

NEW MEXICO LAW ENFORCEMENT ACADEMY

PUBLIC HEARING

May 12, 2017

9:00 a.m.

Law Enforcement Academy

4491 Cerrillos Road

Santa Fe, New Mexico 87507

BEFORE: JOHANNA C. COX, ESQ., Hearing Officer

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

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1 here as well.

2 Did everyone have a chance to review them?

3 Okay. Seeing heads shaking yes, we will proceed.

4 Those here today, please sign in the

5 attendance sheet. Is there anyone here who has not

6 signed the attendance sheet?

7 I did ask a question and you will have to

8 respond. Is there anyone here who has not signed the

9 attendance sheet?

10 MR. MECHELS: No, ma'am.

11 MS. COX: Okay. Seeing head shakes no, we

12 will proceed.

13 This rule hearing will be conducted in the

14 following manner: There are six exhibits that were

15 previously admitted. Exhibits admitted into evidence

16 are available for review by the public, but exhibits

17 may not be removed from this room.

18 After all exhibits will be formally entered

19 momentarily, we will proceed in numerical sequence

20 through each proposed rule change. We will only

21 address one rule at a time and one part of the

22 proposed change to that rule consecutively. After

23 introducing each part and section, I will open the

24 floor for any comments from the public.

25 This hearing is it not subject to judicial

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P R O C E E D I N G S

1 MS. COX: Good morning. My name is JoHanna

2 Cox, I will be the Hearing Officer this morning. The

3 purpose of the hearing is for the Board to receive

4 public comment on different proposed amendments to the

5 current Board rules.

6 The current Board rules that have proposed

7 amendments are Title 10, Chapter 29, Parts 1, 4, and

8 10 of the New Mexico Administrative Code. This

9 process and hearing is being conducted in accordance

10 with the provisions of the Law Enforcement Training

11 Act and the State Rules Act.

12 The hearing is being recorded by Jan

13 Williams. Anyone interested in a copy of the

14 transcript, please contact Ms. Williams directly.

15 The New Mexico Lobbyist Regulation Act

16 regulates certain activities before the Board in

17 rulemaking proceedings. The Secretary of State's

18 office can be contacted for more information and

19 registration.

20 Public notice of this hearing was published

21 in the New Mexico Register, the Albuquerque Journal,

22 and on the Board's website. Copies of the proposed

23 changes have been available on the Board's website and

24 at the Board's office. Printed copies are available

25

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1 rules of evidence. However, in the interest of

2 efficiency, I reserve the right to limit any testimony

3 deemed irrelevant, redundant, or unduly repetitious.

4 To assist with reviewing the record of this hearing, I

5 ask that comments be concise and as clear as possible.

6 For the record would the members of the

7 audience who intend on testifying during the rule

8 hearing please state your name and any affiliation for

9 the court reporter.

10 MR. MECHELS: I'm Chris Mechels.

11 MS. COX: And do you have any affiliation,

12 Mr. Mechels?

13 MR. MECHELS: No. I'm retired.

14 MS. COX: In order to ensure that the hearing

15 is accurately recorded, only one person at a time

16 shall be allowed to speak. Any person recognized to

17 speak is asked to first identify yourself by name for

18 the reporter each time you are recognized to speak;

19 and second, speak loud and clearly so the reporter can

20 accurately record your comments.

21 After a person has offered comment, they will

22 stand for questions. The audience may also ask

23 questions of anyone offering comments after being

24 recognized by myself as the Hearing Officer.

25 Final Board action, including adoption of the

1 rules, will not take place or be a part of the current
2 hearing. Again, this is for public commentary to be
3 received by the Board only.

4 The Board will discuss the proposed rules
5 during the subsequent Board meeting currently
6 scheduled for -- I believe it's June 6th. I do not
7 have the location offhand, but I do believe it is
8 June 6th.

9 MR. MECHELS: Silver City.

10 MS. COX: Thank you. Will the record reflect
11 Mr. Mechels indicated the June 6th meeting will be in
12 Silver City.

13 Good morning, sir. We have already started.
14 Will you be addressing or providing any commentary in
15 today's hearing?

16 MR. ST. CYR: I may.

17 MS. COX: Okay. And will you please state
18 your name and any affiliation for the court reporter
19 at this time.

20 MR. ST. CYR: Sure. It's Peter St. Cyr. And
21 I'm the executive director for the New Mexico
22 Foundation for Open Government.

23 MS. COX: Can you spell your last name,
24 please, Mr. St. Cyr.

25 MR. ST. CYR: Yes. My pleasure. S-t. C-y-r.

1 MS. COX: Thank you very much.

2 As a preliminary matter, the following
3 exhibits have been prefiled and are introduced into
4 the record. They will also become exhibits attached
5 to the transcript of this hearing.

6 Exhibit 1 is the legal notice published in
7 the New Mexico Register dated April 11th, 2017, more
8 than the required minimum 30 days advanced notice for
9 a public rule hearing.

10 Exhibit 2, additional notice published in the
11 Albuquerque Journal dated March 31st, 2017.

12 Exhibit 3, a screenshot of the Law
13 Enforcement Academy Board website that provided notice
14 of today's hearing. The notice was posted on the
15 website for more than 30 days prior to the hearing.

16 Exhibit 4 are the proposed amendments to
17 Part 1 of 10.29 New Mexico Administrative Code titled
18 General Provisions.

19 Exhibit 5, proposed amendments to Part 4 of
20 10.29 New Mexico Administrative Code entitled
21 Instructor Certification. And the additional title
22 proposed is "and Advanced Certifications."

23 Exhibit 6, the proposed Board amendments to
24 Part 10 of 10.29 New Mexico Administrative Code,
25 Public Safety Telecommunicator Minimum Standards of

1 Training, the last four words being proposed to be
2 redacted.

3 That is all the exhibits that have been
4 received thus far. Exhibits 1 through 6 are hereby
5 admitted into the record and like I said will become a
6 part of the transcript.

7 (Exhibit Nos. 1 through 6 admitted.)

8 MS. COX: We will proceed with the
9 introduction of the proposed rules and allow for
10 public comment.

11 Any person wishing to testify or submit
12 evidence with their comments shall do so only after
13 they are recognized by me. Any document offered
14 during the hearing shall be introduced as an exhibit.

15 I may ask questions before ruling on
16 admissibility of each exhibit. Upon admissibility,
17 the exhibit will be marked, numbered, and entered into
18 the record.

19 At this time each proposed rule change will
20 be introduced by part and section and subpart, if
21 applicable. I will open the floor to members of the
22 audience for testimony and comments on each section or
23 group of sections with proposed changes.

24 As the Hearing Officer, I may ask questions
25 of each individual covering comment during the hearing

1 and will allow other members of the public to ask
2 questions for purposes of clarification of statements
3 made.

4 This is not an adversarial process. And the
5 hearing's process is again to only receive public
6 comment for the Board's consideration at their June
7 hearing.

8 The Board will discuss the substance and
9 rationale for those proposed changes as well as public
10 comments received at its June 6th meeting in Silver
11 City.

12 As the Hearing Officer, I will not be
13 engaging in discussion of the rules but may ask
14 clarifying questions to help develop the record for
15 the Board's review.

16 Are there any questions about the process of
17 today's hearing?

18 MR. MECHELS: Yes.

19 MS. COX: Yes. Mr. Mechels.

20 MR. MECHELS: I'm Chris Mechels. And yes, I
21 have a question. The question is will anyone be here
22 that's presenting the changes that might be questioned
23 on those changes; and, if not, at what point will the
24 public have access to those people to question about
25 the changes?

1 MS. COX: Like I discussed, today's purpose
2 of the hearing is just to get public commentary on the
3 rules. Additional discussion will be had at the
4 June 6th hearing in Silver City. So today it is just
5 to present it for public comment. That is what
6 today's hearing is for.

7 MR. MECHELS: But a follow-up question then.
8 The last hearing -- we only had one experience with
9 this hearing format, and that was last August. And
10 there was no opportunity for the public to question
11 those bringing the changes at the Board meeting.

12 There was no question -- I mean there was no
13 opportunity. There was no opportunity to question
14 them at the presentation here before the Hearing
15 Officer and there was no opportunity to question them
16 at the Board meeting.

17 So the public has no opportunity to question
18 those bringing the changes. This is unlike any other
19 board or commission in this state. It's outrageous.
20 The public is totally shut out of the process.

21 MS. COX: Well, they're not shut out of the
22 process. It has been posted online and it's followed
23 all requirements it's supposed to.

24 So at this point we will make note of the
25 commentary you have provided, and the Board can

1 consider it at their June 6th hearing. I'm going to
2 move on and discuss the proposed amendments.

3 The first proposed amendment is
4 Section 10.29.1, General Provisions, of the New Mexico
5 Administrative Code. These changes primarily clarify
6 administration of the Board and its disciplinary
7 procedures.

8 Proposed changes are contained in Sections 1,
9 8, and 10 of this subpart of Title 10, Chapter 29. I
10 will proceed section by section or groups of related
11 sections. So please keep comments specific to that
12 section we are on.

13 The first proposed amendment is Part 1,
14 Section 1 and Section 8; there are a few editorial
15 changes. And also changes in Section 8 to
16 paragraph F, Regulations, and paragraph G,
17 Miscellaneous. Would anyone like to comment on the
18 proposed changes to Part 1, Sections 1 and 8?

19 MR. MECHELS: What's the change in Section 8,
20 please?

21 MS. COX: There is an additional statement in
22 paragraph D(6) that reads, "All meetings of the board
23 that are open to the public shall allow for a portion
24 of the meeting time to be designated for public
25 comment."

1 Paragraphs F(1), (2), and (4) all have the
2 underlined proposed changes in the copy that was
3 available on the website. Paragraph G(2) has the
4 underlined proposed amendments that was available on
5 the copy on the website.

