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

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

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

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

I want to begin by thanking all those who participated in Tuesday's rule hearing as well as all those who are present to testify today. The public comment process is an important aspect of adopting a workable rule. Given the extensive public interest in this rule change as well as numerous requests made at Tuesday's hearing for additional time to review the proposed changes, I have decided to leave the rulemaking record open.
until November 1, 2018, to allow for the submission of additional written comments. I encourage anyone wishing to provide written comments on the rule to do so until then. And I want everybody to understand that I'm -- I think this is a terrific accommodation to everyone, but we're going to expect this stuff in writing by November 1. So we'll make sure everybody knows what we're hoping to have back, but it's -- November 1, we're going to be moving fairly quickly.

UNIDENTIFIED WOMAN: May I say something?

HEARING OFFICER THOMPSON: In a moment.

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

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

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

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

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

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

This hearing will not follow the rules of evidence but shall, in the interest of
efficiency, reserve the right to limit all exhibits, testimony, commentary or other evidence deemed irrelevant, redundant, or unduly repetitious. Such decisions shall be made by me as the hearing officer.

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

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

This public hearing is now open.

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

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

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

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

The proposed rule has been introduced into the record. I will now open the floor to the audience for testimony and comment on each part of the rule. First we have Eleanor Castro.
MS. CASTRO: I just want to know more what's going on and why this is happening. I don't understand why they want to change the rules these people have made for years and years. For years, after their grandmothers and their great grandmothers, why these people who work for the museum want to change the rules. I need to know that before I can say anything else.

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

MR. BEVERIDGE: Thank you, Mr. Chairman.

HEARING OFFICER THOMPSON: Yes, sir.

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

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

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

MS. CASTRO: How can we run a meeting
without being able to hear --

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

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

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

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

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

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

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

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

I like everybody.

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

MS. TAPIA: Good morning, everybody.

When I went to get the proposed rule changes, I was given the existing rules -- and my name is -- did I say it? But, anyway, I was given the existing rules and not the rule change. But so now I've -- I've got the rules changes -- the draft from you the other day, and I got to look at some of the proposed changes.

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

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

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

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

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

And like this morning, there was an
incident, and the vendors were upset. So according to the new rules, the -- I mean, the coordinator or the director will come down from his office and resolve it. We can't wait. We have to keep the program going. Is anybody up there, the director or the coordinator there all the time to come and resolve it right away? That would have delayed our program. So we -- now, with the existing rules, we resolved it. We resolved that issue.

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

Our committee makes sure that we are in compliance with the Indian Arts and Craft Act. I've been on the committee before. It's a lot of work. It's a lot of work. And you know what? We don't get paid. Yes, we get a space that's designated to us every day for that duty officer. But you don't even really get to sit in that space because you're out running around, accommodating the
vendor -- or the artists and stuff like that. You
don't really get to sit there and sell. It's a lot
of work. It's a lot of work. And committee members
will tell you that. I was on the committee for
three years, and a lot of times I didn't get paid
for it.

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

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

MR. DENETCHEE: Good morning.

HEARING OFFICER THOMPSON: Good morning
sir.

MR. DENETCHEE: My name is Noel
Denetchee, and I want to make a couple comments
before I get into this here. But I agree with some
of the proposals in the draft, and there's some
that I disagree with. But currently, right now,
the existing rules are a little bit more beneficial to us right now.

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

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

The next one I want to touch on is the administration of program, No. 4.51.57.9, letter A. It says, "The director shall designate the coordinator. The director or coordinator shall oversee the program. The director or coordinator may request the assistance of the Indian Affairs Department, the Museum of Indian Arts and Culture,
and other specialists in the operation of the
program."

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

What I do know and -- and what we
need is a secretary or administrative assistant to
which they can perform the duties listed 1 through 3
on the administration of the program. And that is,
"The coordinator shall serve as liaison between the
participants and the division and director and shall
monitor, in conjunction with the committee, the
daily operations of the program." Then No. 2, "The
coordinator shall maintain the official records and
files of the program, including participant files
and applications, demonstration reports,
correspondence, forms, and financial records.
Official records and files are the property of the
division." No. 3, "The coordinator may develop and
schedule educational activities and events and
perform other duties as assigned by the director."

