

THE WARD LAW FIRM
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April 14, 2022

By Electronic Mail

Mandy Vigil
State Election Director
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501

Re: No. 2022-005: *Gessing v. Hochman-Vigil*

Dear Ms. Vigil,

I am writing on behalf of Representative Dayan Hochman-Vigil to address Paul Gessing's allegation that she or a political committee organized on her behalf violated the Campaign Reporting Act, NMSA 1978, §§ 1-19-25 to 1-19-36. We respectfully request that you dismiss Mr. Gessing's Complaint because it is vague, unintelligible, and does not contain any specific allegations that would constitute a violation of the Campaign Reporting Act.

Section Five of the Complaint cites Section 1-19-34 of the Campaign Reporting Act. See Complaint at SEC 12. This is the only reference to the Campaign Reporting Act in Mr. Gessing's Complaint. There, Mr. Gessing alleges the following: "Campaign committee expenditures not reasonably related to serve constituents, without limitations on use, to a consultant: who is a client of Rodey, Dickason, Sloan, Akin & Robb, P.A. (Business ID # 717587) a Domestic Profit Professional Corporation, employer of the campaign committee treasurer; and, the campaign committee treasurer is related to the candidate, by marriage[.]" *Id.* This allegation is incomprehensible and does not allege any misconduct, much less a violation of the Campaign Reporting Act.

Section 1-19-34 requires candidates and political or campaign committees to appoint a treasurer, establish a bank account, record contributions and expenses, and sets limits on contributions. See *id.* Mr. Gessing's Complaint does not allege that Representative Hochman-Vigil or anyone acting on her behalf failed to meet any of the requirements of Section 1-19-34.

It is unclear why Mr. Gessing identifies the Rodey Law Firm in the allegation. Mr. Gessing made an identical complaint to the New Mexico House of Representatives Rules and Order of Business Committee. As part of its investigation, the Committee asked the Rodey Law Firm to respond to the allegations. The Firm's response is attached. As you

will see from the letter, the Rodey Law Firm concluded its representation of the New Mexico Spaceport Authority before Representative Hochman-Vigil took office in January 2019. After considering this information, the House Rules Committee dismissed Mr. Gessing's Complaint.

Finally, Ms. Jill Meyers provided your office with a statement on April 3, 2022. Ms. Meyers also addresses the allegations raised by Mr. Gessing in Section 5 of the Complaint. Ms. Meyer explains in her statement that she has never consulted for Virgin Galactic.

Therefore, Mr. Gessing's Complaint should be dismissed because he has not established or even plausibly alleged a violation of the Campaign Reporting Act by Representative Hochman-Vigil or anyone acting on her behalf.

If you have any questions, please let me know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Ward". The signature is written in a cursive style with a large initial "V".

VINCENT J. WARD

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PRIVATE AND CONFIDENTIAL

Representative Andrea Romero, Chair
New Mexico House of Representatives Rules and Order of Business Committee
Office 205A
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Representative Romero:

I am the President and Managing Director of Rodey, Dickason, Sloan, Akin & Robb, P.A., ("Rodey Firm") and writing to you at the request of the New Mexico House of Representatives Rules and Order of Business Committee ("Rules Committee"). It is my understanding that the Rules Committee seeks information from the Rodey Firm with respect to an ethics complaint lodged against Representative Dayan Hochman-Vigil by Mr. Paul Gessing of the Rio Grande Foundation. I have read the complaint and am familiar with the contents, as well as those allegations that relate or refer to the Rodey Firm and Messrs. Charles Vigil and David Buchholtz, both of whom are shareholders and directors in the Rodey Firm. More specifically, it appears that section 5 of the complaint makes vague references to the Rodey Firm and its prior representation of the New Mexico Spaceport Authority and insinuates that there has been some impropriety vis-à-vis Representative Hochman-Vigil, the Rodey Firm and the New Mexico Spaceport Authority. I hope that this letter clarifies the facts for the record.

Charles Vigil is a member of the Rodey Firm's Litigation Department and practices generally in the areas of employment law, insurance defense, commercial litigation and professional liability. Mr. Vigil does not practice in the area of aerospace law and has not worked on any New Mexico Spaceport Authority matter. David Buchholz joined the Rodey Firm in 2014. Mr. Buchholz at one time served on the Board of Directors of the New Mexico Spaceport Authority but resigned from that position in 2016 and too has not worked on any New Mexico Spaceport Authority matter.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

Representative Andrea Romero, Chair
New Mexico House of Representatives Rules and Order of Business Committee
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It is a matter of public record that the Rodey Firm previously represented the New Mexico Spaceport Authority, but no longer does so, and that work for the New Mexico Spaceport Authority concluded in March of 2018, which appears to be eight months before Representative Hochman-Vigil was first elected to the Legislature. It is my understanding that Representative Hochman-Vigil was not sworn in to office for the first time until January of 2019, well after the Rodey Firm's representation of the New Mexico Spaceport Authority ended.

In any event, should need additional information, please do not hesitate to contact me.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: _____
Justin A. Horwitz