

MUSEUM OF NEW MEXICO BOARD OF REGENTS
AND THE DEPARTMENT OF CULTURAL AFFAIRS

Proposed Rulemaking
Regarding 4.51.57 NMAC

PUBLIC HEARING
Volume 2
Before Hearing Officer Joseph Thompson
April 6, 2018
10:00 a.m.
Room 238
Bataan Memorial Building
407 Galisteo Street
Santa Fe, New Mexico 87501

REPORTED BY: Deborah L. O'Connor, RPR, CRR
New Mexico CCR No. 297
Cumbre Court Reporting, Inc.
2019 Galisteo Street, Suite A-1
Santa Fe, New Mexico 87505
(505)984-2244

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

For the Department of Cultural Affairs:

Jennifer Salazar
Leigh Brunner
New Mexico Department of Cultural Affairs
407 Galisteo Street, Suite 260
Santa Fe, New Mexico 87501
(505)827-6390
jennifer.salazar2@state.nm.us
leigh.brunner@state.nm.us

Advisor to Hearing Officer Thompson:

Sally Malave
Office of the Attorney General
408 Galisteo Street
Santa Fe, New Mexico 87501
(505)490-5847
smalave@nmag.gov

1	EXHIBITS		
2	EXHIBIT	DESCRIPTION	PAGE
3	17	Speaker sign-in sheet	174
4	18	Written comment by Lenore Denetchee	175
5	19	Sign	175
6	20	Written comment from portal committee	175
7	21	Attendance sign-in sheet	198
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 HEARING OFFICER THOMPSON: This hearing
2 will now come to order. Today is April 6, 2018.
3 The time is 10:09 a.m. We are assembled at the Old
4 Senate Chambers of the Bataan Memorial Building,
5 Room 238, in Santa Fe, New Mexico.

6 I am Joe Thompson, regent for the
7 Museum of New Mexico Board of Regents. I will be
8 acting as the hearing officer for this public
9 comment rule hearing.

10 Today's hearing is a continuation of
11 the hearing that began on April 3, 2018. The
12 purpose of today's hearing is for the Board of
13 Regents to receive additional public comments, view,
14 argument, and testimony on the proposed repeal and
15 replacement of 4.51.57 NMAC, governance of the
16 portal program at the Palace of the Governors.

17 I want to begin by thanking all those
18 who participated in Tuesday's rule hearing as well
19 as all those who are present to testify today. The
20 public comment process is an important aspect of
21 adopting a workable rule. Given the extensive
22 public interest in this rule change as well as
23 numerous requests made at Tuesday's hearing for
24 additional time to review the proposed changes, I
25 have decided to leave the rulemaking record open

1 until November 1, 2018, to allow for the submission
2 of additional written comments. I encourage anyone
3 wishing to provide written comments on the rule to
4 do so until then. And I want everybody to
5 understand that I'm -- I think this is a terrific
6 accommodation to everyone, but we're going to expect
7 this stuff in writing by November 1. So we'll make
8 sure everybody knows what we're hoping to have back,
9 but it's -- November 1, we're going to be moving
10 fairly quickly.

11 UNIDENTIFIED WOMAN: May I say something?

12 HEARING OFFICER THOMPSON: In a moment.

13 Let me finish, and then we'll have a moment for
14 comments, and you're welcome to come down and make
15 comment.

16 I ask all members in attendance today
17 to silence their cell phones and ask that any
18 extended conversations be held outside of the room.
19 And may I remind everyone to sign the attendance
20 sheet that will later be entered as an exhibit into
21 the record of this hearing.

22 Would someone on our team like to
23 volunteer to make sure that the attendance sheet or
24 sign-up sheets are in order? Thank you.

25 This is a formal proceeding, and a

1 court reporter has been designated to transcribe the
2 proceedings. The transcript from this hearing will
3 become part of the rule hearing record. Therefore,
4 persons recognized to testify or offer comments are
5 asked to please identify yourself for the record
6 each time you address the presiding officer. And
7 please speak loudly and clearly so the recorder can
8 pick up your comments.

9 This hearing will be conducted in the
10 following manner. DCA staff will present exhibits.
11 I as a presiding officer will rule on the
12 admissibility of the exhibits offered for admission.
13 Exhibits admitted into evidence are available for
14 review by members of the public. After staff offers
15 exhibits and their admission has been ruled upon, I
16 will open the hearing for testimony and comments
17 from the audience.

18 This public hearing is intended to
19 provide the public with an opportunity to voice
20 opinions on the proposed rulemaking. I will call
21 for general public comment. If you would like to
22 give a comment about the proposed rule, please sign
23 up.

24 This hearing will not follow the
25 rules of evidence but shall, in the interest of

1 efficiency, reserve the right to limit all exhibits,
2 testimony, commentary or other evidence deemed
3 irrelevant, redundant, or unduly repetitious. Such
4 decisions shall be made by me as the hearing
5 officer.

6 How many folks have signed up? So it
7 looks like we've got somewhere between 10 and 20
8 folks. So for now, I'm going to not place any time
9 restriction. If it looks like we're -- I don't want
10 to do anything to restrain you from sharing what you
11 feel you want to share with us, but I will have to
12 be mindful of the schedule if we start to lose time
13 a little bit.

14 After a person has testified or
15 offered comment, any member of the audience wishing
16 to question that person may do so after being
17 recognized by the presiding officer. Each person
18 recognized to speak shall identify him or herself
19 for the record. Questions will be limited only to
20 clarifying questions to that person offering
21 testimony on the rule -- proposed rule. In asking
22 clarifying questions, please be respectful of
23 everyone's time. So if somebody has a clarifying
24 question, I would like for you to come down and sit
25 at the table so that we don't have -- so

1 Ms. O'Connor has a chance to hear everything.

2 This public hearing is now open.

3 DCA, do you have any exhibits to introduce at this
4 time?

5 MS. BRUNNER: Regent Thompson, we have
6 one more exhibit, Exhibit 20 -- written comment --
7 it's written comment received on the proposed rule
8 since April 3, 2018.

9 HEARING OFFICER THOMPSON: Thank you. We
10 have two other submissions that came in the other
11 day that we haven't admitted into the record. I
12 had mentioned them the other day, but we hadn't
13 done them yet. This was a sign that was held up
14 the other day by one of our attendees. And she
15 asked to have it entered into the record, and I
16 agreed to do so. I'm missing 18. I'll wait.
17 Maybe -- we'll wait a minute on that, and I'll do
18 that when we have a little break.

19 Any person wishing to submit
20 additional views, argument, or testimony shall do so
21 after they are recognized by me.

22 The proposed rule has been introduced
23 into the record. I will now open the floor to the
24 audience for testimony and comment on each part of
25 the rule. First we have Eleanor Castro.

1 MS. CASTRO: I just want to know more
2 what's going on and why this is happening. I don't
3 understand why they want to change the rules these
4 people have made for years and years. For years,
5 after their grandmothers and their great
6 grandmothers, why these people who work for the
7 museum want to change the rules. I need to know
8 that before I can say anything else.

9 HEARING OFFICER THOMPSON: Thank you very
10 much. Next we have Dirk Beveridge.

11 MR. BEVERIDGE: Thank you, Mr. Chairman.

12 HEARING OFFICER THOMPSON: Yes, sir.

13 MR. BEVERIDGE: I'm Dirk Beveridge. I'm
14 a concerned citizen. I'd like to say first that
15 I'm really predisposed to like everybody involved.

16 MS. CASTRO: You have to stand up and
17 talk to everybody --

18 HEARING OFFICER THOMPSON: Well,
19 everyone -- I appreciate everyone being here, but
20 the purpose of this is to get his testimony on the
21 record. The purpose is not for everyone to be able
22 to hear it. I would like -- I would -- for
23 everyone to be able to hear it, I think it's
24 important --

25 MS. CASTRO: How can we run a meeting

1 without being able to hear --

2 HEARING OFFICER THOMPSON: I believe when
3 you came in, I asked if you wanted to sit at the
4 table. If anybody else would like to come down and
5 sit so they can hear better, please do. We
6 appreciate you being here. I will make every
7 accommodation so you can hear.

8 MS. CASTRO: But why can't we stand right
9 next to you and talk?

10 HEARING OFFICER THOMPSON: Because that's
11 not how we're going to do it today. He's going to
12 be talking to the court reporter, who is making the
13 record. You're welcome to come and sit right here.
14 Mr. Beveridge.

15 MR. BEVERIDGE: I'm a concerned citizen.
16 I'd like to start out by saying I'm predisposed to
17 like everybody involved in this. We have wonderful
18 museums here. It's an important part of the
19 community. You guys do a great job.

20 I'm also quite fond of our Native
21 American dealers. I go downtown for coffee most
22 mornings. I've gotten to know these people, and I
23 really admire and respect their work. I admire and
24 respect them as people.

25 I heard about this matter about a

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 week ago with a little bit of grumbling downtown
2 from some artists who were concerned about this, so
3 I thought I'd come down Tuesday and listen to see
4 what's going on. And my takeaway was that the state
5 and the museum officials wrote these regulations
6 behind closed doors and then issued a couple of
7 legal notices, and it sounds like the artists maybe
8 never even knew about this. And they certainly
9 seemed blindsided. And, to me, that just seems like
10 a terrible way to deal with people you've been
11 partnering with for years, decades, generations.
12 From what I heard, it sounds like bad faith. I
13 don't mean to be offensive, but that's really what
14 came across.

15 I would suggest -- and it's
16 interesting that you've delayed this matter. That
17 preempts some of what I was going to say. I think
18 it would be a show of good faith for the state and
19 the museum officials to sit down, maybe back down a
20 little bit, and see if there's areas of common
21 ground that you guys could work from. I think that
22 would be probably more conducive. If the rules need
23 to be changed or updated, find out where you might
24 agree before getting into the areas where you
25 disagree. That would seem to me to be a better way

1 forward for everybody.