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

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

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

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

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

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

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

This goes back to the tradition of
the program itself. We've always voted by show of
hands, by the people that are present. And to have
a write-in or a nominee come in, that's just too
shady for my tastes. I think it's always been
better for us to nominate someone and starting with
the officers and then the rest of the committee and
doing the show of hands. It takes a little longer,
but it seems to work for us.

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

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

The next one would be meetings. No.

4.51.57.12, letter A, No. 6. "If revisions to these
rules are proposed, the coordinator shall make
copies of the existing and proposed rule changes
available for explanation and discussion." So far,
that has not been followed. We have not received
any revisions during the annual meeting, much less
had discussions on them.

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

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

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

MR. DENETCHEE: I would say inappropriate
or -- how would you say? Other than the word
"cheating." That's really detrimental, you know.

I don't like to be called a cheater. I don't think anybody else likes to be called a cheater, especially since we're self-sufficient and everybody that does the work out there, we take pride in what we do. And to put that wording in the draft, that really just sets us back. That's just a really, really -- I don't agree with that.

HEARING OFFICER THOMPSON: Would you --

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

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

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

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

MR. CHAMA: Good morning.
HEARING OFFICER THOMPSON: Yes, sir, welcome.

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

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

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

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

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

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

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

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

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

The director has got no control.
They gave us promises, and they broke them all. And that's what's going to happen now. People is going to promise us things, and it's going to get broken again. It's not going to go through. That's what's going on now. It's not a good thing, what you're up to. The artisans here will make our own decisions. Nobody will tell us what to do. We can govern our own self. This is a sovereign nation you're talking to here. And it all goes back to Spain, when they first started to establish here.

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

Every time, every president stepped forward, they got their ways. They wanted to make changes. Does it work? No. You've got to stay with the tradition. You've got to help your own people. You've got to keep doing what you've got to
do for the United States, not everyone around the world. And that's what's going on. Everybody has a job from foreign countries. They're not doing a good job. I've been there. I have seen it. And you don't take care of your own people here. You've got all kinds of veterans walking around. You're not helping them, and you send them off to war. That's what's going on now.

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

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

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

And right now, I'm having a health problem. I don't come up here every day anymore like I used to. And I've been hearing all kinds of
changes, all the rules, and I'm getting upset. Why? Why are they doing this to us? Why is the museum trying to do all this? Why can't they gather all the vendors and let us decide what to do, what to say?

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

That's all I wanted to say. Let's all work together, and please help us out. And the museum, we're the ones that makes the money for the museum. All the tourists that come around, they go in there. They make money, too. If we weren't there, they won't be making any money. That's all I
HEARING OFFICER THOMPSON: Thank you, ma'am. I appreciate you being here. Rose Coriz.

MS. ROSE CORIZ: I'm Rose. What happened to all the vendors? How come they're not here?

All the vendors should be here at the meeting, so everybody can know everything what's going on. So there's only a few. There's a lot of vendors. So they will know everything what's going on, that the rules are changing. So that's all I'm going to say.

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

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

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

MS. LEJUENE CHAVEZ: Good morning, everyone. My name is LeJeune Chavez. I'm from Santo Domingo Pueblo. I couldn't make it Tuesday
because we had a traditional event going on in Santo Domingo. And that's one of the things I wanted to bring up, is I think the museum needs to be more culturally sensitive with things like that. For example, you just stated earlier that you're giving us 'til November 1. We're very busy at that time. Just so you know. All the pueblos are. That's -- I think we need to have more open communication with you all and with us over there --

HEARING OFFICER THOMPSON: Ms. Chavez --

so what we're saying is, you have until. So you have --

MS. LEJUENE CHAVEZ: From now until then.

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

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

And I started selling at the portal since I was very young for my parents as well. So I've seen a lot of changes, too. And at that time, there was no age limit. And, you know, we would come, bring our jewelry that was handmade already.
But, yeah, of course, there was some improvement that needed to be made, and so that's when the program started. And we, as a body of artists -- I call them artists. I don't like using the word "vendor" because to me, a vendor is somebody pushing a little cart. Not to put that down. But that's how I look at it. We are artists.

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

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

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

And then sometimes I just feel like,

you know, when you get this job, I think one of the
job titles should be to study and learn our culture,
New Mexico history. The portal, learn about them.

We have stories from way back when our ancestors
used to sell out there. And they're beautiful
stories, and we want to continue that on.

Yes, we live in a new age, but we're
still holding on to that as well. We still pray.

We don't just go out and put our cloth down and sit
back and hope people buy. We all pray in our own
way. And I just want it left alone.

