

**MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION  
April 26, 2018  
NM Department of Transportation  
District 3 Office Auditorium  
7500 Pan American Fwy NE  
Albuquerque, NM 87109  
9:00 a.m. – 5:00 p.m.**

**A P P E A R A N C E S**

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

Game Commissioner Craig Peterson

**ABSENT: None**

CHAIRMAN KIENZLE: Call us to order. Good morning.

MULTIPLE SPEAKERS: Good morning.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Peterson.

COMMISSIONER PETERSON: Present.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Here.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Present.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

DIRECTOR SANDOVAL: Chairman Kienzle, I believe we have a quorum.

CHAIRMAN KIENZLE: Good morning. Can I get a motion to approve the agenda, please.

VICE CHAIRMAN MONTROYA: So moved.

COMMISSIONER RYAN: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: All right. Agenda item number 4. Oh, you want to do the pledge of allegiance?

ATTENDEES: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CHAIRMAN KIENZLE: Thank you. Agenda item number 4, revocations.

PRESENTER: Good morning, Mr. Chairman, Commissioners. This is revocations. As you all know under the new rule, for those that are out of compliance with the Parental Responsibility Act, those that failed to pay penalty assessments, and those that are out of compliance with Wildlife Violators Compact, you authorized us to be able to send Notice of Contemplated Actions to those individuals and if those individuals did not request a hearing, we were able to take a list to the Director and the Director could sign off and suspend those individuals until they come into compliance. So far, under the Wildlife Violators Compact we have 36 individuals that were suspended. We had 291 individuals that were suspended for being out of compliance with the Parental Responsibilities Act, and 20 individuals who failed to pay a penalty assessment within the allotted 30 days. We're going to—I'm sorry, go ahead.

CHAIRMAN KIENZLE: I'm sorry. Is that the—why don't you finish first and then I'll ask a question.

PRESENTER: By the rule on that, Mr. Chairman, they have been suspended. We are just providing you with the number that were signed off on the memos to the Director.

CHAIRMAN KIENZLE: Okay.

PRESENTER: So, we were going to have five groups of individuals from here on out that we're going to be discussing that are going to be up for revocation or suspension today. The first group, group 1, we have one individual who failed to pay a penalty assessment within 30 days. She was sent a Notice of Contemplated Action and did request a hearing. So you have the hearing officer's report in front of you.

CHAIRMAN KIENZLE: And what is the name of that?

PRESENTER: That individual is Marie Martinez [phonetic].

CHAIRMAN KIENZLE: Okay.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: Just for clarification, are we going to kind of go over everything and then vote on these as we go, or how is that going to work.

CHAIRMAN KIENZLE: I think we're going to do them in groups, by group.

COMMISSIONER: Thank you.

PRESENTER: So this is the only individual in group 1.

CHAIRMAN KIENZLE: Okay, I'm trying to find my group 1 packet here.

DIRECTOR SANDOVAL: Yes, I can't find my group 1.

COMMISSIONER RYAN: I've never seen group 1 person. Colonel?

COMMISSIONER: Which is group 1, Colonel?

DIRECTOR SANDOVAL: I don't believe there is a listing for the particular individual. All the other groups have the listing. It's just one individual, so . . .

PRESENTER: We had the one individual that was the individual that failed to pay a penalty assessment within the 30 days. She requested a hearing and was given that hearing and you should have the hearing officer's report. Here's the list that you should . . .

DIRECTOR SANDOVAL: I just don't have the hearing officer's report.

CHAIRMAN KIENZLE: It's probably in here. I'm just not seeing it.

DIRECTOR SANDOVAL: It jumps, mine jumps straight to the 45 (indiscernible).

SPEAKER: So, what was her name? Marie Martinez.

SPEAKER #2: Martinez.

CHAIRMAN KIENZLE: And all that could be heard was the shuffling of paper. Okay, so I'm not sure I've got this, do you have this page?

DIRECTOR SANDOVAL: No.

CHAIRMAN KIENZLE: So, I think we're missing a page. Or two.

DIRECTOR SANDOVAL: Mr. Chairman, if I can make a recommendation. We'll move this revocation to the next hearing and you can have that information as the information is not in the packet.

PRESENTER: Yes, that would be fine, if we didn't provide the information. That's my apology, my fault on that one.

DIRECTOR SANDOVAL: Just move it to the next hearing. I make a motion that we move this individual's consideration to the next hearing date.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: So we'll just pick it up at our next regular meeting.