2 Thank you for letting me speak. I'll
3 close by wishing good wishes to all sides on this.
4 I like everybody.

5 HEARING OFFICER THOMPSON: Thank you,
6 Mr. Beveridge. I appreciate your input. Next
7 we'll have Elizabeth Tapia.

8 MS. TAPIA: Good morning, everybody.
9 When I went to get the proposed rule changes, I was
10 given the existing rules -- and my name is -- did I
11 say it? But, anyway, I was given the existing
12 rules and not the rule change. But so now I've --
13 I've got the rules changes -- the draft from you
14 the other day, and I got to look at some of the
15 proposed changes.

16 I also stated on that day that the
17 rules have been in effect for, like, 35 years or
18 more, and they've worked. And I wrote some comments
19 here. The program has had growing pains. We have
20 resolved them. For example, we used to -- we used
21 to -- in addition to setting up near the wall, we
22 also sat on the curb. So that proved to be
23 dangerous because there was traffic going across.
24 And then not only that, we used to stand across the
25 street in the park and run to the porch to claim our

1 spaces. That was dangerous because the traffic was
2 still going through.

3 We resolved these issues by numbering
4 each of the spaces and having a draw and having a
5 lottery and having a waiting list also. And we
6 developed a way where if one person left and then
7 the person on the waiting list -- you know, it was
8 fair for everybody.

9 We also had meetings to vote the best
10 way to trademark our wares. A committee was formed
11 according to each art, and they developed a way to
12 trademark our wares. We also developed a chain of
13 command with the approval of Tom Chavez.

14 Yes, we had growing pains, but we
15 resolved them. Most of the artists are college
16 educated, and some artists are peacemakers, and we
17 come together to make the program fair to everyone.

18 In my opinion, there are some changes
19 according to the operation of the program that I
20 agree with. There's some of them that need to be
21 changed. But when you take away the discretion of
22 us discussing the issues and resolving them on our
23 own, I don't agree. Because we're the artists.
24 We're the ones that know how we make them.

25 And like this morning, there was an

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 incident, and the vendors were upset. So according
2 to the new rules, the -- I mean, the coordinator or
3 the director will come down from his office and
4 resolve it. We can't wait. We have to keep the
5 program going. Is anybody up there, the director or
6 the coordinator there all the time to come and
7 resolve it right away? That would have delayed our
8 program. So we -- now, with the existing rules, we
9 resolved it. We resolved that issue.

10 And like I said, the program has been
11 going for more than 35 years with these rules. Yes,
12 there have been changes, and there have been
13 additions. But it was because the portal artists
14 came together at the annual meeting and voted on
15 these rules. Because we know what we need. We
16 don't need anybody coming in and telling us, this is
17 what you need, and this is the way it's going to be.

18 Our committee makes sure that we are
19 in compliance with the Indian Arts and Craft Act.
20 I've been on the committee before. It's a lot of
21 work. It's a lot of work. And you know what? We
22 don't get paid. Yes, we get a space that's
23 designated to us every day for that duty officer.
24 But you don't even really get to sit in that space
25 because you're out running around, accommodating the

1 vendor -- or the artists and stuff like that. You
2 don't really get to sit there and sell. It's a lot
3 of work. It's a lot of work. And committee members
4 will tell you that. I was on the committee for
5 three years, and a lot of times I didn't get paid
6 for it.

7 Please leave our program alone. Let
8 us do it. I mean, we can make -- I mean, we can
9 hear your concerns and stuff like that, but it's
10 worked for 35 years. And then not only that, with
11 the Livingston lawsuit, it was given to us. The
12 program was given to us. And it states in there
13 that we're a sovereign nation when we're out there.
14 So just, please. That's all I have to say. Thank
15 you.

16 HEARING OFFICER THOMPSON: Thank you,
17 Ms. Tapia. Next we have Noel Denetchee.

18 MR. DENETCHEE: Good morning.

19 HEARING OFFICER THOMPSON: Good morning
20 sir.

21 MR. DENETCHEE: My name is Noel
22 Denetchee, and I want to make a couple comments
23 before I get into this here. But I agree with some
24 of the proposals in the draft, and there's some
25 that I disagree with. But currently, right now,

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 the existing rules are a little bit more beneficial
2 to us right now.

3 But let me touch on some of the new
4 drafts. The objective No. 4.51.57.6, I disagree. I
5 believe this rule can be rewritten so both artists
6 and the museum are democratically running the
7 program and share the responsibility as opposed to
8 being in charge and assuming no responsibility.

9 The way the program runs now,
10 everybody assumes responsibility for their own
11 craft. And it's written in the rules where even the
12 payment is up to the individual. So if there's a
13 disruption with the -- someone not getting paid or
14 not doing the work on time, it's up to the artist to
15 take care of it. The museum steps in once in a
16 while, but not very often. Let me see. Yeah, I
17 think we can both sit down, both sides, and to
18 better understand and work from there.

19 The next one I want to touch on is
20 the administration of program, No. 4.51.57.9, letter
21 A. It says, "The director shall designate the
22 coordinator. The director or coordinator shall
23 oversee the program. The director or coordinator
24 may request the assistance of the Indian Affairs
25 Department, the Museum of Indian Arts and Culture,

1 and other specialists in the operation of the
2 program."

3 I disagree with that. I think we
4 don't need a coordinator. The committee does all
5 the work. We do the administration of --
6 administering of the activities and functions, and I
7 will really disagree to see anyone from the museum
8 making that much effort on a day-to-day basis. I
9 mean, we have a ten-person committee that's divided
10 up through the month, and each day there is a
11 different committee member in charge.

12 What I do know and -- and what we
13 need is a secretary or administrative assistant to
14 which they can perform the duties listed 1 through 3
15 on the administration of the program. And that is,
16 "The coordinator shall serve as liaison between the
17 participants and the division and director and shall
18 monitor, in conjunction with the committee, the
19 daily operations of the program." Then No. 2, "The
20 coordinator shall maintain the official records and
21 files of the program, including participant files
22 and applications, demonstration reports,
23 correspondence, forms, and financial records.
24 Official records and files are the property of the
25 division." No. 3, "The coordinator may develop and

1 schedule educational activities and events and
2 perform other duties as assigned by the director."

3 Like I said, I think we can -- we
4 should have a secretary or administrative assistant
5 that can do all these duties pretty proficiently.

6 The next one I wanted to talk about
7 is No. 4.51.57.9, letter C. "The division reserves
8 absolute right to eject participants, with or
9 without the recommendation of the portal committee,
10 for conduct or behavior that is inconsistent with
11 the purpose of the portal program, disorderly, or
12 lacks regard and respect for the public, other
13 portal program participants, or the museum. If an
14 ejection is made, the division shall inform the
15 committee as to the reasons for the ejection."

16 Myself, I think that the committee
17 should be involved in all aspects, even in the case
18 of ejections. And I will -- that's pretty much
19 straightforward.

20 The next one I want to touch on is
21 the portal committee 4.51.57.11, letter B, No. 1.
22 "Prior to each annual meeting of the program, the
23 director may appoint up to four participants to
24 serve on the committee."

25 I really disagree with that. The way

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 we run our annual meeting is everybody is
2 democratically nominated, and then it goes from
3 there, as opposed to having somebody pick each
4 individual. To me, that seems very uneven. That
5 really leaves us with no hand in the voting. So
6 that one I disagree with.

7 No. 3, that is -- let's see.

8 "Participants shall elect 10 participants who are
9 present at the annual meeting to be committee
10 members. The participants shall vote on secret
11 written ballots counted by the existing committee
12 members. Participants who are interested in running
13 for membership on the committee shall notify the
14 coordinator by a deadline established and announced
15 by the coordinator and in the manner designated by
16 the coordinator. Alternatively, participants may
17 seek membership on the committee through write-in
18 votes. The ballots shall list each candidate that
19 notified the coordinator on time and in the manner
20 designated by the coordinator but shall also allow
21 for write-in candidates. The 10 participants who
22 receive the highest number of votes shall be members
23 of the committee."

24 This goes back to the tradition of
25 the program itself. We've always voted by show of

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 hands, by the people that are present. And to have
2 a write-in or a nominee come in, that's just too
3 shady for my tastes. I think it's always been
4 better for us to nominate someone and starting with
5 the officers and then the rest of the committee and
6 doing the show of hands. It takes a little longer,
7 but it seems to work for us.

8 Let's see. No. 3 -- back to No. 3
9 again. There's two 3s. "The committee shall elect
10 three officers (chair, vice chair, and secretary)
11 from among its elected or appointed members. The
12 director or coordinator shall accept nominations
13 from the floor for committee officers. The director
14 shall close the nominations at the director's
15 discretion. In the case of a tie, the coordinator
16 shall break the tie."

17 Again, this goes back to following
18 the nomination process. I don't think we should
19 veer off of the path of that. I mean, that's why
20 everybody that's in attendance nominates the people
21 they want in charge and then follow through from
22 there. So that's the same thing with the No. 3
23 before that.

24 The next one would be meetings. No.
25 4.51.57.12, letter A, No. 6. "If revisions to these

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 rules are proposed, the coordinator shall make
2 copies of the existing and proposed rule changes
3 available for explanation and discussion." So far,
4 that has not been followed. We have not received
5 any revisions during the annual meeting, much less
6 had discussions on them.

7 The last one I want to touch on is
8 the daily operation, No. 4.51.57.13, letter D, No.
9 3 -- wait. Yeah. Wait, wait, wait. Okay. This is
10 dealing with the drawing. I don't like the way it's
11 worded. It's letter E, No. 3. Sorry. And it says,
12 "Cheating during the drawing is grounds for
13 discipline." That's a bad word, "cheating." If
14 that can be reworded, I would like that very much.
15 It kind of violates the integrity of the artists to
16 be called a cheater.

17 And that's pretty much what I wanted
18 to talk about on my discussion on the proposed
19 revisions.

20 HEARING OFFICER THOMPSON: Sir, if I may
21 ask, is there a word that you would prefer in lieu
22 of cheater? And, first, is the term "cheater" used
23 in the current rules or is that a new --

24 MR. DENETCHEE: I would say inappropriate
25 or -- how would you say? Other than the word

1 "cheating." That's really detrimental, you know.
2 I don't like to be called a cheater. I don't think
3 anybody else likes to be called a cheater,
4 especially since we're self-sufficient and
5 everybody that does the work out there, we take
6 pride in what we do. And to put that wording in
7 the draft, that really just sets us back. That's
8 just a really, really -- I don't agree with that.

