



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Board of Barbers and Cosmetologists

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REGULAR BOARD MEETING

Virtual Meeting

November 16, 2020

9:00 A.M.

MEETING MINUTES

I. CONVENE AND ROLL CALL

Vice Chair Amanda Montelongo called the New Mexico Board of Barber and Cosmetologist, Regular meeting to order at 9:05 a.m. Hector Barragan, Board Administrator took roll call and it was determined a quorum was present.

MEMBERS PRESENT:

Andrew Madvin, Professional Member	Present
Amanda C. Montelongo, Professional Member	Present
Mary Ann Luevano, Professional Member	Present
Tammy Ojeda, Professional Member	Present
Jonathan Muniz, Public Member	Present
Serena Rodriguez, Public Member	Present

MEMBERS ABSENT: N/A

STAFF PRESENT:

Hector Barragan, Board Administrator
Amanda Lewis, Team Leader
Elisa Salazar, Compliance Officer
Kathy Ortiz, Deputy Director, Boards and Commission
John Blair, Director, Boards and Commission

OTHERS PRESENT:

Shannez Dudelczyk, Assistant Attorney General

II. APPROVAL OF AGENDA

Vice Chair Montelongo made a **MOTION** to approve the agenda as written. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Roll call please.

BOARD MEMBERS

Andrew Madvin, Professional Member
Amanda C. Montelongo, Professional Member
Mary Ann Luevano, Professional Member
Tammy Ojeda, Professional Member
Jonathan Muniz, Public Member
Serena Rodriguez, Public Member

VOTE

Yes
Yes
Yes
Yes
Yes
Yes

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III. APPROVAL OF MINUTES

August 12, 20, Meeting

Vice Chair Montelongo made a **MOTION** to Table the approval of the August 12, 2020, Board Meeting Minutes, Meeting Minutes were not included. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Roll call please.

BOARD MEMBERS

VOTE

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

IV. NEW BUSINESS

a) Introduction of all Board Members and Board Staff

Andrew Madvin, Professional Member, Amanda C. Montelongo, Professional Member, Mary Ann Luevano, Professional Member, Tammy Ojeda, Professional Member, Jonathan Muniz, Public Member, Serena Rodriguez, Public Member, Hector Barragan, Board Administrator Amanda Lewis, Team Leader, Elisa Salazar, Compliance Officer

b) Election of Officers (Chair, Vice Chair, Hearing Officer)

Election of Board Officers

1. Board Chair

Vice Chair Montelongo made a **MOTION** to appoint Board Member Mary Ann Luevano as Board Chair. Member Madvin **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

2. Vice Chair

Chair Mary Ann Luevano made a **MOTION** to appoint Board Member Amanda Montelongo as Board Vice Chair. Member Muniz **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

3. Hearing Officer

Chair Mary Ann Luevano made a **MOTION** to appoint Board Member Andrew Madvin as Hearing Officer. Board Vice Chair, Amanda Montelongo **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Roll call please.

BOARD MEMBERS

VOTE

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

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- c) Committee Appointments (Rules committee, Complaint committee, Application review committee)

Rules Committee, Members Mary Ann Luevano and Tammy Ojeda appointed

Complaint Committee, Members Amanda Montelongo and Jonathan Muniz appointed

Application Review Committee, Members Andrew Madvin and Serena Rodriguez appointed

Roll call please.

BOARD MEMBERS

VOTE

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

- d) RLD Updates, John Blair, Director, Boards and Commissions Division
Unavailable

- e) License requirement extension due to Pandemic, Rule 16.34.5.8.A.(3)NMAC

Vice Chair Montelongo made a **MOTION** to approve the extension of the License Requirement deadline of one year to 6 months from the date PCS begin the practical exam. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll call please.

BOARD MEMBERS

VOTE

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

- f) Military Rule Change-HB30 in the 2020 Legislative session

Board Administrator informed Board of HB30, requires rewriting of current Military Status Rule 16.34.2.13 NMAC

- g) Hyaluron Pen, Plasma Fibroblast and Eyelash Extensions procedures, License required.

Chair Luevano recommended that the Hyaluron Pen and Plasma Fibroblast require a rule change to be permitted. Members Ojeda, Muniz and Montelongo all agree the procedures fall under Medical due to the depth of penetration of needles. Eyelash extension services do require a Cosmetology, Esthetics or Barbering license.

V. OLD BUSINESS

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a) Student Permit Extension

The first item is the extension of student permits. At the last meeting it was decided to extend the expiration of student permits until December 31, 2020. Practical exams are not being scheduled and a further extension requires discussion and or action.

Vice Chair Montelongo made a **MOTION** to approve the extension of student permits for 6 more months from 12/31/2020 to 6/30/2021. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll call please.

BOARD MEMBERS

VOTE

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

b) Extension of the one year testing/licensing requirement

Voted on in New Business (IV e)

VI. PUBLIC COMMENT

Mr. Cunningham, inquired on the 25% Distance Education, Ms Shannez informed, the change in rule requires a rule change and is an extensive process.

Mr. Larry Henderson commented that Distance Education has been addressed since April 2020 and has not been properly addressed. Ms Shannez requested that the Board submit proposed changes to the rule for review. There will not be a quick fix to the change.