COMMISSIONER: Just that one?

CHAIRMAN KIENZLE: It's a one-off.

SPEAKER: Yes, sir.

CHAIRMAN KIENZLE: Okay. So then I do have Michael Allen [phonetic] at the top of the list on the next segment for stipulated agreements, I think.

COMMISSIONER: Yes.

SPEAKER: Group 2 should be 45 individuals who accrued 20 or more violation points in a 3-year period. They were sent Notice of Contemplated Actions, requested a hearing, and entered into a stipulated agreement with the Department.

DIRECTOR SANDOVAL: Mr. Chairman, would you go ahead and entertain a motion on that?

CHAIRMAN KIENZLE: Yes, I would entertain a motion to accept these.

COMMISSIONER RYAN: I move to accept these 45 stipulated agreements as written and agreed upon by both the Department and the violators.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

PRESENTER: Group 3 is going to be, we have seven individuals who accrued 20 or more points in a 3-year period. They were sent Notice of Contemplated Action, requested and received a hearing and filed a written exception. Those exceptions were provided to you along with the hearing officer's report.

CHAIRMAN KIENZLE: I'll entertain a motion on this one.

COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendations of the hearing officers presented by the Department and revoke all license privileges of these seven individuals for the length of time recommended.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

PRESENTER: Mr. Chairman, the next group is seven individuals who accrued 20 or more violation points in a 3-year period. They were sent their Notice of Contemplated Action. They requested and received a hearing but they did not file an exception.

COMMISSIONER RYAN: Mr. Chairman, I move to accept the recommendations of the hearing officer as presented by the Department and revoke all licenses, privileges of these seven individuals for the length of time recommended.

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

PRESENTER: The final group is, we have 92 individuals who accrued 20 or more violation points in a 3-year period. They were sent Notice of Contemplated Actions but they did not request a hearing.

COMMISSIONER RYAN: Mr. Chairman, I move to accept the recommendations of the Department as presented to revoke the license privileges specified of all 92 individuals for the length of time recommended.

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Okay.

DIRECTOR SANDOVAL: I just want to make, Colonel Griego and Lieutenant Cole especially, is there any comments you'd like to make now that we've voted on all of these. Would you like to make any comments?

LIEUTENANT COLE: We all know the rule's changed. There have been a lot of changes in the last several months. It's taken a lot of work and I just wanted to take this time to acknowledge Letitia May [phonetic] and Samantha Ferguson. They have, this is not a one-man show. This is a team effort including Colonel Griego and Captain Jackson. But the lion's share of work has been carried by these two ladies right here and I just want to acknowledge and let you guys know what an awesome job they've been doing.

[Applause]

SPEAKER: Thank you so much.

COMMISSIONER SALOPEK: I have a question. Bobby, on these, which is pretty exciting, you know, you see the three years if no, will be suspended if no violations. Did we just start that? Or was that a couple of years ago we started that?

ROBERT GRIEGO: Mr. Chairman, Commissioner Salopek, that's, what that is, is per our stipulated agreements. When we do those stipulated agreements it's because the charging officer feels that there was some mitigating circumstance that the individual was warranted receiving a citation but maybe not the potential full 3-year revocation. And therefore they work, basically it's a plea agreement to put them on notice that they may get revoked for a certain amount of time but if they keep their nose clean for an extended period of time, it goes away. So it's, for those individuals, it's an exception more than the rule.

COMMISSIONER SALOPEK: Right. And I like it. Just thinking outside, do we know how many people have that and mess up? Is there quite a few or is there hardly none that, where you have to give them the 3 years?

ROBERT GRIEGO: Mr. Chairman, Commissioner Salopek, occasionally it does happen. Usually, though, when our officers are willing to offer a stipulated agreement again it seems like that individual, it was an honest mistake and the vast majority of time they're excited to receive that and they do well with it. So it's just the occasional one that violates it.

COMMISSIONER RICKLEFS: Thank you. So, it's completely at the discretion of the charging officer whether to offer a stipulated agreement, is that correct?

ROBERT GRIEGO: Mr. Chairman, Commissioner Ricklefs, it's up to the officer to bring it forward and want to offer it. At that point, they run it through their chain of command and ultimately to the lieutenant here and then myself and we review the case and see if everything falls in line with, that we agree with it. We do depend heavily on those officers because they were the ones talking to the individual face-to-face and doing the investigation. So we do put a lot of weight on that officer's opinion. Very seldom will I go against that. There is the occasional time but they've got to run it up their chain.