9 HEARING OFFICER THOMPSON: Would you --
10 yes, sir.

11 MR. GORMAN: We can work out, you know,
12 the wording, in the future. I would just describe
13 it as in a manner that's not consistent with its
14 intended function.

15 HEARING OFFICER THOMPSON: So the
16 statement was intended in a manner that's
17 inconsistent -- used in a manner that's
18 inconsistent with the intended function.

19 MR. DENETCHEE: I'm pretty much done. I
20 just want to say thank you for letting me speak,
21 and I hope we can all sit down and come to a
22 conclusion where everybody is happy.

23 HEARING OFFICER THOMPSON: Thank you,
24 sir. Next we have Joseph A. Chama.

25 MR. CHAMA: Good morning.

1 HEARING OFFICER THOMPSON: Yes, sir,
2 welcome.

3 MR. CHAMA: I'd like to -- the rules and
4 regulations read the same --

5 HEARING OFFICER THOMPSON: Would you
6 identify yourself for the record?

7 MR. CHAMA: Joseph A. Chama, from Santo
8 Domingo Pueblo. The rules and regulations, I'd
9 like the old ones to stay the same as the old rules
10 and regulations for the past years now. I'd like
11 to be -- extend the -- the same rules and
12 regulations, no changes or no anything. That's all
13 I have to say. Thank you.

14 HEARING OFFICER THOMPSON: Thank you very
15 much, Mr. Chama. Next we have Wayne Baelo.

16 MR. BAELO: My name is a Wayne Baelo. I
17 come from Santo Domingo Pueblo. And I would like
18 to say that right now I feel like if you're going
19 to change the rules upon our rights as a sovereign
20 nation here -- because we've got this established
21 through a sovereign nation here. And when you want
22 to change rules, that's not good for us. I want to
23 keep everything the same. Don't want nobody to
24 govern our rights.

25 And we established this way back in

1 the days before any of you got here. Before anybody
2 was here, this was established by Spain. And if you
3 want to go back that far, we can bring in the
4 governors and let you guys find out. Because right
5 now, you are infringing upon our rights. That's
6 what's going on now. And that's not a good thing.

7 We are the one, these fellow artists
8 here, we are the one bringing the tourists to
9 New Mexico. And when you disturb that peace, you're
10 going to mess everything up. And that's not a good
11 thing.

12 All the rule changes that you're
13 trying to do, not a good thing. We can govern
14 ourself. We have the sovereign nation over there at
15 the Palace of the Governors. The museum is separate
16 from us.

17 When you infringe upon our rights,
18 this is what's going to happen. The whole
19 New Mexico is going to find out that you are
20 infringing upon Native indigenous tribes around
21 here, the fellow artists here. I don't know what
22 makes you think that you guys can just come over
23 here and just give us rules and regulations when we
24 can do it ourself.

25 The director has got no control.

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 They gave us promises, and they broke them all. And
2 that's what's going to happen now. People is going
3 to promise us things, and it's going to get broken
4 again. It's not going to go through. That's what's
5 going on now. It's not a good thing, what you're up
6 to. The artisans here will make our own decisions.
7 Nobody will tell us what to do. We can govern our
8 own self. This is a sovereign nation you're talking
9 to here. And it all goes back to Spain, when they
10 first started to establish here.

11 If we had the governors, here they
12 would have told you guys what it is and how it was.
13 I don't know if you're all from New Mexico or you're
14 all from different parts of the United States. But
15 in New Mexico, we like to keep things traditional.
16 We don't like changes all the time. Just because
17 you step forward to see it here now, okay, I've got
18 my ways of changing things. No, that's not right.
19 We've got tradition over here, and you can't just go
20 and say, okay, we're going to do this and that.

21 Every time, every president stepped
22 forward, they got their ways. They wanted to make
23 changes. Does it work? No. You've got to stay
24 with the tradition. You've got to help your own
25 people. You've got to keep doing what you've got to

1 do for the United States, not everyone around the
2 world. And that's what's going on. Everybody has a
3 job from foreign countries. They're not doing a
4 good job. I've been there. I have seen it. And
5 you don't take care of your own people here. You've
6 got all kinds of veterans walking around. You're
7 not helping them, and you send them off to war.
8 That's what's going on now.

9 I urge you not to be making any more
10 changes on us. We will represent ourself. We are
11 the one bringing in the tourists coming into
12 New Mexico. And people will find out why you think
13 you can make rules over us. You understand what's
14 going on now. We'd like to keep it traditional.
15 That's all I'd like to say, guys.

16 HEARING OFFICER THOMPSON: Thank you very
17 much, sir. Next we have Lila Coriz.

18 MS. LILA CORIZ: Morning, everybody. My
19 name is Lila Coriz. I am in the portal since I was
20 eight years old. We never had any problems over
21 there. And why now we are having all these kinds
22 of rules that we're getting?

23 And right now, I'm having a health
24 problem. I don't come up here every day anymore
25 like I used to. And I've been hearing all kinds of

1 changes, all the rules, and I'm getting upset. Why?
2 Why are they doing this to us? Why is the museum
3 trying to do all this? Why can't they gather all
4 the vendors and let us decide what to do, what to
5 say?

6 Look how many of us are here right
7 now. We all know that we always have meetings,
8 annual meetings. Some of them, they don't show up.
9 And we just come up here to find out what goes on.
10 And then we just go around and ask, and nobody
11 really tells us what goes on. And we're the ones
12 that attracts the tourists at the portal. And when
13 we're having our annual meetings, sometimes it takes
14 two hours, three hours. And we come out, the people
15 will be asking us, where were you? How come you're
16 not here? How come you're not set up? I said, "We
17 always have this annual meeting every year." So
18 "We're waiting for you all. We want to see your
19 jewelry, all the artwork."

20 That's all I wanted to say. Let's
21 all work together, and please help us out. And the
22 museum, we're the ones that makes the money for the
23 museum. All the tourists that come around, they go
24 in there. They make money, too. If we weren't
25 there, they won't be making any money. That's all I

1 just wanted to say.

2 HEARING OFFICER THOMPSON: Thank you,
3 ma'am. I appreciate you being here. Rose Coriz.

4 MS. ROSE CORIZ: I'm Rose. What happened
5 to all the vendors? How come they're not here?
6 All the vendors should be here at the meeting, so
7 everybody can know everything what's going on. So
8 there's only a few. There's a lot of vendors. So
9 they will know everything what's going on, that the
10 rules are changing. So that's all I'm going to
11 say.

12 HEARING OFFICER THOMPSON: Thank you very
13 much. Next we have Mary -- I'm sorry, I'm --
14 Tsosie.

15 MS. TSOSIE: Good morning. My name is a
16 Mary Ann Tsosie. I'm with the Navajo tribe. And I
17 just would like to say, I don't want any rules be
18 changed. I like the old rules, and I've been on
19 board since 2008. And I like what's going on out
20 here. That's all I would like to say.

21 HEARING OFFICER THOMPSON: Thank you,
22 Ms. Tsosie. Next we have -- is it LeJuene Chavez?

23 MS. LEJUENE CHAVEZ: Good morning,
24 everyone. My name is LeJeune Chavez. I'm from
25 Santo Domingo Pueblo. I couldn't make it Tuesday

1 because we had a traditional event going on in
2 Santo Domingo. And that's one of the things I
3 wanted to bring up, is I think the museum needs to
4 be more culturally sensitive with things like that.

5 For example, you just stated earlier
6 that you're giving us 'til November 1. We're very
7 busy at that time. Just so you know. All the
8 pueblos are. That's -- I think we need to have more
9 open communication with you all and with us over
10 there --

11 HEARING OFFICER THOMPSON: Ms. Chavez --
12 so what we're saying is, you have until. So you
13 have --

14 MS. LEJUENE CHAVEZ: From now until then.

15 HEARING OFFICER THOMPSON: You have May,
16 June, July, August, September, October.

17 MS. LEJUENE CHAVEZ: Which is good, too.
18 But I'm just letting you know that. Those dates --
19 there are times when we can't be here or, you know,
20 be involved.

21 And I started selling at the portal
22 since I was very young for my parents as well. So
23 I've seen a lot of changes, too. And at that time,
24 there was no age limit. And, you know, we would
25 come, bring our jewelry that was handmade already.

1 But, yeah, of course, there was some
2 improvement that needed to be made, and so that's
3 when the program started. And we, as a body of
4 artists -- I call them artists. I don't like using
5 the word "vendor" because to me, a vendor is
6 somebody pushing a little cart. Not to put that
7 down. But that's how I look at it. We are artists.

8 We are Native American artists, and
9 we know what we're doing out there. We know what we
10 are selling. We know how it's made. If we don't --
11 are not in the same medium, we learn from those
12 artists.

13 I've been on the committee several
14 times as well and, you know, I like the way we're
15 running it ourselves right now. We don't need
16 outside influence. We're smart people. We can
17 handle it ourselves. We don't need to be running in
18 the museum to tell them, and then they're not always
19 available.

20 You know, just like this morning.
21 What Liz said, there was something happened out
22 there. I wasn't there. I just came for the
23 meeting. But there are times when we need to fix it
24 right then and there. And we have the people --
25 that's what the committee's for. We can handle it

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 ourselves. We don't need to run to them.

2 And then sometimes I just feel like,
3 you know, when you get this job, I think one of the
4 job titles should be to study and learn our culture,
5 New Mexico history. The portal, learn about them.
6 We have stories from way back when our ancestors
7 used to sell out there. And they're beautiful
8 stories, and we want to continue that on.

9 Yes, we live in a new age, but we're
10 still holding on to that as well. We still pray.
11 We don't just go out and put our cloth down and sit
12 back and hope people buy. We all pray in our own
13 way. And I just want it left alone.

14 It was already -- it was already
15 agreed at the 10th Circuit Court in Denver, the
16 judge said, leave the Indian people alone. Let them
17 run it themselves. What more is it going to take?
18 Where did these new drafts come from, you know?
19 It's -- everything is trying to be taken away from
20 us. Everything. And we have to constantly fight
21 back.

