

This is an amendment to 16.34.15 NMAC, Section 8, effective April 12, 2010.

16.34.15.8 ADMINISTRATIVE PENALTIES AND FINES

A. Subject to legally required procedural safeguards, any person who violates any provisions of the act or any rule adopted by the board may incur, in addition to any other penalty provided by law, a civil penalty in an amount of less than one thousand dollars for each violation. The board will serve on the licensee official notice of any such fine that the board proposes to assess. Failure to pay a fine, once properly assessed, may result in an additional fine ~~[and/or]~~ or revocation of license or other disciplinary action. The penalties to be assessed are as follows:

B. Failure to comply with establishment requirements:

- (1) first offense: ~~[one hundred dollars.]~~ two hundred dollars
- (2) second offense: ~~[three hundred dollars.]~~ four hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit

of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

C. Failure to comply with sanitation and safety requirements for establishments:

- (1) first offense: warning from inspector/"board"
- (2) second offense: ~~[one hundred dollars.]~~ two hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit

of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

D. Failure to post required licenses:

- (1) first offense: ~~[fifty dollars.]~~ one hundred fifty dollars
- (2) second offense: ~~[three hundred dollars.]~~ four hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit

of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

E. Working on an expired or invalid license:

- (1) first offense: ~~[fifty dollars.]~~ one hundred fifty dollars
- (2) second offense: ~~[three hundred dollars.]~~ four hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit

of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

F. Performing services for compensation in an unlicensed establishment:

- (1) first offense: ~~[three hundred dollars.]~~ five hundred dollars
- (2) second offense: ~~[five hundred dollars.]~~ six hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the

limit of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

G. Failure by a school to properly and timely register all students:

- (1) first offense: ~~[one hundred dollars.]~~ two hundred dollars
- (2) second offense: ~~[three hundred dollars.]~~ four hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the

limit of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

H. Committing any of the causes listed in 61-17A-21 not otherwise addressed in these rules:

- (1) first offense: ~~[one hundred dollars.]~~ two hundred dollars
- (2) second offense: ~~[three hundred dollars.]~~ four hundred dollars
- (3) third and subsequent offenses: The board shall take steps to impose a further fine up to the

limit of nine hundred ninety nine dollars or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

I. Student loan default is defined as "the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the lender or guarantee agency finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for one hundred eighty days."

J. Official notice of default: The board shall take steps to impose a fine up to nine hundred ninety nine dollars or take other disciplinary action as permitted by the act or the Uniform Licensing Act which may include suspension, revocation or failure to renew a license.
[16.34.15.8 NMAC - Rp 16 NMAC 34.15.8, 06-16-01; A, 04/12/10]