6 MR. ST. CYR: Will you read those changes to
7 us, please.

8 MS. COX: They are available and they're
9 already part of the record. I do not need to read
10 them verbatim.

11 MR. MECHELS: I'm Chris Mechels. My question
12 is in D(6) there is no change shown. You speak to a
13 change being there at D(6). There is no change shown
14 on this document provided.

15 MS. COX: Are there any other comments or
16 questions?

17 MR. MECHELS: What was the change? It's not
18 shown.

19 MS. COX: I read that underlined sentence in
20 paragraph D(6).

21 MR. MECHELS: My copy does not have it.

22 MS. COX: It is available on the copy on the
23 website.

24 MR. MECHELS: Well, why isn't it available
25 here?

1 MS. COX: It is available here. And they've
2 been available for review already.

3 MR. MECHELS: Pardon me. You're giving us a
4 copy, you're speaking to a change, the change is not
5 shown on the copy that's available to us.

6 MS. COX: It is here. It's available for you
7 to review. I asked earlier if everyone has had an
8 opportunity -- please let me finish so we have a clear
9 record.

10 I asked earlier if everyone has had an
11 opportunity to review the documents that were
12 available. You nodded in affirmation. Would you like
13 to have additional time? We can have a copy brought
14 to you and you can look at it. But the paragraph
15 D(6), what is available and has been posted on the
16 website as a proposed change.

17 MR. MECHELS: I would like a delay while
18 we're given the updated copy so that we might review
19 it.

20 MS. COX: I will give you a 30 second delay.

21 MR. MECHELS: A 30 second delay?

22 MS. COX: Yes.

23 MR. MECHELS: Is she trying to find an
24 updated copy? I can't review the document if it's not
25 the document that's supposed to be before us.

1 MS. COX: The document has been available on
2 the website. And that copy which was available for
3 your review prior to today does include that change.

4 MR. ST. CYR: This is Peter St. Cyr from the
5 Foundation for Open Government. And I'm going to
6 express strong concerns here.

7 The Open Meetings Act and the sunshine laws
8 of New Mexico are the public policy of this state.
9 And that all persons, including Chris Mechels, are
10 entitled to the greatest information possible.

11 And it is not in this form that we're looking
12 at and these exhibits. And so if there needs to be a
13 delay in this meeting until the public has the
14 information that they're entitled to, then we're going
15 to protest this point of the hearing; because the
16 information is not available to the public who would
17 like to make a comment.

18 MS. COX: Well, the exhibits are available.
19 We can make you extra copies. They have been posted
20 well in excess of the 30 requisite days. So an
21 appropriate delay to allow for that will be fine. But
22 we are going to continue to move on. We can come back
23 to that later.

24 So Section 10.29.1.1, is there any question
25 or comment regarding that proposed amendment?

1 MR. MECHELS: I have a question. Does this
2 mean -- you have not said it clearly. Are you
3 planning to return to D(6) when you get a corrected
4 copy?

5 MS. COX: I did state that I would return to
6 it.

7 MR. MECHELS: You did not so clearly state.

8 MS. COX: I did clearly state. And I just
9 stated it a second time. So we will continue and move
10 on.

11 Seeing no questions or comments on the
12 proposed amendment to Section 10.29.1.1 of the New
13 Mexico Administrative Code, we will close that for
14 public question and comment.

15 MR. MECHELS: Pardon me. Will you please
16 speak a bit more slowly, my hearing is not the
17 greatest, and tell me where you are currently within
18 the Part 1 document.

19 MS. COX: I can speak more slowly, if you
20 would like.

21 MR. MECHELS: That would help.

22 MS. COX: I went over Section 10.29.1.1 of
23 the New Mexico Administrative Code proposed change.

24 MR. MECHELS: Okay.

25 MS. COX: Have you found that in the

1 documents in front of you?

2 MR. MECHELS: I have found 10.29.1.1, yes.

3 MS. COX: Seeing no public comment or
4 questions, I have closed that portion of the hearing.

5 We will return to section D(6) of 10.29.1.8
6 shortly.

7 We will continue with section F. The
8 proposed changes in F(1), (2), (3), or (4), is there
9 any public comment or questions about those proposed
10 changes?

11 MR. ST. CYR: Yes.

12 MS. COX: Please identify yourself for the
13 record prior to making comments or questions.

14 MR. ST. CYR: This is Peter St. Cyr with the
15 Foundation for Open Government. While this section
16 technically complies with the minimum requirements for
17 minutes and exhibits under the Open Meetings Act, FOG,
18 which is the Foundation for Open Government, thinks
19 that the prior copy was much more superior and more
20 transparent and, in fact, recommends that, when
21 possible, exhibits and other supporting documents be
22 included in and available to the public along with the
23 posted agenda prior to the Board meetings.

24 And our objections really in most of this are
25 that, you know, public bodies like this should be

1 making information possible and available on their
2 websites and that the changes be clearly reflected
3 during the public meetings in the documents that are
4 provided.

5 Nationwide, you know, research has really
6 shown that, when public bodies voluntarily post public
7 information and include it in the meetings, that there
8 is more ability for the public to weigh in. And it's
9 clearly being pushed through here without Chris having
10 the information that he needs.

11 MS. COX: Are there any additional questions
12 or comments about paragraph F(1), (2), (3), or (4) of
13 10.29.1.8 of the New Mexico Administrative Code?

14 MR. MECHELS: I'm Chris Mechels. And I have
15 a question.

16 MS. COX: Yes.

17 MR. MECHELS: At F(2) it describes a hearing
18 format. It says, "At the hearing, the board shall
19 allow all interested persons reasonable opportunity to
20 submit data, views or arguments orally or in writing,
21 and to examine witnesses testifying at the hearing.

22 "Any person heard or represented at the
23 hearing shall be given written notice of the actions
24 of the board," and so forth and so on. Is this such a
25 hearing? Is today such a hearing?

1 MS. COX: No.

2 MR. MECHELS: It is not such a hearing?

3 MS. COX: No.

4 MR. MECHELS: Today is not a rules hearing?

5 MS. COX: Today is a rules hearing for this.

6 These proposed changes -- I'm sure you are familiar
7 with House Bill 58. Proposed changes will encompass
8 those new requirements under that house bill. But
9 that does not go into effect until July 1st of 2017.

10 MR. MECHELS: Today is not a rules hearing.
11 Will Silver City be the rules hearing?

12 MS. COX: You will have to refer to that
13 agenda when it is so posted.

14 MR. MECHELS: Today is not -- this is not --

15 MS. COX: You've asked --

16 MR. MECHELS: This is not covered under the
17 rules act, it is not a rules hearing. So what is it?

18 MS. COX: You've asked that question and it's
19 been answered. Are there any other questions or
20 comments regarding the proposed changes to paragraphs
21 F(1), (2), (3), or (4)?

22 MR. MECHELS: What format governs today's --
23 whatever this is? It's not a hearing. Do you have a
24 format for what's going on today?

25 MS. COX: We're going to move on.

1 MR. MECHELS: Hearing Officer, I assumed this
2 was a hearing.

3 MS. COX: The next proposed change is to the
4 New Mexico Administrative Code Section 10.29.1.8,
5 paragraph G(2). Are there any public questions or
6 comments on that proposed change?

7 MR. MECHELS: Pardon me. Chris Mechels.
8 Please speak a bit more slowly. You're at G(2), is
9 that what you said?

10 MR. ST. CYR: Yeah.

11 MS. COX: G(2).

12 MR. MECHELS: George, G as in George?

13 MS. COX: George two.

14 MR. MECHELS: Thank you. I have no comment
15 on that particular section.

16 MS. COX: Seeing no public comments or
17 questions, we will close public comments and questions
18 on paragraph G. And we will also close public
19 comments and questions on paragraph F.

20 The next proposed change --

21 MR. MECHELS: A clarifying question. This
22 does not mean that we can't comment further. It just
23 means that you're closing the examination of this
24 exhibit; is that correct?

25 MS. COX: Do you have additional comments on

1 the matters --

2 MR. MECHELS: I plan to --

3 MS. COX: Please let me finish so we can have
4 a clear record.

5 Do you have additional comments on any of the
6 matters that we have completed discussion on today?

7 MR. MECHELS: I have an exhibit to be
8 introduced later. Is that the way you're going to do
9 it?

10 MS. COX: Is it pertinent to any of the areas
11 we have covered already?

12 MR. MECHELS: Directly.

13 MS. COX: Okay. Which area is it? We have
14 not discussed paragraph D(6). We will come back to
15 that. But is it pertinent to the proposed changes to
16 New Mexico Administrative Code 10.29.1.1?

17 MR. MECHELS: Shall I give you a copy or
18 shall I introduce my exhibit so that you can see it?

19 MS. COX: Please answer my pending question.
20 Is your proposed exhibit pertinent to
21 Section 10.29.1.1?

22 MR. ST. CYR: I have a question.

23 MS. COX: Hold on. There is a question
24 pending.

25 MR. MECHELS: Yes. It is pertinent to

1 Section 10.29.1.1.

2 MS. COX: Then we will reopen public comment
3 and questions on that section. May I see your exhibit
4 and decide if it's admissible.

5 MR. MECHELS: Your procedure is very
6 different from that at the last hearing.

7 MS. COX: For the record I have received a
8 five-page written comment which appears to be dated
9 today, the 12th of May, 2017, from Mr. Mechels.

10 It does include written commentary regarding
11 various aspects of the proposed changes; different
12 excerpts from the March 7th, 2017, meeting; and what
13 appears to be a portion of a transcript with
14 handwritten 6-8-16 and the capital letters LEA
15 subsequent to the numbers. I don't know where it is
16 from.

17 Mr. Mechels, did you submit this during the
18 submission portion for written commentary prior to
19 today's hearing? I'll ask my question again. Did you
20 submit this document during the written comments
21 portion prior to today's hearing?

22 MR. MECHELS: No, I did not, because I had
23 planned to be present today and have it with me. That
24 said that you had to submit that if you were not going
25 to be present.