22 And I just want you all -- I don't
23 even know who you all are. I have never seen any of
24 you at the portal. Walk down, visit us, get to know
25 us. Board of Regents, the Cultural Affairs people,

1 Dr. Wulf. I don't ever see you out there. Good
2 morning, how are you, Mr. So-and-so, Mrs. So-and-so.
3 Seth, once in a while, I'll see you. Not that
4 often. What's wrong with coming out and saying
5 hello to us? You guys just go upstairs to your
6 office and do whatever you do up there.

7 Short notice of meetings. Okay, yes,
8 I understand. Tuesday, we couldn't be here. Four
9 days later, we'll have to come Friday. Our pueblos
10 in Santo Domingo, we were busy all week. So this
11 week they want to come back and start selling. They
12 have families. We all have families. We've got to
13 feed our families and then to find out, oh, they're
14 continuing this meeting on Friday. It's like, what?
15 But I need to sell. I've got to buy groceries. So
16 you all need to be a little more sensitive with us
17 as well. That's all I have to say. Thank you.

18 HEARING OFFICER THOMPSON: Thank you very
19 much. Do you have a question for the presenter?

20 UNIDENTIFIED WOMAN: If you'd like to --

21 UNIDENTIFIED MAN: It's a public hearing.

22 HEARING OFFICER THOMPSON: I'm sorry,
23 sir?

24 UNIDENTIFIED MAN: It's a public meeting.

25 HEARING OFFICER THOMPSON: She's spoken

1 once. I want to make sure everybody has a chance
2 to speak. I'm not against having people speak for
3 a second time. I'm trying to maintain order out of
4 respect.

5 Next we have Rosalie Toya.

6 MS. TOYA: Hi, everybody. I'm Rosalie
7 Toya from Jemez Pueblo, and I do pottery work. And
8 I have the same question as Eleanor did, and why is
9 this going on? Because as one of the ladies said,
10 I have health problems, and I hardly come up here
11 during winter. The only time I come up is when
12 it's warm, because I have fibromyalgia and health
13 problems, so health issues. So that's the only
14 time I come. And then on top of that, when I get
15 up here, they say that there's some changes going
16 on, and I don't agree with it.

17 Because as I -- when I was young, I
18 used to come up with my mom. And that's been like,
19 what, 40 years. When I heard this news, I tried
20 explaining to my mom. And she used to be a vendor
21 up here. And she's really upset about what you guys
22 are doing here. She's hurt. She wanted to come up,
23 but she could barely walk around. So I told her,
24 I'll do my best to speak up for her and try to see
25 and find out why all these changes are going on.

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 As kids, me and my brother, we were
2 being brought up here when my mom was selling out
3 there. As they said, there was no age limit. We
4 could be around here and maybe buy something for my
5 mom to eat and stuff like that. But now everything
6 has completely changed. We can't even bring our
7 kids up here. We can bring them up, but they have
8 to be attended by an adult.

9 So we as Native people would really
10 appreciate it if the museum people could work with
11 us, too, and let us know what's going on instead of
12 you people working behind your backs -- behind our
13 backs. Because like they said, I come up here, do
14 the lottery, put my cloth, set up my work as fast as
15 I can. But like I said, I have health problems. So
16 I need more time. And I sit there, do my prayers.
17 I just don't take visitors' money away. I
18 appreciate what they purchase from my work. And all
19 the work that I do is taught by my mom, and it's
20 going down four generations.

21 So like I said, I would really
22 appreciate it if you would help us out, too, as
23 Natives. We need your help. We need your support,
24 too, instead of making all those kind of changes.
25 So that's all I've got to say. Thank you for

1 hearing us.

2 HEARING OFFICER THOMPSON: Thank you,
3 ma'am. Ray Garcia.

4 MR. GARCIA: My name is Ray Garcia. I'm
5 from the Pueblo of San Felipe. I was raised in the
6 Santo Domingo. And I will begin with saying thank
7 you very much for the extension. I was going to
8 cover a lot of issues on the rules, but it looks to
9 me that we will have the opportunity, as members,
10 to make those changes that we need or not to make a
11 change, if we're happy with some of these rules.

12 But some of the things that I would
13 like to address right now is the cultural
14 sensitivity. There should be a place where the
15 museums should have training. They need to have
16 training. And by saying this, I think each of us,
17 since there's so many different pueblos, Navajo
18 Nation, Apaches that are involved, we need to take
19 time. And it's going to have to be upon us to
20 educate them on their training.

21 There's so many things that happened
22 in the pueblos, that some of it is for our own
23 pueblos to keep quiet about. But in certain
24 instances, we need to let them know when we can't
25 attend meetings or they need to change the time. So

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 as with technology today, it should be as simple as
2 an email. We should have a group email that they
3 can notify us of any meetings that's going to be
4 taking place for some people that are employed,
5 besides being an artist, that can make time and
6 request for time off to attend these important
7 meetings.

8 I would like to address also, let's
9 go to the cultural part of each and every one of us
10 that is here. Our culture here for our people, we
11 rely on the Santa Fe portal program. All of us do.
12 And for our European people that arrived here, they
13 brought with them the patron saint that each one of
14 us 19 pueblos have, and we celebrate those saints.
15 Openheartedly, we open our doors to all tourism.
16 Any people that comes to our pueblo, we invite them
17 in. So for that reason, the state of New Mexico has
18 just as much responsibility for us, to us, and with
19 us as one to help on these rule changes or making
20 different add-ons. So it's very important for the
21 state, for the Cultural Department, to have time
22 that they should meet with the committees from time
23 to time. Maybe in semiannual meetings so they can
24 also, as well, learn how much hardships that we go
25 through as artists.

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 We solely, some of us, rely on the
2 program. So this is probably one of the most
3 important things for us that has to be addressed as
4 part of the program.

5 Yes, I went through the complete
6 draft. And there is some changes I do agree on, and
7 there is some that do need to be changed because
8 everybody brings up the word "sovereignty."
9 Sovereignty for me, it's my opinion, each pueblo,
10 each nation, has their sovereignty rights to
11 self-govern, to self-operate. But that also comes
12 with, when time changes, that sovereign nation, the
13 rules and laws have to change with times. Because
14 you cannot operate on sovereignty rules from the
15 1600s, 1700s. You also have to change with time.
16 You have to.

17 And that's what I've seen pretty much
18 in some of the pueblos. They have to change in
19 order to operate in today's technology. Times have
20 changed. Even our kids -- some of our kids are
21 losing the language. That's a good example. When I
22 was raising my kids, I made sure they spoke English
23 as their first language. So being educated -- I
24 didn't speak English as my first language. Being
25 educated, I had a tough time. I don't want my kids

1 to go through that.

2 So this cultural, state, and pueblo
3 people, we have the responsibility together, because
4 this is part of tourism, the tourism that people
5 come here. And what do we do under the portal? We
6 educate them. Come to our pueblo, we're going to
7 have a feast day. Navajo Nation has their fair,
8 they do the same thing. We open our doors. Because
9 that's how much we also respect this program.

10 This program is a circle. If we make
11 drastic changes or changes that affect us
12 drastically, we're going to suffer. But in order to
13 keep that from happening, we as members have to be
14 proactive. We have to be proactive and be part of
15 the change. So that when the changes happen, we are
16 involved with it.

17 The other part that I feel that I
18 hear this a lot in our program is the communication,
19 the communication from the museum to the committee
20 to the members. There has to be something done with
21 that immediately so that everybody will be aware.
22 And at some point, there has to be a responsibility
23 of notification, the responsibility in finding out
24 some way that each person has received the
25 information so that no person can come back behind

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 and say, I wasn't notified. I didn't know.

2 We're in the ages of technology.

3 Everybody, I bet you in here, has a cell phone. We
4 all get text messages. In today's technology, cell
5 phone is probably one of the most important items we
6 hold and we have. And that's how we communicate.
7 Not only with ourselves, but that's how I
8 communicate with all my vendors, all my suppliers,
9 all my buyers. That's how I get contacted. In the
10 past, before cell phones, it was by letters.

11 So as a member, I ask that each one
12 of you that's in here pass on the word. We have
13 until November this year to make the changes. I was
14 going to address some of them, but I will do this
15 with the museum, with the committee, and with the
16 rest of you. And I understand some of you have good
17 ideas, good changes. Let's put them on paper.
18 Let's make these changes together. Let's find a way
19 to operate, like everybody is saying. Let's find
20 solutions. This should be about solutions. And
21 let's not complain. The complaining is when you
22 don't come up with a solution as a group.

23 And I'd like to say -- if I said
24 anything to hurt anyone's feelings in any way,
25 please forgive me. And thank you very much for

1 allowing me this time to speak before the board.

2 And thank you very much, really, for the extension.

3 And I hope that somebody will allow me to

4 participate and give us notice, and thank you.

5 HEARING OFFICER THOMPSON: Yes, sir.

6 Thank you very much, Mr. Garcia. We're going to

7 take a five-minute break.

8 (A recess was taken.)

9 HEARING OFFICER THOMPSON: Okay.

10 Everybody, we're going to start this over again. I

11 know that we've had a lot of folks come in that

12 maybe weren't here right when we began, so I'm just

13 going to -- I'd like to -- given the extensive

14 public interest in this rule change as well as the

15 numerous requests made at Tuesday's hearing for

16 additional time to view the proposed changes, I

17 have decided to leave the rulemaking record open

18 until November 1, 2018, to allow for the submission

19 of additional written comments. I encourage anyone

20 wishing to provide written comment on the rule to

21 do so until then.

22 UNIDENTIFIED MAN: Thank you.

23 HEARING OFFICER THOMPSON: And we are

24 going to resume this --

25 MR. GARCIA: Earlier I mentioned about

1 sensitivity and cultural events.

2 HEARING OFFICER THOMPSON: Yes, sir.

3 MR. GARCIA: Is it possible to change the
4 November 1 to a later date?

5 HEARING OFFICER THOMPSON: How about
6 October 1?

7 MR. GARCIA: Okay.

8 UNIDENTIFIED MAN: He said a later date.

9 HEARING OFFICER THOMPSON: I'm saying we
10 can do it next month, the month after, the month
11 after that. If we wait until November, then what
12 is going to happen is, we start getting into the
13 end of the year and then -- I understand that, but
14 we want to complete our work, and we are -- I am
15 telling you that we are willing to work between now
16 and November 1. If it's -- November 1 is not the
17 date everything is going to happen. I'm hoping
18 that we're going to be working on this in May, in
19 June, in July.

