

From: [Chris Mechels](#)
To: [Commission, Ethics, SEC](#)
Subject: [EXTERNAL] SEC Rulemaking R25-01
Date: Wednesday, September 17, 2025 7:50:29 AM

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To the Commission;

Upon examination and consideration of the proposed changes, I believe the following language, from page 5 of the document describing the changes, should be eliminated, with the current text retained..

(3) The director shall reject any complaint filed pursuant to Subparagraph (a) of Paragraph (1) of Subsection A of 1.8.3.9 NMAC [fails to state either the respondent's mailing address or email address, or is not signed and sworn to by the complainant, under penalty of false statement and the complainant will have the opportunity to refile the complaint.] that: (a) is not signed and sworn to by the complainant, under penalty of false statement; (b) fails to provide contact information for the complainant or any respondent; (c) does not identify the complainant or a respondent; or (d) is filed on behalf of a corporation or other non-natural person but is not filed by the entity's attorney in accordance with Paragraph (7) of Subsection A of 1.8.3.9 NMAC

As a prospective user, I find the existing text adequate and less confusing. The proposed text seems to change the outcome, with no explanation provided, and is poorly written.

Regards.

Chris Mechels
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From: [walker boyd](#)
To: [Commission, Ethics, SEC](#)
Subject: [EXTERNAL] Comments on proposed rules
Date: Thursday, September 25, 2025 11:19:40 AM

You don't often get email from jwb@jwboyd.com. [Learn why this is important](#)

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I am writing to offer my comments on proposed amendments to Rule 1.8.3.14 NMAC. I was formerly the Commission's general counsel. I am appearing before the Commission on my own behalf, and without compensation.

1. Subsection (B), which governs the location of meetings, should be amended to permit the hearing officer to hold the hearing on a web conference medium. The provision should further be modified so as not to require a showing of "undue burden" for the hearing officer to change the location of the hearing to another location in New Mexico or to a virtual hearing. This change would bring Commission practice in line with the practice in many district courts for bench trials, and it would save the Commission the cost and expense of in-person hearings at the Commission's offices, particularly those costs associated with providing for the physical security of the hearing officer and parties.
2. Subsection (D) should be amended to strike the requirement that the hearing be "open to the public in accordance with the Open Meetings Act, except for hearings or portions thereof exempted from the requirements of that Act." It is not clear that the Open Meetings Act applies to a hearing before a hearing officer, since the hearing officer is not a public body and, in conducting a hearing, is not exercising delegated authority of the Commission. *See* NMSA 1978, Section 10-15-1(B). To the extent the Open Meetings Act does not apply, requiring it to apply by way of the SEC's procedural rules would enable parties to challenge hearing officer decisions for technical deviations from the Open Meetings Act's notice and agenda requirements, such as a failure to post an agenda for the hearing more than 72 hours before the hearing occurs, or failing to give notice that the hearing officer is deliberating on a case. To the extent the Open Meetings Act does apply, the determination of the notice required can

be determined by the hearing officer by looking to the statute; the rule does not assist with that task.

I support the other proposed amendments to the Commission's rules of procedure.

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walker boyd

From: [Chris Mechels](#)
To: [Commission, Ethics, SEC](#)
Subject: [EXTERNAL] SEC Rulemaking R25-01
Date: Thursday, September 25, 2025 3:34:39 PM

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To the Commission:

Upon further examination, I find that the Commission's past Rule Makings, since 2019, have not complied with the NM Rules Act.

The 2019 Rule Making shows the required filing of documents on the Portal, but is still not fully compliant with the comments requirements, which date to 2018.

Filing after that are non complaint, failing the required Portal filings.

There is a good deal of non-compliance across state government, as the SRCA (Matt Ortiz) refuses to examine Rule Makings for compliance with the Rules Act, though he knows very well that this leads to broad non-compliance. Even worse, the Records Commission refuses to deal with this, and even allows illegal records destruction. Scofflaws.

This is of course no excuse for the Ethics Commission to violate the Rules Act, going back to 2019.

Should you continue to do so, you will do it knowingly.

With your role in promoting Ethics in New Mexico, that would be unseemly.

As the current Rule Making does not seem urgent, I suggest that it be rescheduled, and done in compliance with law.

An explanation from your Counsel might also be appropriate.

Regards,

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