1 MS. COX: Okay. So this is not something
2 that was previously presented?

3 MR. MECHELS: That's correct.

4 MS. COX: And I will mark it one time as an
5 exhibit. But because, like I indicated on the record,
6 it has multiple references, would you be fine if we
7 went through each portion as we discuss the portion in
8 the appropriate part of today's hearing?

9 I will not accept this entire exhibit right
10 now at this time. I will admit the portion that is
11 pertinent to the paragraphs we have discussed; and
12 then after we have reached the conclusion of the
13 hearing, all of this should be admitted in its
14 respective sequence.

15 MR. MECHELS: This is very different from the
16 sequence we used at the last hearing. How can we
17 participate fully in these hearings when the format of
18 the hearing and the whole -- your mental process,
19 everything is different from the last hearing.

20 MS. COX: Your participation is not inhibited
21 in any way.

22 MR. MECHELS: It was totally inhibited.

23 MS. COX: Let me finish while I am talking.
24 We need a clear record. And you need to make sure I
25 am done speaking before you speak. I afford you that

1 same courtesy.

2 MR. MECHELS: I would prefer --

3 MS. COX: I am still talking. I will mark it
4 as Exhibit 7. However, I will reserve admissibility
5 until the completion of the hearing and all of the
6 information has been fully addressed during the
7 presentation portion of this hearing.

8 In your first page 1 of the document you sent
9 me today with your written comments, it appears to be
10 a letter addressed to the Attorney General and Members
11 of the Law Enforcement Academy Board.

12 You discuss, in the second paragraph of your
13 letter, written commentary regarding proposed changes
14 to Section 10.29.1.1. I previously closed public
15 comments and questions because you didn't have any.
16 (Exhibit No. 7 received.)

17 MS. COX: Now, having received Exhibit 7,
18 would you like to add anything additional to what you
19 have written on page 1 of Exhibit 7 to the public
20 comment or question portion of the hearing?

21 MR. MECHELS: I'm Chris Mechels. What I
22 would like to do and what I was allowed to do last
23 time is to make verbal commentary on the content of
24 this exhibit for the record. Will be I offered any
25 opportunity to do that?

1 MS. COX: No. You will not be allowed to
2 read this verbatim into the record because it's
3 already going to be a part -- let me finish. It will
4 already be a part of the record. So we do not need to
5 have it read in. That would be superfluous.

6 MR. MECHELS: Your hearing format -- I did
7 not say I was going to read it verbatim. I said I was
8 going to comment on it for the record. I did not say
9 verbatim. You said that.

10 Your hearing format is totally different from
11 the last hearing. How are we to accommodate these
12 constant changes? We just walk into a room and you
13 make up rules.

14 MS. COX: I am not making up rules. I am
15 following appropriate procedure. This is the final
16 time I will ask you and then we will move on.

17 On Section 10.29.1.1, in addition to what you
18 have written on page 1 of Exhibit 7, do you have any
19 additional comments you would like to make on the
20 record?

21 MR. MECHELS: You're saying -- you're
22 inviting me to say, if I have something in addition to
23 the written exhibit that I have provided, I'm invited
24 to say that. If it's not in addition to that, then
25 I'm not to be allowed to speak?

1 MS. COX: Will you please provide whatever
2 comments you have, because I will close it and we will
3 move on.

4 MR. MECHELS: I have plenty of comments.

5 MS. COX: Then make your comments pertinent
6 to 10.29.1.1 only. And then we will discuss the
7 others appropriately. What are your comments to that
8 proposed change?

9 MR. MECHELS: The first comment I have, which
10 is right at the beginning of this written comment, the
11 first concern I have is that the three rules changes
12 proposed today, including 10.29.1.1, were arrived at
13 in violation of the Open Meetings Act. Bear with me a
14 second and let me gather myself.

15 "This is the first use of this Committee to
16 propose Rules changes," as we're doing here today.
17 "And it blocked off all public information and
18 involvement."

19 MS. COX: I am not going to allow you to read
20 this verbatim into the record. It's already a part of
21 the record.

22 MR. MECHELS: I am not reading verbatim. I'm
23 reading selected sections of it. That is not
24 verbatim.

25 MS. COX: I am not going to permit you to

1 read selected sections of something that's already
2 been admitted into the record. So do you have any
3 additional comments on proposed changes to
4 Section 10.29.1.1? Seeing none --

5 MR. MECHEL: Have you dealt with D(6) yet?

6 MS. COX: No, we have not. Seeing none -- is
7 it Mr. St. Cyr?

8 MR. ST. CYR: Yes.

9 MS. COX: And I apologize if I mispronounce
10 it.

11 Mr. St. Cyr, you had your hand up. Now that
12 we have reopened comments on that section, do you have
13 any additional comments or questions to the proposed
14 change to 10.29.1.1?

15 MR. ST. CYR: I do. I would like you to -- I
16 have a question. And I want it clarified in my mind
17 and for the record that you have said that this is not
18 a rule hearing?

19 MS. COX: We are reviewing changes to
20 proposed rules. That is what I have said.

21 MR. ST. CYR: Then the question would be
22 under 10.29.1F, under Regulations --

23 MS. COX: We're not at that piece yet.

24 MR. ST. CYR: We're not?

25 MS. COX: No. Mr. Mechels has asked that

1 10.29.1.1 be reopened. So we'll get back to that,
2 because apparently he has additional comments on F
3 again.

4 So last time, 10.29.1.1, are there any
5 additional questions or comments? Seeing none, that
6 is now closed.

7 Now, Mr. Mechels, I have received an
8 additional copy regarding section D. It will be
9 handed to you for review. Please take the time to
10 review it. We will come back to that as I indicated,
11 but we will move on.

12 Now, Mr. St. Cyr, Section 10.29.1.8F, you had
13 additional comments you would like to add.

14 MR. ST. CYR: I do. You know, this is a
15 public meeting. And we need to bring it down to like
16 a conversation rather than trying to pick and choose
17 off of where we are in the meeting.

18 And perhaps an agenda at the meeting printed
19 and the order that we're going to go through with
20 clearly pointing out where we are would be helpful.

21 And so I believe that earlier you said that
22 this is not a rulemaking hearing. But yet in
23 section F, under Regulations, it says, "At the
24 hearing, the board shall allow all interested persons
25 reasonable opportunity to submit data."

1 And my understanding is that, in the Silver
2 City meeting, that's a Board meeting; and that a Board
3 meeting is separate than the rulemaking hearing, where
4 you are going to bring forth your recommendations; and
5 the way that I understand hearing procedures,
6 rulemaking hearings should happen at other agencies
7 across the executive branch.

8 So my question really is when will
9 Mr. Mechels be able to present commentary and exhibits
10 without being ramrodded through this process that I'm
11 witnessing today. And more importantly it says, "The
12 board shall consider proposed revisions as well as any
13 public comment received."

14 And so I would like for you to clarify for
15 the record in what process and what procedures will
16 the Board consider his comments?

17 MS. COX: They're being considered today.
18 They're being made part of the record today.

19 Are there any other comments or questions
20 regarding New Mexico Administrative Code proposed
21 changes to 10.29.1.8F? Seeing none, that matter is
22 now closed.

23 MR. MECHEL: I have another --

24 MS. COX: Are there any -- we will now reopen
25 Section 10.29.1.8G. Are there any public comments or

1 questions pertaining to that section? Seeing none --

2 MR. MECHEL: Now, wait a second. You
3 invited input and now you've just moved on, giving us
4 no time to examine the document at all. Please just
5 stop.

6 This was advertised as a public hearing. As
7 a public hearing, it has some format, some decorum.
8 You seem unaware that it is a public hearing. You
9 won't even answer my question. Is this a rules
10 hearing? It was advertised as a rules hearing.

11 MS. COX: Do you have comments on
12 Section 10.29.1.8?

13 MR. MECHEL: Is this a rules hearing? Is
14 this a rules hearing or is it not?

15 MS. COX: All I'm doing is accepting public
16 comment today.

17 MR. MECHEL: Is it a rules hearing?

18 MS. COX: Okay. We will move on.

19 MR. NIELSEN: She's answered your question.
20 All right.

21 MR. MECHEL: She has not answered my
22 question.

23 MS. COX: It has been asked and answered
24 multiple times. Please do not ask it again.

25 MR. ST. CYR: Well, then what are the

1 procedures for the rules hearing today? Because the
 2 procedures seem like we're just reading things into
 3 the record and that Mr. Mechels is being limited in
 4 his ability to respond to the record that is being
 5 built in a rules hearing.

6 If it is a rules hearing, then what are the
 7 procedures here today to allow Mr. Mechels a fair
 8 process to introduce his comments in a verbal manner
 9 to supplement his written record.

10 And the question would be I think -- and I
 11 haven't looked at the rules here exactly. But you
 12 indicated earlier that materials that were written
 13 needed to be submitted before the hearing.

14 Is there a process within this organization
 15 to allow for written comments for 30 days after the
 16 hearing?

17 MS. COX: No.

18 MR. ST. CYR: So that is a standard procedure
 19 in every rulemaking procedure across multiple
 20 agencies. Why has the Board decided to make these
 21 changes and what benefit is there to the public under
 22 these new procedures to have this be pretty much not
 23 open to the public and not transparent?

24 MS. COX: I'm going to reiterate something
 25 that I spent probably about 15 minutes already going

1 over earlier. I know you came late, Mr. St. Cyr. So
 2 I'm going to recap for you. Mr. Mechels, though, you
 3 were here.

4 The purpose of today's hearing is to gather
 5 public comment on proposed rule changes. I indicated
 6 earlier -- and I will continue to run the meeting in
 7 this manner. We will go through each of these
 8 sequentially and numerically.

9 When you have comments for that section, you
 10 will provide it at that time. If you have exhibits in
 11 addition to your comments, you will provide that as
 12 well at that time.