It was already -- it was already
agreed at the 10th Circuit Court in Denver, the
judge said, leave the Indian people alone. Let them
run it themselves. What more is it going to take?

Where did these new drafts come from, you know?

It's -- everything is trying to be taken away from
us. Everything. And we have to constantly fight
back.

And I just want you all -- I don't
even know who you all are. I have never seen any of
you at the portal. Walk down, visit us, get to know
us. Board of Regents, the Cultural Affairs people,
Dr. Wulf. I don't ever see you out there. Good morning, how are you, Mr. So-and-so, Mrs. So-and-so. Seth, once in a while, I'll see you. Not that often. What's wrong with coming out and saying hello to us? You guys just go upstairs to your office and do whatever you do up there.

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

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

UNIDENTIFIED WOMAN: If you'd like to --

UNIDENTIFIED MAN: It's a public hearing.

HEARING OFFICER THOMPSON: I'm sorry, sir?

UNIDENTIFIED MAN: It's a public meeting.

HEARING OFFICER THOMPSON: She's spoken
once. I want to make sure everybody has a chance to speak. I'm not against having people speak for a second time. I'm trying to maintain order out of respect.

Next we have Rosalie Toya.

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

Because as I -- when I was young, I used to come up with my mom. And that's been like, what, 40 years. When I heard this news, I tried explaining to my mom. And she used to be a vendor up here. And she's really upset about what you guys are doing here. She's hurt. She wanted to come up, but she could barely walk around. So I told her, I'll do my best to speak up for her and try to see and find out why all these changes are going on.
As kids, me and my brother, we were being brought up here when my mom was selling out there. As they said, there was no age limit. We could be around here and maybe buy something for my mom to eat and stuff like that. But now everything has completely changed. We can't even bring our kids up here. We can bring them up, but they have to be attended by an adult.

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

So like I said, I would really appreciate it if you would help us out, too, as Natives. We need your help. We need your support, too, instead of making all those kind of changes.

So that's all I've got to say. Thank you for
HEARING OFFICER THOMPSON: Thank you, ma'am. Ray Garcia.

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

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

There's so many things that happened in the pueblos, that some of it is for our own pueblos to keep quiet about. But in certain instances, we need to let them know when we can't attend meetings or they need to change the time. So
as with technology today, it should be as simple as an email. We should have a group email that they can notify us of any meetings that's going to be taking place for some people that are employed, besides being an artist, that can make time and request for time off to attend these important meetings.

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

Yes, I went through the complete draft. And there is some changes I do agree on, and there is some that do need to be changed because everybody brings up the word "sovereignty."

Sovereignty for me, it's my opinion, each pueblo, each nation, has their sovereignty rights to self-govern, to self-operate. But that also comes with, when time changes, that sovereign nation, the rules and laws have to change with times. Because you cannot operate on sovereignty rules from the 1600s, 1700s. You also have to change with time.

You have to.

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

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

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

The other part that I feel that I hear this a lot in our program is the communication, the communication from the museum to the committee to the members. There has to be something done with that immediately so that everybody will be aware. And at some point, there has to be a responsibility of notification, the responsibility in finding out some way that each person has received the information so that no person can come back behind
and say, I wasn't notified. I didn't know.

We're in the ages of technology.

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

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

And I'd like to say -- if I said anything to hurt anyone's feelings in any way, please forgive me. And thank you very much for...
allowing me this time to speak before the board.  
And thank you very much, really, for the extension.  
And I hope that somebody will allow me to  
participate and give us notice, and thank you.  

HEARING OFFICER THOMPSON: Yes, sir.  
Thank you very much, Mr. Garcia. We're going to  
take a five-minute break.  

(A recess was taken.)  

HEARING OFFICER THOMPSON: Okay.  
Everybody, we're going to start this over again. I  
know that we've had a lot of folks come in that  
maybe weren't here right when we began, so I'm just  
going to -- I'd like to -- given the extensive  

public interest in this rule change as well as the  
numerous requests made at Tuesday's hearing for  
additional time to view the proposed changes, I  
have decided to leave the rulemaking record open  
until November 1, 2018, to allow for the submission  
of additional written comments. I encourage anyone  
wishing to provide written comment on the rule to  
do so until then.  

UNIDENTIFIED MAN: Thank you.  

HEARING OFFICER THOMPSON: And we are  
going to resume this --  

MR. GARCIA: Earlier I mentioned about
sensitivity and cultural events.