20 UNIDENTIFIED WOMAN: I think they don't
21 understand they're giving us all that time --

22 HEARING OFFICER THOMPSON: That's what
23 I'm saying. If it would be easier to avoid the
24 feast days by doing it October 1 --

25 UNIDENTIFIED MAN: It's easier to do it

1 on the same date. We basically have six months to
2 plan several meetings, to do everything that we
3 need to do, to put in our opinions, to put in our
4 ideas, to change what they have, to create our own
5 draft version, basically a rebuttal to this draft
6 rules. So the October date, like a November date,
7 is just date when we have to turn our version in to
8 the program -- or to the board. So that's all it
9 is. It's not we have to do it on that date. We
10 have several months to have several meetings, not
11 just one meeting.

12 UNIDENTIFIED WOMAN: November 1 is the
13 due date.

14 HEARING OFFICER THOMPSON: It's the
15 deadline that the last bit of information will come
16 in. I'm planning on working on this every month
17 until November 1. I'll be spending time with you
18 and doing all those things. So it's just when we'd
19 like to have this phase of it complete. Okay?

20 UNIDENTIFIED MAN: And what I'm talking
21 about as a group, as the portal artists come
22 together and to do our revision, not the Board of
23 Regents, not the museum, but us as a group to come
24 together and talk about what we have problems with
25 in this draft rules. That's what the whole thing

1 is about.

2 UNIDENTIFIED MAN: That's good.

3 UNIDENTIFIED WOMAN: November 1 is good.

4 HEARING OFFICER THOMPSON: Okay. We're
5 going to get back to it. First I'd like to ask
6 Mr. Michael Gorman to come up, please.

7 MR. GORMAN: Good morning, Regent
8 Thompson. Thank you for having us, and thank you
9 for inviting us here to speak with you about our
10 concerns. Thank you all for coming this morning.

11 I know how important this is to each
12 and every one of you. It's just as important to me.
13 I've been working at a breakneck pace for these past
14 eight days trying to come up with ways on how we can
15 answer, you know, this problem that came up with our
16 rules. I see it as a problem because I've worked
17 with the rules, I've worked with the museum for the
18 past 20-some-odd years, and I know in excellent
19 detail the problems each of the committees have had
20 over the years.

21 Like in 2008, when we first assigned
22 a subcommittee to work on these rules -- we assigned
23 a subcommittee in 2008. I'm going to repeat some of
24 the things I said on Tuesday, because many of you
25 are here today that weren't here on Tuesday. We

1 assigned a subcommittee to work on these rule
2 proposals. And for whatever reason, the task wasn't
3 finished. And we're not here today to place blame
4 on everybody, not the museum, not Cultural Affairs,
5 not the Board of Regents. But we're here to find
6 resolution today, okay?

7 So we're going to have another, what
8 is it, six months to work on this again. And we're
9 going to need the expertise of some of our most
10 valuable people, talented people. Joe Garcia, we've
11 got Bruce, we've got Mavis. We've got a lot of
12 talent here. We've got Lorraine. She worked on
13 them before. And we're going to be calling upon
14 that group to help us revise a new set of rules, you
15 know, that we can be okay with and that the Cultural
16 Affairs and Board of Regents and museum can find
17 acceptable.

18 So I know a lot of you guys want to
19 get up and talk today. And I know some of the
20 things you want to say may not be -- you know, it
21 may not be, you know, good for people to hear. But
22 I'd like -- instead, I'd like you to talk about, you
23 know, how you can lend yourself to this effort. You
24 know, what can you do to help your program? Because
25 this is our program. Okay? And we need to come

1 together and show the state, the different entities,
2 Board of Regents and stuff that we, too, you know,
3 want to share in this task of presenting the arts
4 and culture of New Mexico.

5 And so I'm going to ask each one of
6 you to help us. Okay? And, you know, share the
7 news back home. You know, go home today and share
8 what you've heard today with your communities, and
9 spread the word that, you know, we need help in
10 finding, you know, common ground with the museum and
11 with our committee and with our membership.

12 In 2016, we put together another
13 group of people to look at the rules and, you know,
14 unfortunately, you know, our committee had some
15 internal structural problems at the time, and we
16 weren't up to the task. Okay? So we faltered a
17 couple times. You know, the problems aren't just
18 with the museum. You know, we, too, share some of
19 the problems, too. You know, we came up short when
20 we should have delivered. Okay?

21 And so, you know, finding blame with
22 the museum alone, you know, is the wrong thing.
23 It's the wrong path. Let's move forward today and
24 find out how we can fix this and find resolution for
25 everybody. Thank you, Mr. Thompson.

1 HEARING OFFICER THOMPSON: Yes, sir.

2 Thank you very much, Mr. Gorman. Next we have -- I
3 think it's Nelson Pacheco.

4 MR. PACHECO: Did I sign up? I thought I
5 signed in. Well, I just have a few words to say.

6 I, too, encourage you to take in
7 these proposed changes, because it's our livelihood.
8 You don't want anybody else coming from the outside
9 to make the rules for you. Because the way I
10 perceive the rule changes, proposed changes, it's
11 like the liaison is given more power than the
12 committee. We are supposed to be making those rule
13 changes and rules and regulations, coming up with
14 new ideas and retain that power. I encourage you
15 all.

16 So the liaison position was created
17 to assist the portal Native American program, not to
18 rule and reign. That's the way -- I've been, you
19 know, with the program since Tom Chavez, back then,
20 Ms. Levine. So that's what I'm aware of.

21 So I encourage you fellow members and
22 vendors to retain your power, your right to make
23 those rules and regulations. Not anybody else from
24 the outside to make the rules for you. Because like
25 LeJeune said, we've not seen Mr. Wulf or Seth come

1 up to the front and say, hello, good morning.
2 That's not good relationship. I don't even know who
3 Mr. Wulf is. And Mr. Seth, I've met him because
4 I've been in trouble with my fellow members, which,
5 thank God, I came out clean.

6 So, yes, his position was created
7 just to assist the program. And it was left up to
8 us to run that program because we know what goes on,
9 we know what things are made. And so, sure, we
10 have, you know, friction here and there. But we can
11 get along. We've been doing it for many years.

12 So I encourage you fellow members and
13 vendors to stay that ground, stand your ground.
14 Don't allow these changes to be overpowering you.
15 So thank you.

16 HEARING OFFICER THOMPSON: Thank you very
17 much. Next we have Allen Bruce Paquin. Welcome
18 back.

19 MR. PAQUIN: I spoke on -- good morning.
20 Thank you for giving me the opportunity to speak
21 again. I spoke on Tuesday about some of the things
22 that the rules were indicating that changes were
23 being made to some of the rules or additions to the
24 rules, and I think we went over that. What I came
25 here to talk about, it actually has a lot to do

1 with what Mike just said. And I appreciate that,
2 Mike.

3 You know, I think I've always tried
4 to give positive input at meetings. And I know that
5 a lot of the opinions that I have are not really
6 shared by a lot of people. But I think it's just
7 part of a vision that I have, you know, for the
8 portal, and it also has to do with preservation of
9 the portal. And since we do sell under a museum
10 portal, I really think it's important that we keep
11 in mind that part of the goals and the objectives of
12 the museum is to preserve and protect what they have
13 there. I mean, that's what a museum is, is to
14 present artifacts or history or culture. And so I
15 think it's really important that we continue to
16 exert and exemplify our ability to self-govern and
17 our ability to self-determine, which is pretty much
18 stated in the Livingston case.

19 I have a really good write-up that I
20 gave the Board of Regents and the DCA about what the
21 original -- what the lead attorney in the Livingston
22 case, Michael Gross, wrote for me not too long ago,
23 in 2006, when we were having our difficulties with
24 Levine and Carlotta. And he was really concerned
25 because after the court case, he realized that he

1 had kind of dropped the ball. Although he was able
2 to establish us to sell there, he felt like, man, I
3 just didn't get it over the hump there, you know.

4 And this is what I want to tell you,
5 is what he said is what is needed -- this is a quote
6 on the bottom of his write-up. And I read it last
7 time, but some people didn't hear it. "What is
8 needed is a portal declaration of independence and a
9 constitution by, for, and of the portal
10 craftspeople. Once its independence has been
11 formalized, the new entity and the museum can and
12 should work out a new framework in writing. The
13 instrument should be based on mutual respect,
14 respect for the museum's need for order and
15 authenticity on the one hand and the essential
16 collective identity of the people whose livelihoods
17 depend on the portal on the other, including their
18 right to resolve internal disputes. Without
19 recognition of the basic employment relationship
20 identified by the Court, tension between museum and
21 the craftspeople will always be an Achilles heel."

22 I've been studying this the last
23 several days. I think what we can do and consider
24 is that a new framework in writing -- I think if the
25 museum and the artists could come up with some sort

1 of a formal declaration signed by the board and the
2 Department of Cultural Affairs, and the craftspeople
3 can see something kind of, in a constitutional
4 sense, an agreement that they respect us for who we
5 are and that they understand us and that they stand
6 by us and that they're going to protect us and that
7 we're going to have the same relationship with them.
8 Because it's really -- what it is, when you're
9 dealing with Native people, you're dealing with
10 nations within a nation.

11 And I know a lot of these concepts
12 that Ray had talked about in the '60s, they seem
13 kind of old, they seem kind of outdated. And there
14 is a need for change, and I agree with that. But we
15 have to rely on those cases and that legislation.
16 And it is legislation that created the civil
17 rights -- the Indian civil rights movement. And
18 some of this court case is based on that.

19 And I think if we can preserve and
20 protect, like I said, and create some sort of
21 document, that kind of gives that sense of security
22 and peace and justice and equality, all those
23 concepts that we need to create a strong foundation
24 where we know our portal will always be protected
25 and that you guys -- that the state stands by it. I

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 think that would be really important. And I think
2 that's what Mr. Gross was getting at, you know, when
3 I really read it.