13 Once that period of time is closed because
 14 nobody has any additional information to share for the
 15 Board, we will move on to the next section. You have
 16 the documents in front of you. It is very easy to
 17 follow them sequentially, numerically, and
 18 alphanumerically. So you will be able to follow along
 19 with these proceedings as they move forward.

20 The next section of the proposed changes is
 21 Section 10.29.1.10, paragraph D. Are there any
 22 proposed questions or comments to that -- I am still
 23 talking. Please let me finish.

24 MR. ST. CYR: You didn't have a break to let
 25 us add comments to your statement and you move on

1 without a break in the transition. You make a comment
 2 and move on.

3 MS. COX: There is no need to comment for
 4 that. So are there any --

5 MR. ST. CYR: There is. When will
 6 Mr. Mechels have the opportunity to question witnesses
 7 to these proposed rules during this hearing process
 8 today?

9 MS. COX: You don't question witnesses today.

10 MR. ST. CYR: Well, that's what F(2) says.
 11 So when will that be?

12 MS. COX: That is a proposed change. It will
 13 be considered by the Board in the June hearing. I
 14 have gone over this already. It is also available on
 15 the website and has been for more than 30 days.

16 MR. MECHELS: A procedural question.

17 MS. COX: Yes. Please identify yourself for
 18 the record.

19 MR. MECHELS: I'm Chris Mechels. And for the
 20 record I have had exchanges with the Director of the
 21 Academy, Mr. Marshall, over what procedure would
 22 govern the proceedings here today.

23 He responded to me. And what he said is that
 24 the procedures that would govern today's hearing,
 25 which is the way we discussed it, that it was a

1 hearing, the procedures that would govern it are, in
 2 fact, the procedure that is listed within Part 1. And
 3 if you give me a second, I can tell you where it's
 4 listed in Part 1.

5 The procedure which is being put forth is at
 6 F(2), that that procedure which is being introduced as
 7 part of this change -- Mr. Marshall agreed that,
 8 because there is no other procedure for this type of a
 9 hearing that has ever been published by the Board,
 10 that this procedure would be used. Are you aware that
 11 he made that commitment?

12 MS. COX: That is not a commitment that he
 13 made.

14 MR. MECHELS: He did make a commitment to me.
 15 You are not aware of that.

16 MS. COX: I have answered your question. We
 17 are moving on.

18 The next proposed change is to
 19 Section 10.29.1.10D. Are there any public comments or
 20 questions to those proposed changes?

21 MR. MECHELS: Where are you? You're speaking
 22 too fast and you're just rushing through this document
 23 and we're given no chance to follow you.

24 MS. COX: Page 1.

25 MR. ST. CYR: Will you read the change into

1 the record, please.

2 MS. COX: No. This exhibit has already been
3 made a part of the record and is already --

4 MR. ST. CYR: Will you verbalize it and read
5 it into the record for us.

6 MS. COX: No. This is an exhibit which has
7 already been made part of the record. I will not read
8 it verbatim. Are there any public comments or
9 questions to this proposed change?

10 MR. MECHELS: Where are you at?

11 MS. COX: Page 5.

12 MR. MECHELS: You're at page 5 and what part
13 of page 5?

14 MS. COX: Section 10.29.1.10D.

15 MR. MECHELS: I have no comment on D. The
16 question, will you be returning to D(6)?

17 MS. COX: Yes. I'm giving you ample time to
18 review that since you did not have enough time to do
19 that.

20 MR. MECHELS: Oh. You will be returning to
21 D(6). Okay.

22 MS. COX: Yes. I've said that three times.
23 So are there any additional comments or questions
24 regarding Section 10.29.1.10D proposed changes?
25 Seeing none, that portion of the discussion is now

1 closed.

2 Now we will return to Section 10.29.1.8D(6).
3 Mr. Mechels, you indicated you had not had an
4 opportunity to review it prior to commentary today.
5 Have you had a chance to review those proposed
6 changes?

7 MR. MECHELS: Let me point out for the record
8 that the change that is now before us was not in the
9 original copy that was handed to us when we came into
10 the room. This new D(6) seems to say, "All meetings
11 of the board that are open to the public shall allow
12 for a portion of the meeting time to be designated for
13 public comment."

14 I wish to point out that is not the change
15 the Board voted on. This is new language. And I
16 don't know where it came from. The Board did not vote
17 this language. Can anybody answer the question as to
18 where this language came from?

19 MS. COX: This has been the language that's
20 been available for public review to over 30 days on
21 the website.

22 MR. MECHELS: This is not the language --

23 MS. COX: Let me finish my response. It was
24 an inadvertent error that it was miscopied earlier.
25 But this is the copy that has been on the website for

1 over 30 days.

2 MR. MECHELS: Again I wish to emphasize that
3 this language shown in D(6) is not the change that the
4 Board voted, and it is available in their minutes.

5 This is not the change they brought forth for
6 a rules act, for hearing. This is new language. It
7 came from somewhere. But the Board never authorized
8 this language.

9 MS. COX: Are there any other comments or
10 questions regarding proposed changes to 10.29.1.8D(6)?
11 Seeing none, that section will also be -- that portion
12 of the meeting will be closed or will be done.

13 And for the record that completes the public
14 discussion and comment for all the proposed changes to
15 Title 10, Chapter 29, Part 1, of the New Mexico
16 Administrative Code.

17 We will now move on to the proposed changes
18 to Title 10, Chapter 29, Part 4, of the New Mexico
19 Administrative Code. The first proposed change is in
20 the title of Part 4. Are there any public comments or
21 questions for the proposed title change to Part 4?

22 MR. MECHELS: There is no one to ask why they
23 changed it.

24 MS. COX: No.

25 MR. MECHELS: When will we be able to ask why

1 they changed it?

2 MS. COX: You can follow those procedures,
3 and they're on the website.

4 Seeing no additional comments, we will end
5 the portion for that discussion.

6 The next proposed changes is to
7 Section 10.29.4.1. Are there any public comments or
8 questions to that proposed change?

9 MR. MECHELS: I'm sorry. Could you repeat
10 that.

11 MS. COX: The next portion of the discussion
12 will be on the proposed changes to Section 10.29.4.1.
13 Are there any discussions for that proposed change?
14 Seeing none, that will be considered complete.

15 The next proposed change is to
16 Section 10.29.4.6. Are there any comments or
17 questions from the public on that proposed change?

18 MR. MECHELS: Pardon me just a second. My
19 friend just showed up late.

20 MS. COX: Sure. Is your friend going to be
21 speaking during the hearing?

22 MR. GOAD: I have no plans to.

23 MS. COX: Okay. Thank you.

24 Are you going to need time to review the
25 proposed changes to 10.29.4?

1 MR. MECHELS: Just give him a second to find
2 it, please.

3 MR. GOAD: I've got it.

4 MR. MECHELS: I believe you were on
5 10.29.4.6?

6 MS. COX: Yes.

7 MR. MECHELS: Okay. Thank you.

8 MS. COX: Are there any comments or questions
9 regarding the proposed changes to Section 10.29.4.6?

10 MR. ST. CYR: Yes. This is Peter St. Cyr
11 with the Foundation for Open Government. Is there
12 anyone here to ask questions about this? When you say
13 are there any comments or questions, who is here to
14 answer Mr. Mechels' questions?

15 That's what the record said. You said on the
16 record are there any comments or questions. So my
17 question is who is here to answer questions about the
18 proposed changes?

19 MS. COX: It depends on your question.

20 MR. ST. CYR: So there's nobody here to
21 answer questions about the technical aspects of this
22 proposed change?

23 MS. COX: Do you have a more specific
24 question you would like addressed?

25 MR. ST. CYR: Are there any department

1 experts in regard to this proposed change that are
2 here today to answer Mr. Mechels' questions?

3 MS. COX: Not in this room at this time.

4 MR. MECHELS: Can they be brought to this
5 room to answer questions?

6 MS. COX: No. This is not a forum for
7 cross-examining or asking those types --

8 MR. MECHELS: When will they be available for
9 questions?

10 MS. COX: All of that information is
11 available on the website.

12 MR. MECHELS: No, it is not.

13 MS. COX: I'm not going to argue with you.
14 So is there any questions or comments about the
15 proposed changes to 10.29.4.6?

16 MR. MECHELS: No.

17 MS. COX: Seeing none, that portion will be
18 considered complete.

19 The next proposed changes are in
20 Section 10.29.4.7. Are there any questions or
21 comments regarding the proposed changes to 10.29.4.7?

22 MR. MECHELS: I have a comment.

23 MS. COX: Please identify yourself on the
24 record before you speak.

25 MR. MECHELS: My name is Chris Mechels. My

1 comment would be that they're introducing language
2 that concerns advanced police training into the NMACs.
3 Advanced police training has never before been part of
4 the NMACs. It has been part of policy. But it has
5 not been part of the NMACs.

6 I would like to know why they're now bringing
7 this advanced police training into the NMACs. Can you
8 answer that? Can anyone answer that or can you bring
9 someone here who can answer that?

10 MS. COX: No. Not today.

11 MR. MECHELS: When will someone be able to
12 answer that?

13 MS. COX: You can find that information on
14 the website.

15 MR. MECHELS: No. It is not on the website.
16 Go look.

17 MS. COX: Is there any other comments to the
18 proposed changes to 10.29.4.7?

19 MR. ST. CYR: Yes. This is Mr. St. Cyr with
20 the Foundation for Open Government. And I would like
21 to ask the question why Mr. Mechels is not allowed to
22 ask a question and get an answer during today's rules
23 hearing?

24 MS. COX: This is not a place to have that
25 type of cross-examination which he seeks.

1 MR. ST. CYR: When will there be a process --
2 and you say that it's posted online. Will you please
3 read us the language that is online today during this
4 public hearing.

5 MS. COX: No. That is not part of today's
6 hearing.

7 MR. ST. CYR: Why would it not be part of a
8 public hearing to share information and to be
9 transparent about a process where the public is in
10 attendance?