COMMISSIONER RAMOS: Mr. Chairman, Director, Colonel, I know that in the past that we read articles in the newspaper of individuals who have been, you know, in violation and also found guilty, etc. Are these documents basically public information such as the name and then hunting deer without a license, out of season, all these descriptions here. Is this public information and are we going to, I know that we posted some on our website but I would like to

see all this if it's public information posted on our website as well with the individuals' names and having them suspended.

ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, it is public information for those individuals (indiscernible) for those reports. We do go through and redact all their sensitive information and all of our tactics that we use. Per our policy of posting on the website, we have a strict policy in that we post the egregious violations and specific violations, not just everyone that was suspended. And there are some of these individuals who fall into that category that we will be posting them on the website. But per our policy we don't just simply, everyone that was revoked, put that on there.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, some of that discussion was around making that part of the website too cluttered with information but we can certainly take a look and try and figure out if there are ways to segregate that. What our hope was, to really focus on those people who were making those egregious, and so that's what we were trying to focus on but we can certainly take a look at posting everybody.

COMMISSIONER RAMOS: I think that would be a good idea, at least those real aggressive ones and just I think it's good public information and anyways, those are my thoughts.

CHAIRMAN KIENZLE: Anything further on agenda item number 4?

ROBERT GRIEGO: Mr. Chairman, if I can add just one more thing. With the new system on bringing revocations forward within a year, it is working very smoothly now. We are, I would say on average we are going to see that individuals are sent Notice of Contemplated Action anywhere from two to five weeks after they are convicted which means that technically they should be either adjudicated with no revocation or be suspended within about 6 months of being

convicted criminally. So it's working pretty smoothly. There are exceptions to that. We are at the mercy of the court as to when they have those hearings. But we've had some instances, we had one individual that was actually convicted and within a day it just worked out just right where we were able to send that Notice of Contemplated Action. Again, that's going to be the exception but it is running very smoothly right now.

CHAIRMAN KIENZLE: Well, 2018, we got back to zero. So we are going forward. I hope it stays that way.

COMMISSIONER RYAN: And I think it's just a good opportunity to just follow up Lieutenant Cole's comments to thank you ladies again, the whole Department, law enforcement, and law enforcement working all these cases to get them to this point, just a lot of work behind the scenes and we just, props to the Department and everybody involved for working so hard. We really appreciate it. You guys are the face of the Department, you know, out there dealing with these. So we appreciate it. Thank you.

CHAIRMAN KIENZLE: Right on. Good work. All right. Anything else on 4? Okay. Thank you. Can I get a motion to adjourn into Executive Session please?

COMMISSIONER RYAN: So moved.

COMMISSIONER: Second.

SPEAKER: Got to read it. I don't have it in front of me.

COMMISSIONER MONTOYA: Mr. Chairman, I move to adjourn into executive session closed to the public pursuant to section 10-15-1(H)(2) NMSA 1978 to discuss limited personnel matters as listed in agenda item number 5.

CHAIRMAN KIENZLE: Roll call. Oh, I need a second.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Peterson.

COMMISSIONER PETERSON: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTROYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: Okay. This is the revocation—oh, excuse me—the meeting room, so everybody's going to have to.

MULTIPLE SPEAKERS: *Cross talk [I think he went to the restroom./Okay, we'll give him a minute.]*

CHAIRMAN KIENZLE: In Executive Session, the Commission discussed only those matters specified in its motion to adjourn and took no action as to any matter. I don't think he's going to mind if we move to adjourn.

SPEAKER: He's in here anyway.

CHAIRMAN KIENZLE: Can I get a motion to adjourn?

COMMISSIONER RICKLEFS: So moved.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

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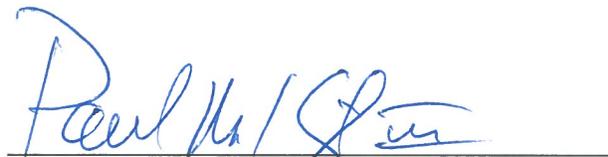
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**Alexandra Sandoval, Director and Secretary**

  
\_\_\_\_\_  
**Date**

  
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**Paul M. Kienzle III, Chairman**  
**New Mexico State Game Commission**

  
\_\_\_\_\_  
**Date**

**AS/scd**