4 Some of the other things, reverting
5 back to what Mike said. I don't mean to bring that
6 up right now, and I know Mike and I have had our
7 differences in the past. But sometimes you have to
8 embrace the people that you have disagreements with,
9 and that's how growth is created. And, you know,
10 Mike, I have a lot of respect for you. I mean, you
11 really hung in there with us. You hung in there
12 dealing with me and -- but I really appreciate you
13 saying that you used me as a resource. And that's
14 really what I am, is a resource.

15 I didn't go to college for nothing.
16 I studied a lot. I really worked hard at what I
17 did. And I found that the fundamental things I
18 learned dealing with tribal sovereignty and tribal
19 law have helped me get to this point. And with the
20 help of my Creator and the help of God, whatever you
21 decide to choose as your higher power, we'll make
22 this work. So thank you for giving me the chance to
23 talk.

24 HEARING OFFICER THOMPSON: Thank you,
25 sir. Lorraine Martinez.

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 MS. MARTINEZ: My name is Lorraine
2 Martinez, and I'm from Santo Domingo Pueblo. First
3 of all, I want to say, I was listening to
4 everything here. And I didn't put my name down,
5 but as I listened, I needed to put my name down.
6 And the reason for that is I know and everybody
7 knows why they're here. And you do, too.

8 I want to thank you for extending,
9 and I had a lot on my mind to say. But I'm not
10 going to say it because I have to remember you
11 extended this. And that's what we are here for. We
12 want you to be giving us some time to do this.

13 I do want you to understand that, you
14 know, I've been -- I've been part of the program for
15 about 30 years. And I've been there probably even
16 longer because my mother sold there. And I was a
17 little girl, too, and was there at that time as
18 well. And I saw the changes. My mom was there and
19 told me she was there when there was only like eight
20 rules in the program, and now it's pages. So I see
21 all these changes as I'm part of the program myself.

22 And I was on the committee for
23 probably six years or so, and I was part of the --
24 doing the changes of the rules and stuff on the
25 draft. But we didn't get anywhere. And I really

1 don't understand why we're doing it again and keep
2 continue to do it again and again.

3 I mean, I think it should just stay
4 the same. When we had the a original one, it should
5 have stayed that way, and no changes. But there are
6 changes. And I do understand that the museum is
7 trying to be a major part on all of this. But,
8 again, too, I want you to hear that a lot of us are
9 here because we don't want changes. We want the
10 program to stay the way it is. And that's why
11 everybody is here.

12 I personally think that if you could
13 just listen to us -- I mean, I'm sure you are and
14 that you can see that this is why we're here -- and
15 we got the opportunity to work on the rules again
16 and take it from there, and just listen and hear
17 what our changes are at that point. Because this is
18 our program where we want to keep it the same and
19 stay that way. And if you can just understand that.

20 I know that the museum has been part
21 of the program. I was there since Tom Chavez,
22 Levine, and now Wulf. I don't know him either. And
23 I've been at the program that long, and I don't know
24 him either. Again, too, it would be great to see
25 him, just like Tom Chavez and Levine always came

1 around and, you know, greeted every once in a while.
2 And I'm sorry if a lot of us are probably saying
3 anything and whatnot and stuff, you know, and maybe
4 they'd probably like to see you, and that should be
5 a good thing.

6 But, anyway, this is all I really
7 wanted to say, was thank you. I'm not even going to
8 go into what I was going to say about saying this is
9 this, this is that and stuff, because you're letting
10 us do what we need to do.

11 HEARING OFFICER THOMPSON: Thank you,
12 ma'am. So I know that --

13 MS. CASTRO: My name is Eleanor Castro. I
14 feel like there is a lot of disconnect between the
15 people that are trying to change the rules and the
16 people that already made the rules. And I think
17 you guys that are trying to change the rules need
18 to get to know these people. These are good
19 people.

20 I own The Burrito Company. I talk to
21 these people every day. They have no bathroom.
22 They have no bathroom to go to. They come to my
23 bathroom. They pay \$16 a day to park. They get
24 tickets every day. Even though they have to pay to
25 park, they still get tickets. They have no place to

1 go to in the cold, in the heat, in the dust, in the
2 wind but to my restaurant. They need a place to
3 hang out to get out of the elements.

4 Get to know these people. They're
5 people. Get to know them.

6 HEARING OFFICER THOMPSON: So I'm going
7 to say, we have some exhibits we need to add to the
8 record. We have the two documents that came the
9 other day. That would be 17 -- I'm confused. This
10 is 19. Let's just walk through them. What is
11 Exhibit No. 17? I think --

12 MS. SANCHEZ: It looks like Exhibit 17 is
13 a sign-in sheet for everybody who testified at
14 Tuesday's hearing.

15 HEARING OFFICER THOMPSON: Okay. So
16 Exhibit 17 is admitted into the record. And what
17 is Exhibit 18?

18 MS. SANCHEZ: And to clarify, Exhibit 17
19 is a list of everybody who testified as well as the
20 sign-in sheet for Tuesday.

21 (Exhibit 17 admitted.)

22 HEARING OFFICER THOMPSON: Thank you. So
23 that's admitted into the record. And then Exhibit
24 18?

25 MS. SANCHEZ: Exhibit 18 -- it looks like

1 a written public comment submitted by Lenore
2 Denetchee, is that correct? Okay.

3 (Exhibit 18 admitted.)

4 HEARING OFFICER THOMPSON: Thank you.
5 Nineteen I have is this, the sign. This is a sign
6 that was held up the other day. So I'm going to
7 admit that as Exhibit No. 19.

8 (Exhibit 19 admitted.)

9 UNIDENTIFIED SPEAKER: What's it say?
10 Can you read it?

11 HEARING OFFICER THOMPSON: Sure. It
12 says, "Self-determination, 1975. Ewing v.
13 Livingston, 1979. "Self-governing, right to write
14 our own rules."

15 UNIDENTIFIED SPEAKER: Thank you.

16 HEARING OFFICER THOMPSON: And then do we
17 have an Exhibit 20?

18 MS. SANCHEZ: We do, Regent Thompson.
19 Exhibit 20 is a written comment we received today.
20 It's addressed to the Board of Regents and the
21 Department of Cultural Affairs from the 2017-2018
22 portal committee regarding 4.51.57 draft proposal.

23 (Exhibit 20 admitted.)

24 HEARING OFFICER THOMPSON: Okay. We'll
25 admit that into the record. And then do we have a

1 21? Are we going to have to admit today's sign-in
2 sheets?

3 MS. SANCHEZ: Yes.

4 HEARING OFFICER THOMPSON: So this is the
5 sign up to comment, and then that is the sign in.
6 And has everyone signed in?

7 UNIDENTIFIED MAN: I didn't. I just
8 signed the --

9 MS. DOROTHY CHAVEZ: May I ask why I was
10 skipped in making comments?

11 HEARING OFFICER THOMPSON: I apologize if
12 you were skipped. What's your name, ma'am?

13 MS. DOROTHY CHAVEZ: Dorothy Chavez.

14 HEARING OFFICER THOMPSON: I apologize,
15 Dorothy. If you'd please come forward --

16 MS. DOROTHY CHAVEZ: No, thank you.
17 Since you skipped me, it's a skipped. That means
18 this is discrimination. Forget about --

19 HEARING OFFICER THOMPSON: I sincerely
20 apologize that you did not have an opportunity to
21 speak. It's my error. I was taking notes here,
22 and I intended no offense.

23 UNIDENTIFIED WOMAN: But you have
24 something important to say. She's one of the
25 elders in the program. She was there fighting with

1 the Livingston lawsuit.

2 MR. GORMAN: Dorothy, it was just a
3 mistake. It wasn't intentional. Please speak.
4 The people need to hear what you have to say.

5 MS. TAPIA: You're very important. Do
6 it for us. We're the ones that are asking you for
7 us.

8 (Cross talk)

9 MS. DOROTHY CHAVEZ: Hello. My name is
10 Dorothy Chavez. I'm from Santo Domingo Pueblo.
11 Excuse me for being upset.

12 HEARING OFFICER THOMPSON: I don't blame
13 you.

14 MS. CHAVEZ: I have been with the
15 Governor's Palace portal program for about 50
16 years. And during those years, we did not have any
17 rules and regulations. We just set up on
18 whatever -- wherever on the floor we wanted to sit
19 on. We had no problems with that. Nobody ever
20 said anything to us. And after a few years, a lot
21 of the artists started coming in, and there wasn't
22 enough room, you know, for everybody to just set up
23 wherever they want to.

24 So this was during the time that we
25 started to make the rules. We sat down, some of the

1 artists, myself, we sat down, and we talked about
2 what we should do with the program so that
3 everybody, you know, could be happy. So we sat
4 down, and we discussed. And what we decided to do
5 was make some rules. We made simple rules, because
6 all of the ones that were in, you know, that group
7 that did that or tried to do the rules, we didn't
8 have that much education, just like me. I'm
9 stumbling today because I don't have a higher
10 education like everybody else does. They can speak
11 real well. But, I'm sorry, you have to excuse me,
12 you know, I don't speak that well.

13 But, anyway, we only put together ten
14 simple rules in order for the artists to understand.
15 Okay? From then on, it worked. And then along came
16 Livingston. Livingston dropped into our portal. He
17 started to set up there with a bunch of other
18 people. And when they didn't allow him to set up,
19 that's when he decided to sue the museum and the
20 artists as well, the Board of Regents, everything,
21 you know. We had to go to court for that.

22 We went to Denver to the District
23 Court. And over there, I'm happy that everything
24 went well for us. And they decided, you know, to
25 just have our program running the way, you know, it

1 is set up for the Indians only and not everybody
2 else.

3 And I'm sorry to say, why is this
4 happening to us now? Why is somebody trying to
5 involve themselves into making the draft rules which
6 we do not know about? I don't think any of the
7 artists knew about this draft, or we never voted on
8 them. I only found out after I got the draft. And
9 a lot of the things in the draft is -- are things
10 that, you know, I do not agree with. They have to
11 be clarified more. Understandable.