11 MS. COX: It's online. You can find it
12 there. At this point we --

13 MR. MECHELS: It is not online and you can't
14 find it there.

15 MS. COX: Let me finish. At this point we
16 are just taking public comments or questions on these
17 rules, and they will be presented to the Board.

18 MR. ST. CYR: So my question would be --

19 MS. COX: Actually Mr. Mechels was next.
20 Please, Mr. Mechels.

21 MR. MECHELS: Pardon me?

22 MS. COX: You interrupted me. So I'm
23 allowing you to have your turn prior to Mr. St. Cyr.

24 MR. MECHELS: I forget what I was even -- you
25 interrupted me. So why don't we just continue.

1 MS. COX: And Mr. St. Cyr.
 2 MR. ST. CYR: Yes. May I ask a question and
 3 for a procedural time-out for someone here to send us
 4 a link to the website so that we can read it during a
 5 public hearing, so that we can comment on what you're
 6 saying will be the proper forum for Mr. Mechels to be
 7 able to ask witnesses the questions he has before the
 8 rules here are taken to Silver City and voted on.
 9 We would like a break in this meeting for
 10 someone in this room who knows where it is on the
 11 website to send us a link, because it's not here on
 12 the procedures. And there is no agenda. And I would
 13 like to take a moment to read online where you say
 14 it's online.
 15 MS. COX: We're not going to take a break.
 16 MR. MECHELS: Could I have a bathroom break,
 17 please.
 18 MS. COX: You can. But the meeting is not
 19 going to stop.
 20 MR. MECHELS: Okay. Thank you. Let it be
 21 noted that I'm going to the bathroom and she will not
 22 give me a recess.
 23 MR. ST. CYR: And that there are no other
 24 members here to comment from the public. And my
 25 question -- this again is Peter with the Foundation

1 for Open Government.
 2 Is there a reason for this process and this
 3 tempo where it just seems to be that you are --
 4 there's not a whole lot of people here wanting to
 5 offer comment or to ask questions. There's really no
 6 room to ask questions.
 7 And what is the requirement or the basis for
 8 you moving so expeditiously through this without
 9 giving these gentlemen the proper time to look for the
 10 information and to ask questions?
 11 MS. COX: They have plenty of time. They're
 12 afforded all the time. When there is no additional
 13 comments or questions, we end it.
 14 So seeing that there are no additional
 15 comments or questions on the proposed changes to
 16 Section 10.29.4.7, that will be considered complete.
 17 The next proposed changes are in
 18 Section 10.29.4.8. Are there any comments to those
 19 proposed changes?
 20 MR. GOAD: May I make a procedural request.
 21 MS. COX: You will need to identify yourself
 22 for the record before speaking. If you could identify
 23 yourself for the record, please.
 24 MR. GOAD: Yes. Chris Goad.
 25 MS. COX: Can you spell your last name,

1 please.
 2 MR. GOAD: G-o-a-d.
 3 MS. COX: Yes. Do you have any comments on
 4 the proposed changes to 10.29.4.8?
 5 MR. GOAD: My question is whether the -- I
 6 guess it's the same as the previous question. Is the
 7 URL, the web address, the page for the procedures, is
 8 that known to someone in the room here and could it be
 9 put on the board. That's the only request.
 10 MS. COX: It's the website that all of this
 11 information is on. We don't need to do any additional
 12 publication on that.
 13 MR. GOAD: Okay. Fine. But can you give me
 14 that URL. I have my pad right here so I can look it
 15 up.
 16 MS. COX: You can probably look up the Law
 17 Enforcement Academy Board and find it sufficiently.
 18 MR. GOAD: Okay.
 19 MR. ST. CYR: What would be the objection of
 20 the Hearing Officer to sharing that information at
 21 this point during the hearing?
 22 MS. COX: I don't have it immediately in
 23 front of me. But I'm sure with your smartphone you
 24 can find it.
 25 Seeing no additional comments on

1 Section 10.29.4.8, that will be considered closed.
 2 The next proposed amendments are on
 3 Section 10.29.4.9. Are there any comments on those
 4 proposed changes? Seeing none, that is closed.
 5 The next proposed changes are in
 6 Section 10.29.4.10. Are there any comments on those
 7 proposed changes?
 8 MR. MECHELS: Please, can you repeat that. I
 9 just got back in the room following a bathroom break.
 10 MS. COX: Sure. I asked if there are any
 11 comments on the proposed changes for
 12 Section 10.29.4.10.
 13 MR. MECHELS: Are you referring to the whole
 14 section or subsections of it?
 15 MS. COX: The whole section. Are there any
 16 comments on those proposed changes for that?
 17 MR. MECHELS: Just please wait a moment while
 18 I look at it.
 19 MS. COX: Sure.
 20 MR. MECHELS: Thank you. I have no questions
 21 on that.
 22 MS. COX: Seeing none --
 23 MR. ST. CYR: I have a question.
 24 MS. COX: Oh. I'm sorry. Yes.
 25 MR. ST. CYR: Yes. And that's kind of a

1 demonstration of the problems, is that, you know, you
2 move from him and you want to move on without even
3 recognizing -- and you did when I raised my voice.
4 But to ask if there were other people with comments or
5 questions.

6 So my question is that, at the end of the
7 public comment period, you say that you consider that
8 part of the process and that item closed. Define what
9 you mean by closed.

10 MS. COX: That we will be taking no more
11 comments or questions.

12 MR. ST. CYR: And when will there be an
13 opportunity for public comments that would involve
14 questions of the witnesses that are proposing these
15 changes?

16 MS. COX: I'm sure you're familiar with that
17 process so you can defer to your expertise.

18 Moving on, the next proposed changes are in
19 Section 10.29.4.11. Are there any comments to those
20 proposed changes?

21 MR. ST. CYR: This is Peter St. Cyr with FOG.
22 Is there a witness here today that can answer any of
23 our questions regarding these changes?

24 MS. COX: You're going to have to be more
25 specific.

1 MR. ST. CYR: Is there somebody here that
2 will answer questions regarding why this change is
3 being proposed today?

4 MS. COX: No.

5 MR. ST. CYR: What was the process you used
6 to develop the proposed change?

7 MS. COX: That is not part of today's
8 hearing.

9 MR. ST. CYR: And are there any persons here
10 to explain the changes to the public that are being
11 proposed?

12 MS. COX: No.

13 MR. ST. CYR: When will that happen?

14 MS. COX: You can defer to the website and
15 the other statutes applicable to that.

16 MR. MECHEL: A follow-up comment on that.
17 We've had experience with one hearing previously. And
18 we expected logically this format would be similar.
19 It is not. At the last hearing in August, what
20 happened was this -- bear with me a second. This is
21 for the record.

22 MS. COX: No. This has gone on multiple
23 times. So we're going to move on. You have made your
24 record and you've made this comment on the record at
25 least three times.

1 MR. MECHEL: No. What I'm trying to tell
2 you is that the way this went -- there is no website
3 that explains what happens next. What happens next
4 last time was the meeting -- the next meeting that
5 considers the input of this will not be a public
6 hearing.

7 It will be a public meeting. This is the
8 hearing. This is the hearing. It's a rules act
9 hearing. You seem unaware of that.

10 MS. COX: Thank you for your comment.

11 Are there any other comments regarding the
12 proposed changes to Section 10.29.4.11?

13 MR. ST. CYR: Yes. I have a question about
14 the process and the procedure here today. Why is the
15 New Mexico Law Enforcement Academy Board not following
16 the standard procedures that are used efficiently and
17 correctly under the rules act or the administrative
18 process and procedures, why is the New Mexico Law
19 Enforcement Academy Board's hearing today not
20 subjected to the same rules of authority that other
21 agencies are following?

22 MS. COX: Those are applicable to different
23 types of hearings than today's hearing.

24 MR. ST. CYR: Please define in the Hearing
25 Officer's words your view of what this hearing today

1 is called? Is this just a reading into the record and
2 we're going to get it into the record? Define the
3 title of today's hearing.

4 MS. COX: We have gone through this multiple
5 times. I'm not doing this again.

6 MR. ST. CYR: But you have not defined the
7 title of this meeting.

8 MS. COX: We are not doing this again.

9 MR. ST. CYR: Is it a public hearing, is it a
10 rules -- I have not finished. Please let me finish.

11 Is this meeting a public hearing or is this
12 meeting a rules hearing? If it's neither of those,
13 will you please define the title of this and describe
14 the purpose of today's meeting.

15 MS. COX: Those have been asked and answered.
16 We're going to move on.

17 Are there any comments to the proposed
18 changes to Section 10.29.4.11?

19 MR. MECHEL: I'm going to have a comment and
20 a question, if there is anybody here to answer
21 questions. The question would be, in 10.29.4.11B, why
22 did they change it? It was changed from, and I'll
23 read it, "Must have a current certification as a
24 specialized, technical or professional lecturer," to
25 "Must have completed a minimum of two years

1 certification as a general." Why was that change
2 made? And who might I ask that question?

3 MS. COX: Thank you for your question.

4 MR. MECHELS: Who might I ask the question?

5 MR. MECHELS: The Board will be made aware of
6 your question.

7 MR. MECHELS: But no one will ever answer it?

8 MS. COX: It's been asked and answered.

9 MR. MECHELS: What's the point of being able
10 to ask questions if no one will ever answer the
11 question?

12 MS. COX: Considering there not being any
13 more additional questions or comments on
14 Section 10.29.4.11, that is now closed.

15 The next proposed changes are in
16 Section 10.29.4.12. Are there any comments on those
17 proposed changes? Seeing none, that is closed.

18 The next proposed changes are to
19 Section 10.29.4.13. Are there any comments on those
20 proposed changes?

21 MR. MECHELS: I have a comment on -- I'm
22 sorry. Chris Mechels for the record.

23 On 10.29.4.13, once again you have added a
24 whole array of changes from 10.29.4.13, all of them
25 having to do with advanced certifications.

