanimous vote of 3-0 in the affirmative, hereby issues its Final Decision and Order.

FINDINGS OF FACT

The Board adopts the Hearing Officers’ Report in its entirety. A copy of the Hearing Officer’s Report is attached hereto.

CONCLUSIONS OF LAW

The Board makes the following conclusions of law:

1. Respondent holds an establishment license, number 08748, and is subject to the jurisdiction of the Board. NMSA 1978, Section 61-17A-1 to -25 (1993, as amended through 2013).
2. Respondent was afforded all procedural and substantive due process under the Uniform Licensing Act, NMSA 1978, Section 61-1-1 to -34 (1957, as amended through 2013)
3. Under Sections 61-17A-21(A)(2) and 61-17A-21(A)(8) of the Act, and the Board's rules and regulations 16.34.7.9(A)(29), 16.34.15.8(C)(1) and (2) NMAC, the Board may deny, revoke, suspend, stipulate or fine an establishment owner's license, in accordance with the ULA's requirements, for "violation of any sanitary regulation promulgated by the board."
4. There is a preponderance of evidence to show that Respondent violated Sections 61-17A-5 and 61-17A-21 of the Act, as well as Rule 16.34.7.9(29) NMAC by failing to maintain the establishment in compliance with the Board's sanitary requirements during two inspections of the establishment.
5. Rule 16.34.15.8(B) provides expressly for fines for a second offense in failing to comply with sanitation and safety requirements for establishments.

ORDER

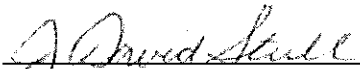
The Board finds, based on the Findings of Fact and the Conclusions of Law set forth above, that Respondent violated the Barbers and Cosmetologists Act and the Board's rules. The Board orders the following:

1. Respondent shall pay the Board a fine in the amount of two-hundred dollars (\$200.00) by cash or Certified Check made payable to the Board of Barbers and Cosmetologists, P.O. Box 2501, Santa Fe, NM 87504, within sixty days of the date this Order is signed.

IT IS SO ORDERED.

FOR THE NEW MEXICO
BOARD OF BARBERS AND
COSMETOLOGISTS

2/4/2016
Date


Jon Stull
Board Chair

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 61-1-17 of the ULA, a person aggrieved by a final decision or order of the Board may appeal the decision to district court pursuant to the provisions of NMSA 1978, Section 39-3-1.1. To obtain such review, a notice of appeal must be filed in the proper district court within thirty (30) days after the date of this Final Decision and Order.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Decision and Order was mailed by certified mail to:

Tam Thu Ha d/b/a NM Nails & Spa
I-40 East US Hwy 550 Suite B
Bernalillo, NM 87004

Certified Mail # 9171 9690 0935 0078 6789 79



Randy Perez
Compliance Liaison
Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87505

Dated this **4th** day of **February, 2016**.

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