12 Like I said, we're Indians. We don't
13 have that much education. That's why we're under
14 the portal. If I had a higher -- you know, higher
15 education, I would be someplace out there working.
16 But ever since, you know, the 50 years I've been
17 here, that's where I have always been.

18 So I know what's going on there a lot
19 of the times. I have been on the committee. I
20 can't even remember how many times. A long time.
21 And I work still helping out the committee, plus the
22 past directors that we have. Tom Chavez always came
23 to me. Fran Levine always came to me to ask me
24 questions about the past.

25 I'm sorry to say this. Dr. Wulf,

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 Seth, I hate to say this, just like everybody else,
2 I'm sorry, but like the other people said, you've
3 never even come out there at least to say hello to
4 the vendors. Sure, I might see you out there, and I
5 always make an effort to say hello to both of you,
6 and you know that. But to come into the front, no,
7 I never see you. And I think you should do that
8 from now on. Get acquainted with the portal
9 program. Really acquainted. Just like Tom Chavez,
10 just like Fran Levine did. They were almost there
11 all the time talking with the vendors. In fact, she
12 called me her grandma. That's because, I guess, I
13 was an old vendor there, so she thought I was her
14 grandma.

15 But, anyway, to the point, the
16 current rules and regulations that we have just
17 needs clarification. And we do not -- you know,
18 they are not disorganized. Like I said, they just
19 need clarifications. And there are on the rule
20 changes -- I have them listed down, but I don't want
21 to go through it because it's going to take time.
22 And then, you know, like I feel very much for the
23 portal. Like I say, that's my other home away from
24 my own home. That's what I always call it.

25 In fact, there is a book out on that.

1 reopen the list. Because we've had those two
2 lists, and I understand it's very confusing. It's
3 confusing to me.

4 This is the sign-up sheet to speak.
5 And we will send it around. And if anybody would
6 like to say anything, please do. We intend no
7 offense by the fact that it's confusing. Welcome.

8 MS. ROSETTA: Good afternoon. My name is
9 Eileen Rosetta. I come from the Pueblo Santo
10 Domingo, and I've been at the portal since I was
11 going to school. There was no age limit, as many
12 of the other vendors have been there.

13 There's a lot of history and
14 tradition over there, and we like to keep it that
15 way. And most of us are self-sufficient people.
16 That is what puts clothes on our children's backs,
17 food on our table. We don't rely on anybody else.
18 We come out whether it's snowing, windy, sunny, hot,
19 we're out there. Because that's our livelihood.

20 Talking to the people, the tourists
21 that come to Santa Fe, I always ask them, "What
22 brings you to New Mexico?" And they say, "You. You
23 Native Americans, the program, your artwork." And
24 that's what brings people to New Mexico. And I
25 think everyone here knows that.

1 So if the museum, the program can
2 work together. Come out and see us, introduce
3 yourselves. I met Mr. Wulf a couple years ago by
4 accident, just by talking to him, saying good
5 morning. I didn't know who he was. Come out and
6 say hello. Don't be there only for negative
7 reasons. Come out. We're friendly people. We
8 don't bite. We talk. We like to converse. I like
9 to talk to people.

10 I'm proud of the pueblo, the tribe,
11 the different nations, the artwork we do. We have
12 all that talent. So come out and greet us, talk to
13 us, let us know who you are. We'll let you know who
14 we are, what we do.

15 So we like to keep everything the
16 same. We don't want any changes. It's worked all
17 these years. The rules have worked. We've
18 self-governed ourselves. We've been perfectly fine.

19 We don't need any drastic changes.
20 Tradition never goes out of style. It stays. And
21 my pueblo is still conserving. We're still being
22 traditional. That's why we have a lot of times
23 where we cannot be here.

24 So it's an important place for us. I
25 grew up there. Many of the vendors were there since

1 they were babies. They were there alongside with
2 their parents. There's a lot of history. And if
3 you come from other states, learn about the history.

4 And we need people on the board, in
5 the positions, that are from New Mexico. We need
6 people that are going to take it to heart and
7 support, support the Native Americans.

8 We're self-sufficient. We don't want
9 to rely on anybody. We work hard. That's our job.
10 That's what we go to.

11 And it's very upsetting when somebody
12 does this. We are peaceful people. We do not know
13 how to make war. That is not how we are. So many
14 times, because we don't speak out, that is why we
15 are overruled. That's why we are pushed away,
16 because we do not know how to fight back.

17 We are peaceful people, the Native
18 Americans are. And like many of the vendors said,
19 we are very welcoming. I am always inviting people
20 to my house. And many of them have showed up. They
21 come from all different countries, all different
22 states. When we're having feast days, I tell them,
23 "Email me. I'll send you a map how to find myself."
24 And many of them have showed up. They've come to
25 the pueblo and had a great experience with our

1 dances. Because when we have dances, it is not for
2 show. It is a ceremony. It is a ritual. We are
3 not putting on shows. That is our culture and our
4 tradition.

5 And the same with the porch. And I'm
6 sure all of the tribes -- many of the vendors have
7 said, when we get there, it's our ritual. It's not
8 just a job where you sit down and throw your stuff
9 down. There is a ritual. We all have our own steps
10 we go through.

11 We certainly appreciate the respect.
12 As I was sitting there, I watched some of the faces
13 some of you people are making. Some of the
14 comments. Sarcasm. We want a little more respect.
15 Let's work together. It's worked for how many years
16 we've had the rules in place. We are able to
17 self-govern ourselves. Why can't we continue? Just
18 come out. Say hello and show respect. Let us know
19 who you are. Not only at negative moments when
20 someone's had a discrepancy. Any other time.

21 And I just want to commend everybody
22 else that came to say a word. It's hard to sit up
23 here and talk in front of people, especially us
24 Native Americans. You know, this is really hard to
25 have all eyes on you and to speak. And I'm sure

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 every single vendor has something important to say.
2 And you just need to come out and listen to
3 everyone. Give us time, give us respect. We are
4 very friendly people. We are out there doing our
5 business. That is our livelihood. Let us continue.
6 Just work with us. That's all there is to it.

7 You have families, you have children.
8 You do whatever you do. You hustle. The other day,
9 I don't want to get up, I'm not feeling well. I
10 have to. We have to. You go to work. That's our
11 place. Just let us continue. It's worked in the
12 past, and it can work again. It's still working.
13 Just come and work with us. Listen to us. As human
14 beings, we all have one goal, to make a nice life in
15 this world. That's our only goal. Thank you. I
16 appreciate your time.

17 HEARING OFFICER THOMPSON: Thank you very
18 much. Dave Garcia.

19 MR. GARCIA: I'm not going to sit down.
20 I like to stand when I make a speech.

21 My name is David F. Garcia. I'm from
22 Santo Domingo Pueblo. I'm a former governor of
23 Santo Domingo, 2011. My concern is when I was
24 growing up, I was 13 years old. And I still have a
25 picture where one of the ladies that bought some

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 stuff from me took a picture of me, and she sent it
2 to me. I was 13 years old.

3 I used to sell for my grandma. I was
4 raised by my grandmother. Pottery. This gentleman
5 here, his dad and his mom, they used to pick me up
6 by the church. They put the pottery in there. I
7 get in the back of the truck and come up here.

8 There was no such rules, like Dorothy
9 and several other people have spoke. There was
10 never a rule. You can sit everywhere you want to.
11 I was 13 years old. And on the weekends, we used to
12 bring our blankets, spend the night there at the
13 portal. Nobody said nothing. Nobody said, you
14 can't sleep here. You can't do this, you can't stay
15 here.

16 So those are the things that as it
17 passed on little by little, like Dorothy and -- my
18 wife was involved. They started taking rules and
19 adopting rules and which the current -- I agree,
20 let's leave it as it is. Let's don't change
21 anything. I don't feel that the Board of Regents or
22 anybody else can tell us what to do. We know our
23 craft.

24 I went to college to become a police
25 officer. I spent 30 years being a police officer.

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 And I retired in 2000, and I started coming back up
2 here, selling here at the portal. And I started
3 seeing the rules, which now it's current. I'd like
4 to leave it as it is. I don't want no changes. I
5 don't want nobody to tell me what to do or what to
6 tell the vendors.

7 As an artist, all the artists that
8 sell under the portal, I think we're the artists
9 that make the difference in front for people that
10 come out and see what it is. They come all the way
11 from New York, foreign countries. They come out and
12 see us. We tell them what it's made out of, what
13 kind of craft it is. And they really enjoy giving
14 that information to the people that come out to see
15 us.

16 And one of the things, that I never
17 had any kind of compliment from museum. They never
18 came out. I know Tom Chavez came out. But all of
19 you guys don't even -- I don't even know you.
20 People that come for us, the lady right there, every
21 December she invites all the vendors to have a free
22 meal. Is that right, vendors?

23 MULTIPLE SPEAKERS: Yes.

24 MR. GARCIA: I know her more than I know
25 the staff, the coordinator and the director. I

1 don't even know who the director is. I don't even
2 know who the Board of Regents are.

3 When we had the meeting -- Mike set
4 up a meeting, and the museum didn't let us have the
5 room to have a meeting. We had to borrow the
6 library, State of New Mexico library. And I thought
7 the museum belonged to the Native American artists.
8 We had to bring in media because we were hurt. I
9 was hurt. I was hurt for my people.

10 So these things they're trying to
11 change, I'd rather keep the old rules. We know
12 what's going on. All the people that are being
13 elected, they know what they're doing.

14 I always compliment them. I don't
15 sell here every day. Once in a while, I'll come up
16 and sell up here. I know I get my retirement, but
17 that's not enough. I've got to feed my family.

18 So that's all I wanted to say. Let's
19 keep this current rule, leave it alone. Leave us
20 alone, the artists, people that we know what's going
21 on. Thank you.

22 HEARING OFFICER THOMPSON: Thank you,
23 Governor. Alvira Yazzie.

24 MS. YAZZIE: Good morning, everyone. My
25 name is Alvira Yazzie. I'm also an artist that

1 sells at the Palace of the Governors, the portal
2 program.

