

BEFORE THE BOARD OF MASSAGE THERAPY
OF THE STATE OF NEW MEXICO

IN THE MATTER OF:

Laura Ames,
License No. 8104,

Case No. MT 16-39-COM

Respondent.

DEFAULT ORDER

This matter came before the New Mexico Massage Therapy Board (the "Board") on August 14, 2018, for a decision pursuant to provisions of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through 61-1-33 ("ULA"). After due deliberation, the Board finds that:

1. The Board has complied with all notice and hearing provisions of the ULA and has afforded Respondent Laura Ames all applicable due process rights.
2. In accordance with NMSA 1978, § 61-1-4(D), the Board sent its Notice of Contemplated Action ("NCA") in the above-captioned matter to Respondent at her last known address of record on June 11, 2018, via United States Postal Service Certified Mail, Return Receipt Requested, Article No. 9171 9690 0935 0155 2529 17. *See* Exhibit 1 (Notice of Contemplated Action, Case No. MT 16-39-COM).
3. Subsequently, the Board's NCA was returned by the United States Postal Service as "insufficient address."
4. The NCA would have notified Respondent that the Board had before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, would justify the Board taking disciplinary action. Exhibit 1.

5. The NCA would have further notified Respondent that failure to respond and request a hearing would “result in the Board taking the contemplated action.” Exhibit 1.
6. NMSA 1978, § 61-1-4(E) authorizes the Board to take the action contemplated in the NCA if a licensee does not mail a request for a hearing within the time and in the manner prescribed by NMSA 1978, §61-1-4. It further provides that such action taken by the Board shall be final and not subject to judicial review. NMSA 1978, § 61-1-4(E).
7. Respondent did not request a hearing within the time and in the manner prescribed.
8. Respondent has not otherwise communicated with the Board or offered any evidence rebutting or explaining the violations alleged in the NCA.

Based on the above findings, the Board enters the following Default Order:

IT IS ORDERED that Respondent’s Massage Therapy License No. 8104 is hereby revoked pursuant to NMSA 1978, § 61-1-3.

This action is disciplinary action and as such is a public record subject to inspection. Pursuant to NMSA 1978, Section 61-1-4(E), this action shall be final and not subject to judicial review.

This Decision and Order shall be served upon Respondent in accordance with law.

IT IS SO ORDERED.

9/19/2018
DATE

/s/ Susan Andrews
SUSAN ANDREWS, CHAIR
NEW MEXICO BOARD OF MASSAGE THERAPY

*Signature executed via e-mail
authorization dated 9/13/18*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document and attachments were sent via certified mail, return receipt requested to Ms. Laura Ames, at her last known address of record on 9/19/2019.

Certified Mail: 9171 969 0935 0155 6259 71


Kathleen Roybal, Compliance Liaison



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Pat McMurray
DEPUTY
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION

P.O. Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4622 • Fax (505) 476-4620 • www.rld.state.nm.us

June 11, 2018

CERTIFIED MAIL #9171 9690 0935 0155 2529 17

Laura Ames
12801 Copper NE, Apt J92
Albuquerque, NM 87123

Re: New Mexico Board of Massage Therapy
Complaint #MT-16-39-COM
Complainant – Georgine Stob

Dear Ms. Ames:

Enclosed please find a Notice of Contemplated Action (NCA) for the above referenced complaint, which has been drafted by the Attorney General's Office on behalf of the above referenced Board. The NCA is self-explanatory.

Please pay particular attention to the deadlines outlined in the NCA.

If you are exercising your right to a hearing please mail your request for hearing to the above address, *directing your request to my attention, including the name of the Board as referenced above*, within the timeline outlined in the NCA. Please note that your request must be sent by certified mail.

If you want to discuss the charges enumerated in the NCA please contact the Litigation Assistant Attorney General named in the NCA.

Sincerely,

Kathleen Roybal

Kathleen Roybal
Compliance Liaison
New Mexico Board of Massage Therapy
(505) 476-4622

Enclosure: Notice of Contemplated Action

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800



**STATE OF NEW MEXICO
BOARD OF MASSAGE THERAPY**

IN THE MATTER OF:

LAURA AMES, LICENSE NO. 8104

CASE NO. MT 16-39-COM

RESPONDENT.