Mr. Oscar Luevano, addressed Distance Education via Statute 14-4-5.6 Emergency Provision, Ms Shannez informed the Board that they could hold a Special Meeting with a 3-day notice; an Emergency Meeting requires record of evidence of rule change.

Mr. Pierre Gonzalez, questioned the practical testing being offered by PCS and when was it approved for changed, Mr. Gonzalez teaches micro-needling and the view of the previous board were that it was up to the profession on what product or technique they can use.

Ms. Shelly Gowen, wishes to clarify that the domain sections on the web site of PCS do not match, and cannot print the Esthetician Handbook or accessible. The Handbooks do not match what is actually being tested.

VII. EXECUTIVE SESSION

Board of Barbers and Cosmetologists

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Vice Chair Amanda Montelongo made a **MOTION** for the Board of Barber and Cosmetologist to enter into Executive Session to discuss the items listed on the agenda, pursuant to Section 10-15-1-H(1) of the Open Meetings Act authorizing closed session for matters related to issuance, suspension, renewal, or revocation of a license. Chair Name **SECONDED** the motion.

The Board Administrator took a roll call vote to enter into Executive Session.

<u>BOARD MEMBERS</u>	<u>VOTE</u>
Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena rodriguez, Public Member	Yes

The motion **PASSED** by **UNANIMOUS APPROVAL**. The Board entered into Executive Session at 11:49 a.m. and the recorder was turned off.

Back in Open Session

The Board returned to open session at 2:00p.m. The matters discussed in the closed meeting were limited only to the items listed on the agenda.

A) Mayela's Court Case – No Action

B) Complaints

1. BC-15-47-COM

Member Montelongo made a **MOTION** to Close #BC-15-47-COM. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

2. BC-18-21-COM

Member Montelongo made a **MOTION** to Close #BC-18-21-COM. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

3. BC-18-63-INS

Member Montelongo made a **MOTION** to Close #BC-18-63-INS ordering Respondent to pay a penalty in the amount of \$1000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

4. BC-16-10-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-16-10-INS ordering Respondent to pay a penalty in the amount of \$1,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

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5. BC-16-21-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-16-21-INS ordering Respondent to pay a penalty in the amount of \$1,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

6. BC-18-17-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-17-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

7. BC-18-18-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-18-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

8. BC-18-53-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-53-INS ordering Respondent to pay a penalty in the amount of \$800.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

9. BC-18-64-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-64-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

10. BC-18-68-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-68-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

11. BC-18-64-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-64-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

12. BC-18-68-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-18-68-INS ordering Respondent to pay a penalty in the amount of \$2,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

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13. BC-19-14-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-19-14-INS ordering Respondent to pay a penalty in the amount of \$1,200.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

14. BC-19-17-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-19-17-INS ordering Respondent to pay a penalty in the amount of \$1,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

15. BC-19-18-INS

Member Montelongo made a **MOTION** to issue a Default Order for Case #BC-19-18-INS ordering Respondent to pay a penalty in the amount of \$1,000.00 to be paid within 60 days. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Roll call please.

BOARD MEMBERS

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena rodriguez, Public Member	Yes

C. Settlement Agreements

1. BC-20-53-INS

Member Montelongo made a **MOTION** to accept the settlement agreement for Case #BC- 20-53-INS as written. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

2. BC-19-61-INS

Member Montelongo made a **MOTION** to accept the settlement agreement for Case #BC-19-61-INS as written. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Roll call please.

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BOARD MEMBERS

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

D. Applications

BC-20-04-APP

Member Montelongo made a **MOTION** to accept application #BC-20-04-APP for licensure. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-05-APP

Member Montelongo made a **MOTION** to accept application #BC-20-05-APP for licensure. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-06-APP

Member Montelongo made a **MOTION** to accept application #BC-20-06-APP for licensure. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-07-APP

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Member Montelongo made a **MOTION** to accept application #BC-20-07-APP for credit of hours. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-08-APP

Member Montelongo made a **MOTION** to accept application #BC-20-08-APP for credit of hours. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-09-APP

Member Montelongo made a **MOTION** to accept application #BC-20-09-APP for licensure. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	Yes
Amanda C. Montelongo, Professional Member	Yes
Mary Ann Luevano, Professional Member	Yes
Tammy Ojeda, Professional Member	Yes
Jonathan Muniz, Public Member	Yes
Serena Rodriguez, Public Member	Yes

BC-20-10-APP

Member Montelongo made a **MOTION** to **not** accept application #BC-20-10-APP for licensure. Member Luevano **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**

Roll Call Taken

Andrew Madvin, Professional Member	No
Amanda C. Montelongo, Professional Member	No
Mary Ann Luevano, Professional Member	No
Tammy Ojeda, Professional Member	No
Jonathan Muniz, Public Member	No
Serena Rodriguez, Public Member	No

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VIII. NEXT MEETING

The next Board meeting is tentatively scheduled for January 11, 2021. It is unknown whether this will be held in the same format or if it will be an in-person meeting.

IX. ADJOURN

If there is no other business before the Board, this meeting is adjourned at 2:37pm.

APPROVED BY: _____

NAME, BOARD CHAIR

DRAFT