

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 10 INVESTIGATIONS AND CONFIDENTIALITY

16.34.10.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists.
[16.34.10.1 NMAC - Rp 16 NMAC 34.10.1, 06/16/2001]

16.34.10.2 SCOPE: All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises and establishments.
[16.34.10.2 NMAC - Rp 16 NMAC 34.10.2, 06/16/2001; A, 07/14/2018]

16.34.10.3 STATUTORY AUTHORITY: Section 61-17A-7 - This authorizes any member of the board, its employees or agents to enter and inspect any establishment or enterprise for the purpose of determining compliance with the Barbers and Cosmetologists Act.
[16.34.10.3 NMAC - Rp 16 NMAC 34.10.3, 06/16/2001]

16.34.10.4 DURATION: Permanent
[16.34.10.4 NMAC - Rp 16 NMAC 34.10.4, 06/16/2001]

16.34.10.5 EFFECTIVE DATE: June 16, 2001 unless a later date is cited in the history note at the end of a section.
[16.34.10.5 NMAC - Rp 16 NMAC 34.10.5, 06/16/2001]

16.34.10.6 OBJECTIVE: Pursuant to the Barbers and Cosmetologists Act this part establishes the investigative methods.
[16.34.10.6 NMAC - Rp 16 NMAC 34.10.6, 06/16/2001]

16.34.10.7 DEFINITIONS: Refer to Part 1
[16.34.10.7 NMAC - Rp 16 NMAC 34.10.7, 06/16/2001]

16.34.10.8 INVESTIGATIVE METHODS: The board may use any lawful method of investigation it deems necessary and appropriate, including undercover investigation using board personnel, law enforcement personnel, and other investigative personnel and techniques.
[16.34.10.8 NMAC - Rp 16 NMAC 34.10.8, 06/16/2001]

16.34.10.9 CONFIDENTIALITY OF INVESTIGATIONS: The board shall take all lawful confidentiality measures, which it deems necessary and appropriate to protect the effectiveness of its investigations, subject to the requirements of the New Mexico Inspection of Public Records Act.
[16.34.10.9 NMAC - Rp 16 NMAC 34.10.9, 06/16/2001]

16.34.10.10 COMPLIANCE WITH BOARD REQUESTS

A. Pursuant to powers vested in it, the board may from time to time request that a licensee provide it with information or documents concerning the licensee's activities.

B. Within fifteen days of receipt of such request the licensee shall respond by complying with the request.

C. Failure to respond timely is a violation of the rules and provides sufficient evidence to issue a notice of contemplated action against the licensee.

[16.34.10.10 NMAC - Rp 16 NMAC 34.10.10, 06/16/2001]

HISTORY OF 16.34.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records Center and Archives under:

Article X, Investigations and Confidentiality, 12/22/1981

Rule 9, Investigations and Confidentiality, 3/8/1990

Rule 9, Investigations and Confidentiality, 10/19/1993

Rule 9, Investigations and Confidentiality, 5/23/1995

BBE Rule 86-1, Board of Barber Examiners, Rules and Regulations - 1986, 6/27/1986

BBE Rule 87-1, NM Board of Barber Examiners, Rules and Regulations - 1987, 11/4/1987

BBE Rule 88-1, NM Board of Barber Examiners, Rules and Regulations - 1988, 10/4/1988

History of Repealed Material:

16 NMAC 34.10, Investigations and Confidentiality - Repealed, 6/16/2001