



STATE OF NEW MEXICO

MAGGIE TOULOUSE OLIVER

SECRETARY OF STATE

April 4, 2022

SENT VIA EMAIL ONLY

State Ethics Commission
Attn: Jeremy Farris, Executive Director
800 Bradbury Drive Southeast, Suite 215
Albuquerque, NM 87106
(505) 827-3636

Email: jeremy.farris@state.nm.us

Re: SEC Case No. 2022-005 | Paul Gessing v. Representative Dayan Hochman-Vigil

Executive Director Farris:

On March 14, 2022, the Office of the New Mexico Secretary of State (“SOS”) was referred State Ethics Commission (“SEC”) Case No. 2022-005 (“Complaint”) for review and certification of voluntary compliance with the Lobbyist Regulation Act, NMSA 1978, § 2-11-1 to -10 (1953, as amended 2021) (“LRA”). Based on the review of the complaint it is unclear what violations of the LRA are alleged to have been violated. The SOS requested clarification from Complainant but received none. As such, based on the complaint and lack of clarification the SOS is unable to find a violation and certifies that the respondent, Representative Dayan Hochman-Vigil (“Respondent”), is in compliance with the LRA.

ALLEGATIONS

The Complainant, Paul Gessing (“Complainant”), alleges that Respondent violated NMSA 1978, §§ 2-11-2, 2-11-3, 2-11-8.1, and provided exhibits meant to support the allegations, but did not use the exhibits to support the allegations in the complaint. It was difficult to decipher the actual allegations within the factual summary provided; and therefore, Mr. Gessing was given an opportunity to clarify the allegations he was making and his complaint on March 25, 2022. We did not however receive such clarification. Instead, Mr. Gessing filed out our form and merely attached the same summary of facts.

FACTS

As best as we could discern, in a podcast presented as evidence by Mr. Gessing, Jill Meyers identifies herself as an aerospace industry consultant and founder of the nonprofit Women in Aviation International – Land of Enchantment Chapter (“WAI”), along with an “air taxi” service called Fatpipe Air – now defunct. Ms. Meyers said in the podcast that Fatpipe Air hired Representative Hochman-Vigil as a regulatory attorney before shutting down in July 2020. Dayan Hochman-Vigil is listed as the registered Agent of WAI in Articles of Incorporation filed with SOS, Jill Meyers is listed as one of four members of the board of directors. Representative Hochman-Vigil is the sponsor of legislation concerning Virgin Galactic, including HB 68 from the 2021 legislative session. In a podcast presented as evidence by Mr. Gessing, Ms. Meyers describes several contacts with Virgin Galactic, including a corporate sponsorship of WAI. Representative Hochman-Vigil’s husband, Charles Vigil, served as the treasurer for her campaign committee.

RELEVANT LAW

Regarding the alleged violations of the LRA, Mr. Gessing cites three statutes, §§ 2-11-2, 2-11-3, and 2-11-8.1 as possibly having been violated. § 2-11-2 is the definitional statute for the Lobbyist Regulation Act and does not contain language subject to violation. § 2-11-3 sets out registration requirements for lobbyists, and § 2-11-8.1 limits the ability of lobbyists to serve on the campaigns of candidates for office, and their fundraising during prohibited periods.

ANALYSIS

Mr. Gessing has submitted a complaint which supplies many pieces of evidence under the presumption that they will prove violations of New Mexico state law. Many of the supplied exhibits seem to speak to possible violations by Ms. Meyers, but the referred complaint is against Representative Hochman-Vigil. The sources provided by Mr. Gessing include podcast audio and social media photo accounts, but even viewing them in the most favorable light, SOS is unable to determine a violation of referred statutes as alleged has occurred.

CONCLUSION

Without any additional support from Mr. Gessing, we certify that Representative Dayan Hochman-Vigil is in compliance with the relevant sections of the LRA. *See* NMSA 1978, § 2-11-8.2(B) (1953, as amended 2021); and *Substitute Joint Powers Agreement for Shared Jurisdiction Under the Lobbyist Regulation Act between the New Mexico State Ethics Commission and the New Mexico Secretary of State*, at § II(A)(4)(2022).

Should you have any questions or concerns, please do not hesitate to contact our Ethics Division at (505) 827-3600 or sos.ethics@state.nm.us.

Respectfully,

A handwritten signature in blue ink, appearing to be 'SP', is positioned above the typed name and title.

Sharon Pino
Deputy Secretary of State

CC: Paul Gessing, Rio Grande Foundation – pgessing@riograndefoundation.org
Dayan Hochman-Vigil, New Mexico Legislature – dayan.hochman_vigil@nmlegis.gov
Vincent Ward, Esq., - vincent@wardlawnm.com
Dylan Lange, Esq., Office of the Secretary of State – Dylan.Lange@state.nm.us