BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

Case no. BC-17-53-COM

E. CHRISTINE JACQUEZ-PEREA (License no. C19339)
aka CHRISTINE JACQUEZ
aka CHRISTINE PEREA,
dba DA VIDA HAIR & NAIL STUDIO (EST15701),
aka DA VIDA BEAUTY & WELLNESS STUDIO (unlicensed),

Respondent.

FINAL DECISION AND DEFAULT ORDER

This matter came before a quorum of the New Mexico Board of Barbers and Cosmetologists ("Board") at an open public meeting on January 8, 2020, on a complaint filed against E. Christine Jacquez-Perea ("Respondent"), doing business as Da Vida Beauty & Wellness Studio, alleging violations of the Barbers and Cosmetologists Act, NMSA 1978, 61-17A-1 to -25 (1993, as amended through 2019) ("Act"). Respondent did not request a hearing; the matter was presented to the Board as a default action. Pursuant to the Act, and the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 to -34, (1957, as amended through 2019), the Board states the following:

FINDINGS OF FACT

1. Respondent is a licensed cosmetologist pursuant to the Act and is therefore subject to jurisdiction of the Board.
2. The Board voted to issue a Notice of Contemplated Action (NCA) against Respondent stating the Board had sufficient evidence to justify revoking, suspending, or taking other disciplinary action against Respondent based on alleged violations of the Act.
3. The NCA alleged Respondent committed unlicensed activity by practicing cosmetology in an unlicensed establishment, Da Vida Hair & Nail Studio, for a period of time spanning

approximately two (2) years, despite being told of her noncompliance by Regulation and Licensing Department (RLD) Investigator Dion Leyba on at least three (3) occasions.

4. The NCA further alleged that an internet search of Respondent's website showed "Da Vida Beauty and Wellness Center" at the top of the webpage with a photo below of "Da Vida Hair & Nail Studio." Moreover, a social media search revealed Respondent had a Facebook page for Da Vida Beauty & Wellness Studio, created on April 18, 2015. The establishment's page had customer reviews dating back as far as April 2015, and as recent as April 2018. Da Vida Beauty & Wellness Studio has never been a licensed establishment.
5. The NCA stated that unless rebutted or satisfactorily explained at a formal hearing, the alleged violations justified the Board in taking disciplinary again against Respondent.
6. The NCA was mailed to Respondent by the Board via certified mail, return receipt requested, to the address on file with the Board.
7. All licensees are required to maintain a current address with the Board. Pursuant to the ULA, notice "shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice." NMSA, 1978, § 61-1-5.
8. The ULA states that if a licensee does not mail a request for hearing within the time prescribed by Section 61-1-4, "the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review." NMSA 1978, § 61-1-4(E).
9. Respondent failed to request a hearing in response to the NCA.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent, Respondent's license, and the subject matter of this proceeding, pursuant to the Act and the ULA.
2. In accordance with Sections 61-1-4 to -5 of the ULA, Respondent was served with the NCA on the date of delivery.

3. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
4. The Board may take the action contemplated in the NCA and such action shall be final and not subject to judicial review pursuant to NMSA 1978, Section 61-1-4.
5. The Board finds by a preponderance of the evidence that Respondent violated NMSA 1978, Sections 61-1-3.2 and 61-17A-5 by engaging in unlicensed practice.
6. Additionally, Respondent violated NMSA 1978, Section 61-17A-21 by a preponderance of the evidence for her gross continued negligence in observing the Act's rules and regulations by failing to license her establishment until 2018.
7. Having reviewed the matter, pursuant to the Act and the ULA, the Board finds there is sufficient evidence to justify taking disciplinary action against Respondent as contemplated in the NCA.

ORDER

1. Respondent shall pay a fine in the amount of $1,000.00 within sixty (60) days from the date of receipt of this Order. This Order constitutes formal disciplinary action by the Board and may be reported to the applicable professional licensing national database, if any.
2. Respondent's failure to comply with the terms of this Order will result in further Board action. Any violation of this Order will result in the immediate, automatic filing of an administrative Notice of Non-Compliance (NNC) by Board staff. Upon the filing of a NNC, the matter shall be scheduled for the next public meeting of the Board, at which time the Board shall hear from Board staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for noncompliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Board meeting. Any presentation regarding the NNC shall be limited to evidence pertaining to Respondent's alleged failure to comply with the Order. Upon finding such violation occurred, the Board may suspend Respondent's license(s), provided this suspension only remain

in effect until such time Respondent becomes compliant with this Order, or the Board takes other enforcement action as permitted by law. If Respondent's noncompliance constitutes acts that are prohibited under the Board's statutes or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.

IT IS SO ORDERED.

2/28/2020

_____ _____

Gabriel Garduno, Chair
Board of Barbers and Cosmetologists

Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed by certified mail on the date below to:

_____ _____

E. Christine Jacquez-Perea, Licensee
dba Da Vida Beauty & Wellness Studio
2410 Sandollar Ct.
Las Cruces, NM 88007
Certified mail no. 9171 9690 0935 0078 679853

Date

__/s/ Elisa Salazar_____ ____2/28/2020_____

Elisa Salazar, Board Staff

Date