

This is an amendment to 16.34.11 NMAC, Sections 8, 9, effective 12/27/2022.

16.34.11.8 VIOLATIONS BY LICENSEES:

A. When the board becomes aware of information or evidence tending to indicate that a violation of the act or these rules has been or is being committed by a licensee or student, it will review the matter and take appropriate action, or it may refer the matter to an informal subcommittee for review and recommendation, or it may make such investigation as it deems appropriate.

B. If an investigation is made, upon conclusion that a violation has occurred, the board shall:

- (1) take no further action;
- (2) issue a notice of contemplated action (NCA) under the Uniform Licensing Act;
- (3) invite the parties to an informal conference with the board or the board's designee to aid in the board's resolution of the matter;
- (4) issue a cease and desist order in accordance with the Uniform Licensing Act if the board determines that conditions within the establishment present a substantial danger of illness, serious physical harm or death to customers who might patronize the establishment;
- (5) file a formal complaint with a court of appropriate jurisdiction; or
- (6) issue or direct the board's executive director to issue a letter of warning, a statement of what the board believes must be done to come into compliance with the act or these rules or a similar communication.

[16.34.11.8 NMAC - Rp 16 NMAC 34.11.8, 6/16/2001; A, 7/16/2004; A, 12/17/2015; A, 12/27/2022]

16.34.11.9 VIOLATION OF SANITATION AND SAFETY REQUIREMENTS:

- A.** If an establishment or enterprise fails the second inspection (re-inspection):
- (1) an administrative fee pursuant to 16.34.15.8 NMAC;
 - (2) a cease and desist order will be served in accordance with the Uniform Licensing Act;
 - (3) a re-inspection fee of up to \$200.00 will be assessed, at the time of the re-inspection.
- C.** If an establishment or enterprise fails the third inspection (second re-inspection):
- (1) the inspector will file a complaint;
 - (2) a re-inspection fee of \$200.00 will be assessed, at the time of the re-inspection;
 - (3) a cease and desist will be served in accordance with the Uniform Licensing Act.

[16.34.11.9 NMAC - Rp 16 NMAC 34.11.9, 6/16/2001; Repealed, 10/4/2007; N, 7/14/2018; A, 12/27/2022]