

July 7, 2022

Mr. Jeremy Farris
Executive Director
New Mexico State Ethics Commission
800 Bradbury Drive Southeast, Suite 215
Albuquerque NM 87106

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”). After a diligent search of records, SOS-NM have determined SOS-NM are not in custody of any records responsive to a request for records under the Inspection of Public Records Act (IPRA). SOS-NM did not receive the communication from Ms. Meyers referenced by Mr. Ward in his letter:

“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.”

A letter from Walker Boyd was sent to Jeremy Farris, Executive Director, dated June 21, 2022, concerning Complaint alleging that Respondent Dayan Hochman-Vigil violated the Governmental Conduct Act, NMSA 1978, §§ 10-16G-1 to -18 (1967, as amended 2021) (“GCA”) and the Gift Act, NMSA 1978, §§ 10-16B-1 to -5 (2007, as amended 2019).

On May 18, 2022, Dayan Hochman-Vigil, did declare under penalty of perjury under the laws of the State of New Mexico that Answers to the State Ethics Commission Interrogatories above are true and correct, and did identify counsel, Vincent Ward, as a person consulted in answering interrogatories, which fail to initiate an investigation to determine whether the provisions of the Gift Act have been violated by Hochman-Vigil, who did attend an event at or otherwise visit Virgin Galactic at Spaceport America, invited by Jason Lazich (Director of Infrastructure and Ground Services) of Virgin Galactic, in 2019 (see attachments).

On June 16, 2022, Walker Boyd compelled the Complainant to produce evidence that an invitation from Virgin Galactic to visit Spaceport America has a market value of greater than \$250. Boyd develops a LEGAL STANDARD that a complaint may be supported by probable

cause when there is evidence (not necessarily conclusive) of a violation, with citation of *State v. Cordova*, 1989-NMSC-083, ¶ 15, 109 N.M. 211, 784 P.2d 30 (interpreting the term “probable cause” in the criminal procedure context to require that “(1) only a probability of [a violation] need be shown; (2) there need be less vigorous proof than the rules of evidence require to determine guilt of an offense; [and] (3) common sense should control”) (quoting *State v. Snedeker*, 99 N.M. 286, 290, 657 P.2d 613, 617 (1982)); *State v. Vest*, 2011-NMCA-037, ¶ 7, 149 N.M. 548 (“The degree of proof necessary to establish probable cause for the issuance of a search warrant is more than a suspicion or possibility but less than a certainty of proof”).

In *Spiteri v Branson, et al.*, 1:22-CV-00933, U.S. District Courts, New York Eastern District, Plaintiff alleged that Richard Branson, Chamath Palihapitya, and members of the board of directors, officers, and employees of Virgin Galactic, “during the Relevant Period, the Individual Defendants breached their fiduciary duties by personally making and/or causing the Company to make a series of materially false and misleading statements regarding the Company’s business, operations, and prospects”.

The Plaintiff also alleged that, “(A)s a result, Defendants’ statements about the Company’s business, operations, and prospects were materially false and misleading and/or lacked a reasonable basis at all relevant times.”

The Plaintiff further alleged that, “In further breach of their fiduciary duties, the Individual Defendants failed to correct these false and misleading statements and omissions of material fact, or ensure the Company had adequate internal controls to affect their disclosure, rendering them personally liable to the Company”.

On May 22, 2021, Hochman-Vigil attended the manned flight of White Knight II at the Spaceport with the Governor and Secretary Alicia Keys (sic).

Chamath Palihapitiya, an Individual Defendant in *Spateri v Branson, et al.*, made contributions of more than one hundred thousand dollars (\$100,000), in total, to the Democrat State Committee in AL, FL, MA, MD, MI, NC, NE, NH, NJ, NV, NY, VT, in 2020; and, Michelle Lujan Grisham (the Governor, op cit.) was elected as Chairwoman of the Democrat Governors Association, on December 3, 2020.