HEARING OFFICER THOMPSON: Yes, sir.

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

HEARING OFFICER THOMPSON: How about October 1?

MR. GARCIA: Okay.

UNIDENTIFIED MAN: He said a later date.

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

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

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

UNIDENTIFIED MAN: It's easier to do it
on the same date. We basically have six months to plan several meetings, to do everything that we need to do, to put in our opinions, to put in our ideas, to change what they have, to create our own draft version, basically a rebuttal to this draft rules. So the October date, like a November date, is just date when we have to turn our version in to the program -- or to the board. So that's all it is. It's not we have to do it on that date. We have several months to have several meetings, not just one meeting.

UNIDENTIFIED WOMAN: November 1 is the due date.

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

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

UNIDENTIFIED MAN: That's good.

UNIDENTIFIED WOMAN: November 1 is good.

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

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

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

Like in 2008, when we first assigned a subcommittee to work on these rules -- we assigned a subcommittee in 2008. I'm going to repeat some of the things I said on Tuesday, because many of you are here today that weren't here on Tuesday. We
assigned a subcommittee to work on these rule proposals. And for whatever reason, the task wasn't finished. And we're not here today to place blame on everybody, not the museum, not Cultural Affairs, not the Board of Regents. But we're here to find resolution today, okay?

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

So I know a lot of you guys want to get up and talk today. And I know some of the things you want to say may not be -- you know, it may not be, you know, good for people to hear. But I'd like -- instead, I'd like you to talk about, you know, how you can lend yourself to this effort. You know, what can you do to help your program? Because this is our program. Okay? And we need to come
together and show the state, the different entities, Board of Regents and stuff that we, too, you know, want to share in this task of presenting the arts and culture of New Mexico.

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

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

And so, you know, finding blame with the museum alone, you know, is the wrong thing. It's the wrong path. Let's move forward today and find out how we can fix this and find resolution for everybody. Thank you, Mr. Thompson.
HEARING OFFICER THOMPSON: Yes, sir.

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

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

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

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

So I encourage you fellow members and vendors to retain your power, your right to make those rules and regulations. Not anybody else from the outside to make the rules for you. Because like LeJeune said, we've not seen Mr. Wulf or Seth come
up to the front and say, hello, good morning.

That's not good relationship. I don't even know who

Mr. Wulf is. And Mr. Seth, I've met him because

I've been in trouble with my fellow members, which,

thank God, I came out clean.

So, yes, his position was created

just to assist the program. And it was left up to

us to run that program because we know what goes on,

we know what things are made. And so, sure, we

have, you know, friction here and there. But we can

get along. We've been doing it for many years.

So I encourage you fellow members and

vendors to stay that ground, stand your ground.

Don't allow these changes to be overpowering you.

So thank you.

HEARING OFFICER THOMPSON: Thank you very

much. Next we have Allen Bruce Paquin. Welcome

back.

MR. PAQUIN: I spoke on -- good morning.

Thank you for giving me the opportunity to speak

again. I spoke on Tuesday about some of the things

that the rules were indicating that changes were

being made to some of the rules or additions to the

rules, and I think we went over that. What I came

here to talk about, it actually has a lot to do
with what Mike just said. And I appreciate that, Mike.

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

I have a really good write-up that I gave the Board of Regents and the DCA about what the original -- what the lead attorney in the Livingston case, Michael Gross, wrote for me not too long ago, in 2006, when we were having our difficulties with Levine and Carlotta. And he was really concerned because after the court case, he realized that he
had kind of dropped the ball. Although he was able to establish us to sell there, he felt like, man, I just didn't get it over the hump there, you know.

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

I've been studying this the last several days. I think what we can do and consider is that a new framework in writing -- I think if the museum and the artists could come up with some sort
of a formal declaration signed by the board and the Department of Cultural Affairs, and the craftspeople can see something kind of, in a constitutional sense, an agreement that they respect us for who we are and that they understand us and that they stand by us and that they're going to protect us and that we're going to have the same relationship with them. Because it's really -- what it is, when you're dealing with Native people, you're dealing with nations within a nation.

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

And I think if we can preserve and protect, like I said, and create some sort of document, that kind of gives that sense of security and peace and justice and equality, all those concepts that we need to create a strong foundation where we know our portal will always be protected and that you guys -- that the state stands by it. I
think that would be really important. And I think
that's what Mr. Gross was getting at, you know, when
I really read it.