NOTICE OF CONTEMPLATED ACTION

Respondent, LAURA AMES, License No. 8104, is hereby notified that the New Mexico Board of Massage Therapy (hereinafter "Board") has before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Board in issuing a Cease and Desist Order and imposing a civil penalty and administrative costs against Respondent.

1. The Board has jurisdiction to issue a Cease and Desist Order and institute disciplinary proceedings against Respondent pursuant to NMSA 1978, Sections 61-12C-8(H) -- Massage Therapy Practice Act and hold a hearing under section 61-1-3 of the Uniform Licensing Act;

2. The Board also has sufficient evidence to take disciplinary action against Respondent for violation of NMSA 1978, Section 61-12C-24; 16.7.2.8C(1) and (9)F(1) NMAC.

3. The general nature of Respondent's alleged violations, conduct and evidence are as follows
Laura Ames offered 5 massages -- of one hour each -- for \$140 to Georgine L. Stob and to Mary Mickler. Respondent failed to provide massages as represented.
Respondent offered 5 massages of one hour each for \$140. She demanded cash payment. 1st massage was fine - as advertised. 2nd massage she was about 15 min late & massage was provided for only about 40 min. 3rd massage - again 15 min late - but full hour. 4th massage - she did not show up at all - email & phone message were never returned. There was not 5th massage

In addition, Respondent also "stuffed" Mary Mickler

4. The foregoing statements are general in nature and the evidence adduced or elicited at the hearing will not be limited by this summary.

5. Unless rebutted or explained at a formal hearing, the evidence before the Board is sufficient to justify the Board in taking disciplinary action as permitted under the Uniform Licensing Act.

6. **The Board shall take the contemplated action by default, unless Respondent, within 20 days after service of this Notice of Contemplated Action, mails a Certified Return Receipt Requested letter addressed to the Board and containing a request for a hearing.** Section 61-1-4(D)(3). If Respondent does not mail a request for a hearing as stated above, the Board may take the action contemplated in the notice and such action shall be final and not subject to judicial review. Section 61-1-4(E). A written request for a hearing should be sent to the following address:

New Mexico Board of Massage Therapy
Attention: Kathleen Roybal
P.O. Box 25101
Santa Fe, New Mexico 87504-25101

7. If requested, the formal hearing will be conducted in accordance with the ULA, Section 61-1-4(D)(4). Section 61-1-8 of the ULA affords a respondent the following rights:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the board or the hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or hearing officer. All notices issued pursuant to NMSA 1978, § 61-1-4 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

**NEW MEXICO BOARD OF MASSAGE
THERAPY**

Date: June 11, 2018

By: /s/ Susan Andrews

CERTIFICATE OF SERVICE

I, Kathleen Roybal, do hereby certify that a true and correct copy of the this Notice of Contemplated Action was mailed to Respondent, at Respondent's last known address as shown by the records of the New Mexico Massage Therapy Board, on this 11th day of June, 2018.

Return Receipt Request No.: 9171 9690 0935 0155 2529 17

Kathleen Roybal

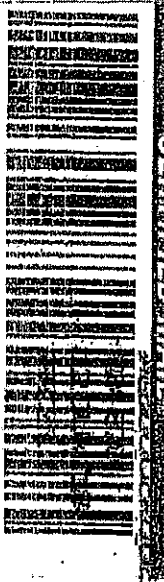
Print the Name of Individual Certifying Service

Compliance Liaison / BCD

Title/Organization

Kathleen Roybal
Signature

New Mexico Regulation and Licensing Department
Boards and Commissions
Board of Massage Therapy
P.O. Box 25101
Santa Fe, NM 87504



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First-Class Mail
06/12/2018
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ZIP 87505
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RECEIVED
JUN 20 2018

BY:

Robert "Mike" Unthank
SUPERINTENDENT
Pat McMurray
DEPUTY
SUPERINTENDENT

June 11, 2018
Laura Ames
12801 Copper NE, Apt J92
Albuquerque, NM 87123

CH
MIXER
ST1 SE 4
2206/12/18
RETURN TO SENDER
INSUFFICIENT ADDRESSES
UNABLE TO FORWARD
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