1 Advanced certifications have long been used
2 at the Law Enforcement Academy, but they have never
3 seen fit to put them in the NMACs which give them the
4 force of law. This has always been a matter of
5 policy, not of NMACs.

6 The question I would have is, after all this
7 history of treating this advanced certification as
8 policy, why suddenly do they wish to introduce it into
9 the NMAC, giving it force of law? What changed and
10 who can I ask that question and when can I ask that
11 question?

12 MS. COX: Thank you for your questions.

13 Are there any other comments or questions to
14 the proposed changes to 10.29.4.13?

15 MR. ST. CYR: I have a question. The sign on
16 the door to announce this meeting at its location
17 simply says public hearing.

18 Is a public hearing of the New Mexico Law
19 Enforcement Academy Board, with no members of the
20 Board present, the proper place to be introducing
21 these changes or is it the proper forum to have a
22 regulation hearing at a rules hearing to introduce
23 these kind of changes before they then go with the
24 recommendations from the Hearing Officer to the Board?

25 The meeting sign says it's a public hearing.

1 The question -- I'll just ask it one more time. Is a
2 public hearing the proper place to be having
3 discussions to introduce the proposed rules with no
4 member of the Board present and only a Hearing Officer
5 or Examiner here to introduce these outside of any
6 kind of rulemaking hearing I've ever been to?

7 MS. COX: Okay. You have misconstrued the
8 purpose of today's hearing. Once more today -- are
9 you recording this?

10 MR. ST. CYR: No. I'm looking at the picture
11 that says it's a public hearing.

12 MS. COX: Okay. Well, you were showing it
13 and you flashed it to me.

14 MR. ST. CYR: Okay. Fair enough.

15 MS. COX: So I didn't know if there was
16 something I needed to make sure got addressed
17 appropriately.

18 The purpose of today's hearing is just to
19 gather your comments and your concerns and questions
20 and present them to the Board. There is no
21 recommendation coming out of this hearing, this is not
22 any initial presentation of these rules, it is to get
23 public comments and questions so the Board can
24 consider it in their next hearing.

25 MR. ST. CYR: And I would also like to ask a

1 question about why you asked if I was recording. The
2 Open Meetings Act clearly says that, in any public
3 hearing, that the agency is required to accommodate
4 any audio and video recording.

5 MS. COX: Correct.

6 MR. ST. CYR: Okay.

7 MS. COX: And there was not an issue with it.
8 But when you turn your phone and point it at me, I
9 wanted to make sure that it was appropriately
10 addressed.

11 MR. ST. CYR: Okay. The appropriate address
12 is that it wouldn't matter. Because the Open Meetings
13 Act does require the group here to make reasonable
14 accommodations for any video or audio.

15 MS. COX: And those accommodations have been
16 so made.

17 MR. ST. CYR: Okay.

18 MS. COX: Seeing that there are no further
19 comments or questions on Section 10.29.4.13, that is
20 closed.

21 Moving on to Section 10.29.4.14, are there
22 any comments on those proposed changes?

23 MR. MECHELS: Pardon me a second. This is
24 Chris Mechels. I would have the same comment on
25 10.29.4.14, which deals with telecommunicator advanced

1 certifications.

2 I would have the same question on this
3 section that I had in the previous one. They have
4 long used advanced certifications. It's always been a
5 matter of policy.

6 Now suddenly, with no explanation and no one
7 to ask, it's now being moved into the NMACs. The
8 question is why? I mean because it just adds more
9 burden actually.

10 And after doing it this way for decades, now
11 suddenly they propose a major change with no
12 explanation given. And apparently we're not to ask
13 questions about it.

14 MS. COX: Thank you for your comments. Are
15 there any other comments or questions about the
16 proposed changes to Section 10.29.4.14?

17 MR. ST. CYR: When you say are there any
18 comments or questions, and then he offers his
19 question, you seem to be taking it as a comment. And
20 so when you just stated on the record there, asking
21 for comments or questions, he asked a question.

22 Who is here today to answer his question?
23 You said any comments or questions. My question is he
24 asked a question. It's not answered. Why is his
25 question not being answered?

1 MS. COX: We have asked and answered this
2 multiple times.

3 MR. ST. CYR: Then why are you seeking
4 questions or comments?

5 MS. COX: Let me finish. Seeing that there
6 are no additional comments or questions on the
7 proposed changes to 10.29.4.14, that is now closed.

8 The next proposed changes are in
9 Section 10.29.10. So we will now start public comment
10 on those proposed changes.

11 The first is in the title of Part 10. Are
12 there any comments to the proposed changes to the
13 title of Part 10?

14 MR. MECHELS: This is Mr. Mechels. I have
15 written comments on Part 10. Would you like to see
16 those at this point?

17 MS. COX: Are those the ones that are
18 included in Exhibit 7 or is this an additional
19 exhibit?

20 MR. MECHELS: This is an additional exhibit.

21 MS. COX: May I see the additional exhibit,
22 please.

23 MR. MECHELS: May I approach.

24 MS. COX: I will have someone hand it to me.
25 I will mark this as Exhibit 8 for identification

1 purposes.

2 Exhibit 8 appears to be a letter dated 12
3 May 2017 addressed to Mr. Hector Balderas, the
4 Attorney General, as well as the New Mexico Law
5 Enforcement Academy Board. And it deals specifically
6 with just the proposed changes to the New Mexico
7 Administrative Code Section 10.29.10.

8 Mr. Mechels, is this applicable to all of the
9 proposed changes in this section of the code?

10 MR. MECHELS: Pardon me. You're asking me is
11 this part of my comments pertinent to the whole
12 body of --

13 MS. COX: To all the proposed changes to the
14 New Mexico Administrative Code 10.29.10.

15 MR. MECHELS: Yes. In the main. I would
16 have to look at it carefully to see the detail.

17 MS. COX: We'll go through each of the
18 subparts of the proposed changes. I just want for the
19 record the application of Exhibit 8.

20 So Exhibit 8 will be admitted. And I will
21 add that as part of the record.

22 (Exhibit No. 8 admitted.)

23 MS. COX: Now, the title to 10.29.10, there's
24 a proposed change to that. Are there any comments on
25 that proposed change?

1 MR. MECHELS: I would like to make a
2 comment -- I would like to make a comment at this
3 point, because my exhibit that you just admitted has
4 some overall comments on the whole purpose. So it's
5 not particularly to a section, it's particular to the
6 whole modification. So would this be a good time to
7 comment on that?

8 MS. COX: Sure. You can do your general
9 comments, but we will go through each of the sections
10 individually.

11 MR. MECHELS: That's fine. Thank you. My
12 overall comment on this PST curriculum change, which I
13 would love to have someone answer, again is why. This
14 public safety telecommunicator, the PST curriculum,
15 let's refer to it that way, was last changed recently
16 in 2012.

17 At the point that it was changed in 2012, the
18 change was brought forth by Mr. Brian Coss, who is
19 currently the Deputy Director of the LEA. It was
20 brought forth as a move toward a nationally accepted
21 standard.

22 And that standard was in lieu of doing what
23 is the normal, quote, defined way of doing business,
24 which is to do a job task analysis; and then the
25 curriculum follows from that. Now, four years later

1 what we have before us seems to be a reversion away
2 from the national standards.

3 And the question is are we now going back to
4 the LEA Board's accustomed -- or let's say
5 organizational way of doing business, which is to base
6 the curriculum upon a job task analysis, or have we
7 moved on to another different nationally accepted
8 standard, which is not identified?

9 So the question overall is why is this
10 happening? There seems to be no need for it. There's
11 no rationale given. The last time it was changed back
12 in 2012 an extensive vetting took place.

13 There was a year in development of the
14 standard. Everyone got involved. And this time all
15 of a sudden they say, surprise, we're changing this
16 curriculum. And no rationale is provided.

17 I mean this is very unsettling because this
18 is contrary to the whole way that the Law Enforcement
19 Academy as a standards organization is supposed to do
20 business.

21 There is no sign of standards, there is no
22 explanation. It's just like somebody woke up one
23 morning and had a bad idea and threw it out as the PST
24 curriculum. I would like an explanation of what the
25 heck is going on here. And I wish that they would

1 provide somebody to answer those questions.

2 MS. COX: Thank you for your general
3 comments.

4 Now, we will move on to specific comments.
5 So again the first proposed change is in the title of
6 Part 10 of Title 10, Chapter 29, of the New Mexico
7 Administrative Code. Are there any comments to that
8 proposed change?

9 MR. ST. CYR: The question that I would
10 have -- this is Peter with FOG. What is the reason
11 for the title change?

12 MS. COX: And I do not have that information
13 in front of me.

14 MR. ST. CYR: Will there be somebody here
15 today to answer that question?

16 MS. COX: No.

17 MR. ST. CYR: When will they be provided to
18 answer those questions?

19 MS. COX: We've already answered that for
20 you.

21 Are there any other additional comments or
22 questions to the proposed change of the title of this
23 Part 10 of Title 10, Chapter 29, of the New Mexico
24 Administrative Code?

25 MR. ST. CYR: Is this process that's being

1 used today, since it's my first meeting, different
2 than the process and the procedures that have been
3 used in the years past; where there is a rulemaking
4 hearing and there's no one here to answer questions
5 from the public regarding the substance or rationale
6 behind the proposed changes?

7 MS. COX: I have answered that question.

8 MR. ST. CYR: When did the change occur in
9 the process?

10 MS. COX: I have answered that question.

11 MR. ST. CYR: What was the authority to make
12 those changes?

13 MS. COX: The next -- seeing no comments
14 pertaining to the proposed change to the title of
15 Part 10, that is closed.

16 The next proposed change is to
17 Section 10.29.10.1. Are there any comments regarding
18 the proposed change in that section? Seeing none, we
19 will move on.

20 The next proposed change is to
21 Section 10.29.10.2. Are there any comments about
22 those proposed changes? Seeing none, we will move on.