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

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

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

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

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

And I was on the committee for probably six years or so, and I was part of the -- doing the changes of the rules and stuff on the draft. But we didn't get anywhere. And I really
don't understand why we're doing it again and keep continue to do it again and again.

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

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

I know that the museum has been part of the program. I was there since Tom Chavez, Levine, and now Wulf. I don't know him either. And I've been at the program that long, and I don't know him either. Again, too, it would be great to see him, just like Tom Chavez and Levine always came.
around and, you know, greeted every once in a while.

And I'm sorry if a lot of us are probably saying anything and whatnot and stuff, you know, and maybe they'd probably like to see you, and that should be a good thing.

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

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

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

I own The Burrito Company. I talk to these people every day. They have no bathroom. They have no bathroom to go to. They come to my bathroom. They pay $16 a day to park. They get tickets every day. Even though they have to pay to park, they still get tickets. They have no place to
go to in the cold, in the heat, in the dust, in the wind but to my restaurant. They need a place to hang out to get out of the elements.

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

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

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

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

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

(Exhibit 17 admitted.)

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

MS. SANCHEZ: Exhibit 18 -- it looks like
a written public comment submitted by Lenore Denetchee, is that correct? Okay.

(Exhibit 18 admitted.)

HEARING OFFICER THOMPSON: Thank you.

Nineteen I have is this, the sign. This is a sign that was held up the other day. So I'm going to admit that as Exhibit No. 19.

(Exhibit 19 admitted.)

UNIDENTIFIED SPEAKER: What's it say?

Can you read it?


UNIDENTIFIED SPEAKER: Thank you.

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

MS. SANCHEZ: We do, Regent Thompson.

Exhibit 20 is a written comment we received today. It's addressed to the Board of Regents and the Department of Cultural Affairs from the 2017-2018 portal committee regarding 4.51.57 draft proposal.

(Exhibit 20 admitted.)

HEARING OFFICER THOMPSON: Okay. We'll admit that into the record. And then do we have a
21? Are we going to have to admit today's sign-in sheets?

MS. SANCHEZ: Yes.

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

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

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

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

MS. DOROTHY CHAVEZ: Dorothy Chavez.

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

MS. DOROTHY CHAVEZ: No, thank you.

Since you skipped me, it's a skipped. That means this is discrimination. Forget about --

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

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

MR. GORMAN: Dorothy, it was just a mistake. It wasn't intentional. Please speak.

The people need to hear what you have to say.

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

(Cross talk)

MS. DOROTHY CHAVEZ: Hello. My name is Dorothy Chavez. I'm from Santo Domingo Pueblo.

Excuse me for being upset.

HEARING OFFICER THOMPSON: I don't blame you.

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

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

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

We went to Denver to the District Court. And over there, I'm happy that everything went well for us. And they decided, you know, to just have our program running the way, you know, it
is set up for the Indians only and not everybody else.

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

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

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

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

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

In fact, there is a book out on that.
It tells you about the portal program. One of my friends did the book on it. And it's in the museum library, to be sold.

Anyway, for now, that's all I have to say. I wanted to say more, but I just don't want anybody besides the artists, besides the committee members, I don't want anybody to come between us. I want things to turn out right. I want things to be just the way they are, to run the way they have been running.

We are so used to the rules that we have now. Everybody's going by those rules. We don't need anybody to change it for us. So, please, please, I beg you to help us. I beg you. Please, be on our side, and don't let anybody come between the program. That's all I have to say.

HEARING OFFICER THOMPSON: Thank you for being here, ma'am. So we are going to take -- is there anybody else that would like to speak? We had started a new sheet. Eileen Rosetta? David F. Garcia?

I think we've got a little bit of confusion. This is the sign-up sheet to speak.

(Cross talk)

HEARING OFFICER THOMPSON: I'm going to
reopen the list. Because we've had those two
lists, and I understand it's very confusing. It's
confusing to me.

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

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

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

Talking to the people, the tourists
that come to Santa Fe, I always ask them, "What
brings you to New Mexico?" And they say, "You. You
Native Americans, the program, your artwork." And
that's what brings people to New Mexico. And I
think everyone here knows that.
So if the museum, the program can work together. Come out and see us, introduce yourselves. I met Mr. Wulf a couple years ago by accident, just by talking to him, saying good morning. I didn't know who he was. Come out and say hello. Don't be there only for negative reasons. Come out. We're friendly people. We don't bite. We talk. We like to converse. I like to talk to people.

