

This is an amendment to 16.34.15 NMAC Section 8, effective 1/13/2026.

16.34.15.8 ADMINISTRATIVE PENALTIES AND FINES: 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 (\$1,000) 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 or revocation of license or other disciplinary action. The penalties to be assessed are as follows:

A. A re-inspection fee of two hundred dollars (\$200) will be assessed for each inspection pursuant to 16.34.11.9 NMAC.

B. Failure to comply with establishment requirements:

(1) first offense: two hundred dollars (\$200);
(2) second offense: four hundred dollars (\$400);
(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 (\$999) 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"]~~ two hundred dollars (\$200);
(2) second offense: ~~[two hundred dollars (\$200)]~~ four hundred dollars (\$400);
(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 (\$999) 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: ~~[one hundred fifty dollars (\$150)]~~ two hundred dollars (\$200);
(2) second offense: four hundred dollars (\$400)
(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 (\$999) 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: ~~[one hundred fifty dollars (\$150)]~~ one thousand dollars (\$1,000);
(2) second offense: ~~[four hundred dollars (\$400)]~~ five thousand dollars (\$5,000);
(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 (\$999)]~~ \$10,000 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: five hundred dollars (\$500);
(2) second offense: six hundred dollars (\$600);
(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 (\$999) 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: two hundred dollars (\$200);
(2) second offense: four hundred dollars (\$400);
(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 (\$999) 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 Subsection A of Section 61-17-21 NMSA 1978 not otherwise addressed in these rules:

(1) first offense: two hundred dollars (\$200);
(2) second offense: four hundred dollars (\$400);
(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 (\$999) 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 180 days."

J. Official notice of default: The board shall take steps to impose a fine up to nine hundred ninety nine dollars (\$999) 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, 6/16/2001; A, 4/12/2010; A, 7/14/2018; A, 1/13/2026]