23 The next proposed changes are to
24 Section 10.29.10.3. Are there any comments regarding
25 those proposed changes? Seeing none, we will move on.

1 The next proposed changes are to
2 Section 10.29.10.6. Are there any comments about
3 those proposed changes? Seeing none, we will move on.

4 The next proposed changes are to
5 Section 10.29.10.7. Are there any comments about
6 those proposed changes?

7 MR. ST. CYR: There are. This is Peter with
8 FOG. A through K, so I would like to take a moment to
9 be able to read those and decide if we have any
10 comments or questions.

11 MS. COX: Okay.

12 MR. ST. CYR: I'm good. Thank you.

13 MS. COX: Are there any other comments to the
14 proposed changes to Section 10.29.10.7? Seeing none,
15 we will move on.

16 The next proposed changes are to
17 Section 10.29.10.8. Are there any comments regarding
18 those proposed changes?

19 MR. MECHEL: Pardon me. This is Chris
20 Mechels. Are you doing the overall 10.29.10.8 at this
21 point or are you going to go through it section by
22 section, like A, B, C, et cetera?

23 MS. COX: I'm doing the overall section.

24 MR. MECHEL: You're doing the overall?

25 MS. COX: Do you need time to review it?

1 MR. MECHELS: I have a number of comments on
2 it.

3 MS. COX: Okay. Then we will go through it
4 per section. So let's start with the prior to
5 section A, the proposed changes to the initial
6 paragraph prior to section A of 10.29.10.8. Do you
7 have any comments regarding that?

8 MR. MECHELS: This is Chris Mechels. Yes. I
9 have comments on that, which is the change to the
10 minimum training from apparently 132 hours to 130 and
11 changing -- a rather dramatic change. They went from
12 12 units of instruction to eight blocks of
13 instruction.

14 This is all very dramatic, because four years
15 ago they went from eight blocks to 12 units and went
16 to the national standard. And now we're coming back
17 from 12 units to eight blocks, apparently moving away
18 from the national standard.

19 This is all highly questionable. And there's
20 no one here to question. Why are they doing this?
21 This is basically sinking the ship in front of us with
22 no explanation given.

23 I mean this is very dramatic. Has the
24 failure to this point been a disaster, did the
25 national standards not work, are we reverting to our

1 New Mexico style. What's going on here?

2 I mean this is dramatic. This is not
3 trivial. This is dramatic. And some explanation
4 needs to be given other than they're just having a bad
5 hair day. And I will defer my other comments until we
6 get to the sections A and B, et cetera.

7 MS. COX: Thank you. Are there any
8 additional comments on the initial paragraph? Seeing
9 none, we will close that.

10 So now we will move on to
11 Section 10.29.10.8A. And, Mr. Mechels, you said you
12 had some comments on paragraph A.

13 MR. MECHELS: Yes. I have comments on
14 paragraph A. One thing, what they're doing in
15 paragraph A is they're introducing a standard that we
16 haven't previously seen in the PST training, which is
17 the FEMA standards.

18 And I note also that they are -- because it's
19 of some interest going forward, that in the FEMA
20 standards, the individual sections, like the FEMA ICS
21 100.B, does identify a three-hour block.

22 I do notice, however, that this whole section
23 is going to be done -- must be completed prior to the
24 start of the academy. This is all new material. Some
25 justification should be provided and none is.

1 MS. COX: Any other additional comments on
2 paragraph A? Seeing none, that is closed.

3 Moving on to Section 10.29.10.8B, are there
4 any comments regarding those proposed changes?

5 MR. MECHELS: This is Mr. Mechels again. I
6 have comments on B. The question that comes to mind
7 immediately upon looking at B -- there are a couple of
8 serious questions.

9 First off, it's identified as "Block 2:
10 Academy administration; 30 total block hours." If we
11 look at the number of deletions, which are very
12 substantial, most of those are in sort of a general
13 academy administration block.

14 That's then replaced. So 18 different
15 sections are then replaced by a different format,
16 basically the same material being in a different
17 format, with now five different sections or
18 subsections. There are no hours given at this point
19 for the training.

20 So now we are just saying academy
21 administration, 30 total block hours. But as far as
22 the individual headings, orientation, no hours given;
23 administrative time, no hours given; four block
24 examinations, no hours given.

25 So we're basically saying take 30 hours and

1 apply it as you wish to the following list of things.
2 Never have they given the Director of the academy such
3 latitude. Why would the Board now suddenly just walk
4 away from defining the hours to be dedicated to each
5 particular area and just walk away from that
6 responsibility.

7 The whole purpose of having the Board is to
8 not walk away from their responsibility and to give
9 such latitudes to the Director. So B is the first
10 time that we encounter this. It's outrageous.

11 It's the Law Enforcement Academy walking away
12 from its responsibility. No. It's the Board walking
13 away from its responsibility, giving far too much
14 latitude for the Director with no explanation given.

15 MS. COX: Are there any additional comments
16 regarding paragraph B, proposed changes? Seeing none,
17 that is closed.

18 The next Section, Section 10.29.10.8C, are
19 there any comments regarding those proposed changes?

20 MR. MECHELS: Again Chris Mechels. I have
21 comments on C. Basically the same problem here that
22 we saw in Section B, it says, "Block 3: Basic public
23 safety telecommunicator skills - 40 total block
24 hours."

25 Nothing particularly new as far as the

1 information here. It's just been again reformatted.
2 Again no hours provided. Once again total latitude
3 for the Director, apply the 40 hours as you see fit.

4 The Board once again walking away from its
5 responsibility, which is to see to the training rather
6 than just delegate it away to the Director and say
7 have a good time.

8 This is outrageous. The Board has no
9 business doing that kind of stuff without a very good
10 reason and a very sound explanation, which none is
11 provided.

12 MS. COX: Any other additional comments?

13 MR. ST. CYR: I would like to make a comment
14 that, on this particular section, that the Hearing
15 Examiner has asked for comments but not for questions.
16 And so that differs from all the other sections that
17 we've seen.

18 And it kind of points to the record that
19 there isn't a standard procedure here today for the
20 public to have an idea of when they're going to be
21 able to get people to answer questions about the
22 proposed changes. Thank you.

23 MS. COX: Thank you for your comments.

24 MR. MECHELS: And I would like to make a
25 comment in regards to that comment. I've had a number

1 of exchanges with the Director of this academy,
2 Stephan Marshall. And I repeatedly asked him to give
3 us a list of the procedure to be followed here today.

4 None was ever received. This is a total
5 closed book, where they wouldn't reveal the procedure,
6 they wouldn't even reveal who the Hearing Officer was
7 so we couldn't prepare by looking at your background.

8 MR. ST. CYR: This is Peter with FOG again to
9 follow up on that. We've been told that it was posted
10 online. Can you tell us when these procedures that he
11 asked for to be delivered in writing and an email were
12 posted online and why those questions weren't answered
13 by here is a link to find it on the website?

14 MS. COX: I was not part of the
15 communications that Mr. Mechels had.

16 MR. ST. CYR: I just want to put it in the
17 record so it will be addressed.

18 MS. COX: Okay. Thank you. Are there any
19 other comments regarding Section 10.29.10.8C? Seeing
20 none, we will -- oh. I'm sorry.

21 MR. MECHELS: Just a moment. You're pretty
22 quick there. This is Mr. Mechels. Same kind of
23 comments on D.

24 MS. COX: We're not on D yet. I want to make
25 sure that I've got everything on C.

1 MR. MECHELS: Oh. Okay.

2 MS. COX: Sorry. C as in Charlie. Are there
3 any additional comments on subparagraph C?

4 Now we will move on to Section 10.29.10.8D.
5 And, Mr. Mechels, you said you had comments on
6 paragraph D.

7 MR. MECHELS: Yes, I do. The comments on D
8 are essentially the same as the previous ones. Once
9 again we have 13 total block hours. There's nothing
10 particularly new about the material.

11 If we look at the deleted items and then the
12 new proposed items, they're essentially covering the
13 same ground, which shows no reason for the change
14 except that -- and perhaps this is the reason for the
15 change.

16 The deletions all have hours provided, which
17 means that it is not just throwing direction to the
18 Director. For example, No. 1 had federal, state,
19 municipal, and county law enforcement agencies
20 overview; one and one-half hours.

21 Now, if we go down to the new material
22 provided, they're covering roughly the same material
23 but no hours provided. The Board is walking away from
24 its responsibility and throwing discretion to the
25 Director.

1 MS. COX: Are there any additional comments
2 regarding section D?

3 We will move on to Section 10.29.10.8E. Are
4 there any comments or questions regarding section E?

5 MR. MECHELS: This is Mr. Mechels. Yes, I
6 have comments. Again section E, what they're doing is
7 just basically repotting the soup. This is the same
8 mix of things that they were covering before in PST
9 training. No apparent reason that they had to repot
10 it.

11 And again unless the whole purpose of the
12 repotting is to get rid of the individual hour
13 assignments, because again we have -- we've got eight
14 total block hours but no hours within -- on the
15 individual areas.

16 It's again just unexplained. Unexplained and
17 I suspect unexplainable. I don't think they can
18 explain what they're doing. I think they should be
19 forced to, because this is directly contrary to the
20 whole purpose for having the Board.

21 MS. COX: Anything else that the public would
22 like to add regarding section E? Seeing none, we will
23 move on.

24 The next section are the proposed changes to
25 Section 10.29.10.8F. Are there any comments or

1 questions regarding those proposed changes?

2 MR. MECHELS: This is Mr. Mechels. I would
3 comment on that section. The comment would be that
4 now they've added a block with eight total block hours
5 concerning the National Crime Information Center
6 operations.

7 The last time they made this change, which is
8 relatively recently, like in 2012, they got rid of the
9 NCIC section of training. Now we find it back again.
10 Again no explanation provided. It's just totally
11 frustrating to have all of these changes and no one to
12 answer about them.