3 I don't really feel comfortable
4 sitting and talking because at home you have to
5 stand when you want to make yourself known and make
6 yourself heard. I feel this way about the program.
7 I have seen other programs where they've tried to
8 have artists come in, artists that will actually do
9 the work. And that's what we do. We all do it.
10 What they've tried to do is what we have here, and
11 it fell apart. The Overlook program in Flagstaff
12 tried to do the same thing, tried to take over the
13 program, tried to change the rules, tried to do
14 this, that, implement, and take it over. Now those
15 artists have to pay \$40 a day to set up and sell.
16 And they only get to pull poker chips by the week or
17 by the month, depending upon what the State of
18 Arizona decides. It's not a good program. Those
19 people can't afford to pay \$40 a day.

20 But the changes were not made by the
21 artists themselves. The changes were made by the
22 state, by their committee that took over the
23 program. If we're not careful, we're going to end
24 up doing the same thing, if we're not going to stand
25 up and say something on behalf of the program.

1 There's other changes that happened.
2 There was also another program that they tried to do
3 in Phoenix similar to this one. Again, it fell
4 apart. And guess who took it over? The museum.
5 And guess what happened? All those artists that
6 tried so hard to get something like this
7 established -- we're a very unique program. They
8 ended up having to protest. They ended up in the
9 papers. And guess what? For some reason, the
10 program shut down. They were never brought out in
11 the open like we are here. They were let go.
12 Because there was too much trouble.

13 So we're speaking on our own behalf
14 here, because we want to protect this program. It's
15 very unique. It's different. We're allowed to work
16 on our art, develop it. We are allowed to sell it,
17 speak about it, talk about it. But we're also
18 worried because if you listen to some of the elders
19 out there at the portal, they think that you're just
20 trying to get rid of us. They do. They think that.
21 They also think that you're trying to charge us.
22 And then some of them are even asking the silly
23 question, is that, why we can't go to the bathroom
24 without signing in like little kids? Are they
25 measuring our bowel movements? Are they trying to

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 tell us, you know, we're not welcome in the museum
2 to use the bathrooms?

3 There is a lot of things, you know,
4 that you've got to think about before you try to
5 implement something. These rules, yeah, I know we
6 have changes. This is a modern age, and we have to
7 adapt. But at least, you know, we -- have the
8 courtesy to let us know ahead of time on paper. I
9 know a piece of paper isn't much. Email, cell
10 phone, whatever you have. It would be nice to be
11 notified in writing that these changes are occurring
12 so that at least the committee members can pass them
13 out to us, to let us know what's going on. Because
14 it's kind of ridiculous -- and I can see where these
15 elders are coming in. Where you have to go in, sign
16 in to go to the bathroom, sign back out. For what
17 reason? I don't see those people signing in and out
18 to go out here. They're not signing in to go to the
19 bathroom. Some of those things are unfair to us
20 because we're like, why? We asked your museum
21 staff, why are we signing in and everybody else just
22 goes in? No reason. They don't understand it
23 either. They think it's silly.

24 If it's an issue about finances and
25 who's coming in and out or a control issue, think

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 about it this way. If I went to your place and told
2 you, you sign in every time you go to the bathroom,
3 every time you come in and out of the museum, I want
4 that signature, how would you feel? And a lot of
5 them feel humiliated by it, to be honest with you.
6 And I'm standing for what their reasoning is. And
7 I'm trying to say, okay, maybe a security reason? I
8 don't know what. But that's kind of ridiculous,
9 just to go to the bathroom.

10 But I'm also standing here, too,
11 because I know what happens to these programs once
12 somebody takes over that doesn't really know what's
13 going on on the inside. I've seen them fall apart.
14 And we're trying stand before you to say, we don't
15 want this program to fall apart. We want to work
16 with you, not against you. We can adapt, we can
17 adjust. That's all we're asking for, is the simple
18 ability to communicate with you, to be -- to have an
19 understanding between these two areas. Right now it
20 seems like we're being pushed aside here, and we're
21 being told this is going to happen. That's how
22 programs fall apart, because there's no
23 communication, there is no letting each other know
24 what's going on.

25 And right now, I understand where all

1 these folks here feel threatened. They fought for
2 this program. They did. They put all their money
3 together. They got together, put it together for
4 attorneys, for their fees. I even knew when some of
5 them were trying to hitchhike all the way up to
6 Denver. That's a court ruling. And this situation
7 is kind of almost a repetitive or repeat of what
8 happened up there again.

9 We don't need that to happen again.
10 All we need to do is work together. And we can do
11 it. We're grown adults. We can do it. We've got
12 all age categories here, all different art concepts
13 here. If we give each other courtesy, I think we
14 can accomplish this by November 1. I really do.
15 And I'm willing to help out. I don't know how I can
16 help out, but I'm willing to. Maybe just my
17 opinion. But I think we can do it.

18 I thank you for the time you've given
19 me to speak. And you have my phone number there.
20 You know how to get ahold of me. And, of course, at
21 the portal, too. Thank you.

22 HEARING OFFICER THOMPSON: Thank you very
23 much. Yes, ma'am.

24 MS. LEJUENE CHAVEZ: My name is LeJuene
25 Chavez. And I just wanted to also mention that one

N/A
Proposed Rulemaking in re 4.51.57 NMAC

1 time I remember the museum saying they were going
2 to get heating for us outside. We're still
3 waiting, people. We're still waiting. Please.
4 We're there, yeah, through cold, blizzards, because
5 we have to be. But it would be nice if the museum
6 was a little more considerate for us that way.

7 Oh, the other thing, too, the rules
8 that us artists set that we have right now are
9 better rules than what SWAIA has. They're even more
10 stringent than SWAIA's rules. Their rules are not
11 even half of what we have at the portal. Very --
12 yeah, I'm in SWAIA also. I'm in the Santa Fe Indian
13 Market, too. But compared to what we have under the
14 portal and what Santa Fe Indian Market has, I think
15 we're even better, to be honest.

16 Yeah, I'm not putting down SWAIA,
17 yeah, because there are very good artists in there
18 as well. But I'm just saying our rules are even
19 more stringent -- I don't know if I'm saying it
20 right. But -- but -- than SWAIA's. That's all I
21 wanted to say.

22 HEARING OFFICER THOMPSON: Yes, ma'am.

23 MS. DOROTHY CHAVEZ: I'm trying to speak.
24 My name is Dorothy Chavez. May I ask Dr. Wulf and
25 staff a question?

1 HEARING OFFICER THOMPSON: What I would
2 like to do is, I would like to enter the last
3 exhibit in, and then I would like to close the
4 hearing for purposes of our lady who's helping us
5 keep a record of it. And then I'll stick around,
6 I'm sure others will.

7 MS. DOROTHY CHAVEZ: Well, this pertains
8 to the portal program.

9 HEARING OFFICER THOMPSON: Why don't you
10 ask me the question, and then we'll see.

11 MS. DOROTHY CHAVEZ: Well, I would like
12 to have them tell us whatever happened to the plans
13 that were put into when they were remodeling the
14 new museum. As far as I remember, Dr. Fran Levine
15 was the one that was our director then, and we were
16 informed as a committee member that some of those
17 rooms there were supposed to be for the portal
18 program, okay? We were supposed to have our own
19 workroom. We were supposed to have our own
20 kitchen. And we were supposed to have our own
21 meeting room, a place where we could work at while
22 we were being on the waiting list if you were to
23 draw a blank for a certain day, to be in the room
24 waiting or working on something. Whatever happened
25 to those plans? Why are we not allowed to use

1 those rooms, you know?

2 And the storage room, yeah. We were
3 supposed to have our own storage room. That's how I
4 remember it. But that never came about. And
5 recently, because of the draft that came out, we
6 wanted to have a special meeting because a lot of
7 the vendors didn't agree with it. And Mike went and
8 asked the museum if we could have a meeting. They
9 said, yes, we could. Okay? All of a sudden, next
10 day, there was a no answer, we couldn't have it
11 anymore in the museum. And why? Why are we not
12 allowed to do things like that? Because we are part
13 of the museum.

14 And we had to go over to the state
15 library. We had to borrow their room in order to
16 have that meeting. We had to invite the media to be
17 over there.

18 Now, that's not nice. That's not
19 nice for them to do that to us. Because I know what
20 Fran Levine had said in her committee meeting. What
21 I have said is what she said. She told us that
22 there was going to be all those spaces for the
23 portal program. That's what I would like to have
24 them answer, please. That's all I have to say.

25 HEARING OFFICER THOMPSON: Well, I would

1 still like to finish the record, and then I'm
2 willing to stay with you and try and sit and see if
3 some of those folks will stay, and we can try and
4 get that question answered. I want to focus what
5 we're doing here now with the recorder on the
6 record, and then I'm willing to stay. If anybody
7 else has any other questions or things like that,
8 you can come down and sit around the table, and
9 we'll talk about them. So please hold, and then
10 we'll stick around.

11 Are there any other comments on the
12 rule, proposed rule? We have the sign-up sheet for
13 comments and the sign-in sheet for attendance that I
14 am going to enter into the record as Exhibit 21.

15 (Exhibit 21 admitted.)

16 HEARING OFFICER THOMPSON: The oral
17 testimony portion of today's hearing is now closed.
18 However, the rulemaking record will remain open
19 'til November 1, 2018, to allow for additional
20 written comment on the proposed rule. Further
21 information on how to submit a written comment can
22 be found by visiting the Department of Cultural
23 Affairs website at www.newmexicoculture.org. The
24 Board of Regents will not take any action on the
25 adoption of this proposed repeal and replacement

1 until sometime after November 1, 2018, once the
2 rulemaking record is closed.

3 I'd like to thank all members of the
4 public present for their participation and
5 attendance today. Let the record reflect that this
6 hearing is adjourned at 12:30 p.m. on April 6, 2018.
7 Thank you for coming, everyone.

8 (The proceedings concluded at 12:32 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, Deborah L. O'Connor, New Mexico CCR #297, do hereby certify that the proceedings of the above-entitled cause were reported by me stenographically on April 6, 2018, and that the within transcript is a true and accurate transcription of my shorthand notes.

I FURTHER CERTIFY that I am neither an attorney nor counsel for nor related to or employed by any of the parties to the action, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Deborah L. O'Connor, RPR, CRR
Certified Court Reporter #297
License Expires: 12/31/2018