On May 18, 2022, Dayan Hochman-Vigil did declare, under penalty of perjury under the laws of the State of New Mexico, that Answers to the State Ethics Commission Interrogatories are true and correct, and did identify counsel, Vincent Ward, as a person consulted in answering interrogatories; and, Vincent J. Ward was appointed Deputy Chief Counsel on April 29, 2005, to the thirtieth governor Bill Richardson, in attendance on May 22, 2021.

Walker Boyd appears, in investigations of *Whitlock vs. Dow*, Case No. 2020-031, to be an obtuse intellect; and, in *Gessing v. Hochman-Vigil*, Case No. 2022-005, Walker Boyd develops a LEGAL STANDARD for probable cause, and fails to initiate investigations of Virgin Galactic to determine the value of private invitations from Sirisha Bandla (Vice President of Government Affairs), et al., or even the value of a sandwich, concurrent with litigation in US District Court that alleges, “during the Relevant Period, the Individual Defendants breached their fiduciary

duties by personally making and/or causing the Company to make a series of materially false and misleading statements regarding the Company's business, operations, and prospects".

Dayan "Day" Mercedes Hochman-Vigil, on 3/8/2022, 2:54:50 PM, qualified as Democrat candidate for State Representative District 15, Bernalillo, address: 908 Los Prados de Guadalupe Dr NW, Los Ranchos de Albuquerque NM 87107-6655.

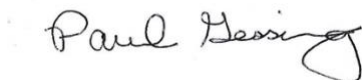
Bill Miera, also known as Bill Martin Miera, Bill L Miera, Bm M Miera, current & past addresses: 908 Los Prados De Guadalupe Dr NW, Los Ranchos, NM 87107 (Current Address); possible businesses owned: Miera Properties LLC, Fiore Industries Inc, Fiore Industries Inc, Miera Properties LLC.

Quick Search for Purchases of Executive Agencies shows Spaceport Authority: FIORE INDUSTRIES INC 0000002732; Search PO Details: PO ID: 0000002732; PO DATE: Jul 1, 2021; AGENCY: Spaceport Authority; VENDOR: FIORE INDUSTRIES INC; CONTRACT ID:804951801817; VENDOR ID: 0000049678, CANCEL STATUS: Approved, AMOUNT: \$4,200,000.00; DESCRIPTION: Other Services Protective services, ambulatory response, and firefighting response and protects person, and property at Spaceport America. Jul 1, 2021 \$4,200,000.00. The Purchases information has been updated as of June 14, 2022 and reflects purchase order balances as of May 31, 2022.

Walker Boyd fails to initiate investigations of Virgin Galactic to determine whether the provisions of the Gift Act have been violated, and fails to determine the value, under generally accepted accounting principles or financial accounting standards to report sales, cost of goods sold, and operating expenses to account for travel and entertainment expense, or lobbying expense, of an invitation to visit Spaceport America on invitation of Sirisha Bandla (Vice President of Government Affairs) or any employee, officer, or member of the board of directors, of Virgin Galactic.

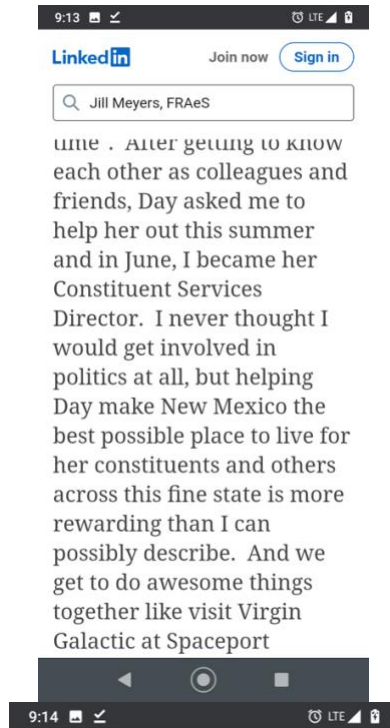
I believe the investigation findings and probable cause determination is wrong; and I suggest you instruct the hearing officer to cause Walker Boyd to be relieved from duty and remand the case for a correct investigation by SOS-NM and SEC-NM.

Sincerely,



Paul J. Gessing
President

Attachments





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