13 MS. COX: Seeing no further comments or
14 questions, we will move on.

15 The next proposed changes are in Section
16 10.29.10.8G. Are there any comments or questions
17 regarding those proposed changes?

18 MR. MECHELS: This is Chris Mechels. I would
19 make the same comments overall that I've made in the
20 previous sections. No reason given for the changes
21 and the changes are major.

22 MS. COX: Would you like to have incorporated
23 by reference the other comments that you made in the
24 earlier sections?

25 MR. MECHELS: No.

1 MS. COX: Seeing nothing further, we will
2 move on.

3 The next proposed changes are in
4 Section subparagraph 10.29.10.8H. Are there any
5 comments or questions on those proposed changes?

6 MR. MECHELS: I'm sorry. Are we on block
7 eight now?

8 MS. COX: H as in hat on page 5.

9 MR. MECHELS: Okay. The title there being
10 "Critical incident management"?

11 MS. COX: That is the start of the second
12 line of that subparagraph, yes. Excuse me. That is
13 the proposed change. And it's showing as the second
14 line to that subparagraph.

15 MR. MECHELS: I would have a comment and a
16 question, if a question were useful on that. Block
17 eight, there is nothing new about critical incident
18 management. That was part of the previous curriculum.

19 It just shows up here. Whether it has any
20 relationship to what's deleted, which was, "EMS
21 apparatus and common terminology," whether one
22 replaces the other. No explanation given.

23 It is unclear that the CIM awareness or the
24 critical incident management even means the same
25 thing. Because again the changes are major enough and

1 unexplained that you can't even tell if critical
2 incident management means critical incident management
3 or whether it means something else today.

4 I mean this whole thing needs to be --
5 there's a major change which needs major explanation
6 for a change. I mean they're sinking a boat in front
7 of us and they're pretending it's not happening.

8 MS. COX: Seeing no further comments or
9 questions, we will considered that closed.

10 The next proposed changes are to
11 Section 10.29.10.8I. Are there any comments or
12 questions regarding those proposed changes?

13 MR. GOAD: Chris Goad. The apparent effect
14 of this change is that broadcast radio is no longer
15 relevant to telecommunications. So I'm just making
16 that comment. It seems like something that there
17 should be justification for or something.

18 MR. MECHELS: Did you give your name?

19 MR. GOAD: Yes.

20 MS. COX: He did.

21 MR. MECHELS: Oh. Okay. I didn't hear it.

22 MS. COX: He did. Thank you. Seeing no
23 further comments or questions, we will move on.

24 The next proposed changes are to
25 Section 10.29.10.8J. Are there any comments regarding

1 those proposed changes?

2 MR. MECHELS: I would have a comment on this
3 section and the sections which follow here.

4 MS. COX: Can we just do J first and then
5 we'll get to the others so we have a clear record.

6 MR. MECHELS: Okay. The comment I would make
7 on J which seems generally applicable is that it's a
8 deletion. They went from 12 sections to eight blocks.

9 We've covered the eight blocks that are the
10 new blocks. So we're going to see from this point
11 forward the deletions.

12 The question, of course, is the material that
13 gets deleted going forward has been repotted in the
14 material we've already covered. And again there's no
15 explanation given for any of this.

16 MS. COX: Seeing no further questions or
17 comments, we will move on.

18 The next proposed changes are to
19 Section 10.29.10.8K. Are there any comments or
20 questions regarding those proposed changes?

21 MR. MECHELS: Chris Mechels. Not to belabor
22 the point, but I am belaboring the point. Most of
23 this material has been repotted. When you repot
24 material like this, you should have some description
25 of how it got repotted. The following information got

1 moved.

2 Like Crisis Bill of Rights. I recognize that
3 language. It showed up earlier. Why did they repot
4 it, why did they move it to an earlier section? It's
5 like why, why, why, what are you doing? And there's
6 no one to answer the question.

7 I rather suspect that no one ever will answer
8 the question. So what's the point of having public
9 comment and questions if no one is here to answer the
10 questions or likely will ever answer the questions?
11 This is just a sham, it's a farce. Why are we wasting
12 our time?

13 MS. COX: Are there any additional questions
14 or comments on Section K? Seeing none, that is closed
15 and we will move on.

16 The next proposed changes are to
17 Section 10.29.10.8L. Are there any comments or
18 questions to those proposed changes? Seeing none, we
19 will move on.

20 The next proposed changes are to
21 Section 10.29.10.8M. Are there any comments or
22 questions to those proposed changes? Seeing none, we
23 will move on.

24 The next proposed changes are to
25 Section 10.29.10.8N. Are there any comments or

1 questions regarding those proposed changes? Seeing
2 none, we will move on.

3 The next proposed changes are to
4 Section 10.29.10.9. Are there any comments or
5 questions regarding those proposed changes? Seeing
6 none, we will move on.

7 The next proposed changes are to
8 Section 10.29.10.10. Are there any questions or
9 comments regarding those proposed changes? Seeing
10 none we will move on.

11 The next proposed changes are to
12 Section 10.29.10.11. Are there any comments or
13 questions regarding those proposed changes? Seeing
14 none, we will move on.

15 The next proposed changes are to
16 Section 10.29.10.12. Are there any questions or
17 comments regarding those proposed changes? Seeing
18 none, we will move on.

19 The next proposed changes are to
20 Section 10.29.10.14, changing it to 10.29.10.13. So
21 for numeric purposes, that is the next one in line.
22 Are there any questions or comments regarding those
23 proposed changes?

24 MR. MECHELS: Just pardon me a second. Let
25 me get a chance to look at some of these major

1 deletions. No questions.

2 MS. COX: We will move on. The next proposed
3 changes are to Section 10.29.10.13, which is proposed
4 to be renumbered as 10.29.10.14. Are there any
5 questions or comments regarding those proposed
6 changes? Seeing none, we will move on.

7 The next proposed changes are to
8 Section 10.29.10.15. Are there any comments regarding
9 those proposed changes?

10 MR. GOAD: Chris Goad. I'll just note that
11 in this section there's been a transition from -- a
12 transition of the kind of genderless language --
13 pardon me.

14 There's a change in language to do with how
15 genders are designated from his/her to their. But
16 retaining the genderless form of the expression. But
17 going back to 10.29.10.12, where it goes from his/her
18 to his. So just an inconsistent application of
19 linguistic change. A minor comment.

20 MS. COX: Are there any other comments to the
21 proposed changes to 10.29.10.15?

22 MS. REYES: Layla Reyes with the New Mexico
23 Law Enforcement Academy. In regards to the former
24 comment regarding the genderless language, that is per
25 NMAC standard and writing standards. When it is a

1 specific position, as in 10.29.10.12, "The director
2 may at his discretion," versus a group of people,
3 telecommunicators or law enforcement officers, as
4 their. So that is a formatting.

5 MR. GOAD: Thank you very much.

6 MR. MECHELS: I'm jealous. You got a
7 question answered. We're at 10.29.10.15?

8 MS. COX: Yes. On page 9.

9 MR. MECHELS: I would have a question there,
10 if anyone were here to answer it. The question is on
11 B, where it says, "Every eligible telecommunicator
12 separating from public safety service may continue
13 their New Mexico certification by successfully
14 completing each year an approved 10 hour in-service
15 training program approved by the academy and meeting
16 the statutory mandate of at least two hours in academy
17 accredited interaction with persons with mental
18 impairments."

19 That looks like new language. Wasn't there
20 such a requirement before? That's the question. It
21 looks like new language. Why would that language be
22 new? We haven't passed any recent legislation about
23 mental impairments. Was that just missing before?

24 That addition makes no sense. It was either
25 being -- they were either illegal before or this is

1 superfluous now. The question is what's going on
2 here? Because that should have been being done all
3 the time. It shouldn't be a change. That's my
4 comment. It makes no sense. It needs explanation.

5 MS. COX: Seeing no other comments or
6 questions, that is now closed.

7 That will conclude the public comment and
8 question period for the current proposed changes to
9 the Board rules. There being no further matters
10 before the Hearing Officer at this time, it is now
11 10:40 and this meeting is adjourned.

12 MR. MECHELS: I have a question.

13 MS. COX: We will unadjourn at 10:40.

14 Mr. Mechels, you had a question.

15 MR. MECHELS: The question I have, since
16 you're apparently set on adjourning -- and Peter from
17 FOG and I have raised the same question repeatedly and
18 we've gotten no answer.

19 Our question is what's going on here today?
20 If it's a rules act hearing, which is what it was
21 advertised as, then everything you've done didn't
22 work. It's not complying with rules act hearings.

23 If it's not a rules act hearing, then that
24 implies that the meeting in Silver City will be a
25 rules act hearing, in which case that's not what it's

1 advertised as.

2 If this wasn't a rules act hearing and Silver
3 City is not a rules act hearing, then you're having no
4 rules act hearing. Then what's the point of this
5 exercise? We're just here batting our gums at each
6 other?

7 This either is a rules act hearing or it is
8 not. Your actions today are not consistent with a
9 rules act hearing.

10 MS. COX: And that has been asked and
11 answered and also noted on the record.

12 So we will adjourn. It is now 10:42.

13 (At 10.42 a.m. the hearing was concluded.)
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1 REPORTER'S CERTIFICATE
2

3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO
4 HEREBY CERTIFY that on May 12, 2017, the proceedings
5 in the above captioned matter were taken before me,
6 that I did report in stenographic shorthand the
7 proceedings set forth herein, and the foregoing pages
8 are a true and correct transcription to the best of my
9 ability.

10 I FURTHER CERTIFY that I am neither employed
11 by nor related to nor contracted with (unless excepted
12 by the rules) any of the parties or attorneys in this
13 case, and that I have no interest whatsoever in the
14 final disposition of these proceedings.
15
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21
22

23 _____
24 JAN A. WILLIAMS, RPR
25 New Mexico CCR #14
License Expires: 12/31/17

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