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

So we like to keep everything the same. We don't want any changes. It's worked all these years. The rules have worked. We've self-governed ourselves. We've been perfectly fine. We don't need any drastic changes. Tradition never goes out of style. It stays. And my pueblo is still conserving. We're still being traditional. That's why we have a lot of times where we cannot be here.

So it's an important place for us. I grew up there. Many of the vendors were there since
they were babies. They were there alongside with their parents. There's a lot of history. And if you come from other states, learn about the history.

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

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

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

We are peaceful people, the Native Americans are. And like many of the vendors said, we are very welcoming. I am always inviting people to my house. And many of them have showed up. They come from all different countries, all different states. When we're having feast days, I tell them, "Email me. I'll send you a map how to find myself."

And many of them have showed up. They've come to the pueblo and had a great experience with our
dances. Because when we have dances, it is not for show. It is a ceremony. It is a ritual. We are not putting on shows. That is our culture and our tradition.

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

We certainly appreciate the respect.

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

And I just want to commend everybody else that came to say a word. It's hard to sit up here and talk in front of people, especially us Native Americans. You know, this is really hard to have all eyes on you and to speak. And I'm sure
every single vendor has something important to say.
And you just need to come out and listen to
everyone. Give us time, give us respect. We are
very friendly people. We are out there doing our
business. That is our livelihood. Let us continue.
Just work with us. That's all there is to it.
You have families, you have children.
You do whatever you do. You hustle. The other day,
I don't want to get up, I'm not feeling well. I
have to. We have to. You go to work. That's our
place. Just let us continue. It's worked in the
past, and it can work again. It's still working.
Just come and work with us. Listen to us. As human
beings, we all have one goal, to make a nice life in
this world. That's our only goal. Thank you. I
appreciate your time.

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

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

My name is David F. Garcia. I'm from
Santo Domingo Pueblo. I'm a former governor of
Santo Domingo, 2011. My concern is when I was
growing up, I was 13 years old. And I still have a
picture where one of the ladies that bought some
stuff from me took a picture of me, and she sent it to me. I was 13 years old.
I used to sell for my grandma. I was raised by my grandmother. Pottery. This gentleman here, his dad and his mom, they used to pick me up by the church. They put the pottery in there. I get in the back of the truck and come up here.
There was no such rules, like Dorothy and several other people have spoke. There was never a rule. You can sit everywhere you want to. I was 13 years old. And on the weekends, we used to bring our blankets, spend the night there at the portal. Nobody said nothing. Nobody said, you can't sleep here. You can't do this, you can't stay here.
So those are the things that as it passed on little by little, like Dorothy and -- my wife was involved. They started taking rules and adopting rules and which the current -- I agree, let's leave it as it is. Let's don't change anything. I don't feel that the Board of Regents or anybody else can tell us what to do. We know our craft.
I went to college to become a police officer. I spent 30 years being a police officer.
And I retired in 2000, and I started coming back up here, selling here at the portal. And I started seeing the rules, which now it's current. I'd like to leave it as it is. I don't want no changes. I don't want nobody to tell me what to do or what to tell the vendors.

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

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

MULTIPLE SPEAKERS: Yes.

MR. GARCIA: I know her more than I know the staff, the coordinator and the director. I
don't even know who the director is. I don't even
know who the Board of Regents are.

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

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

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

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

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

MS. YAZZIE: Good morning, everyone. My
name is Alvira Yazzie. I'm also an artist that
sells at the Palace of the Governors, the portal program.

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

But the changes were not made by the artists themselves. The changes were made by the state, by their committee that took over the program. If we're not careful, we're going to end up doing the same thing, if we're not going to stand up and say something on behalf of the program.
There's other changes that happened.

There was also another program that they tried to do in Phoenix similar to this one. Again, it fell apart. And guess who took it over? The museum.

And guess what happened? All those artists that tried so hard to get something like this established -- we're a very unique program. They ended up having to protest. They ended up in the papers. And guess what? For some reason, the program shut down. They were never brought out in the open like we are here. They were let go.

Because there was too much trouble.

So we're speaking on our own behalf here, because we want to protect this program. It's very unique. It's different. We're allowed to work on our art, develop it. We are allowed to sell it, speak about it, talk about it. But we're also worried because if you listen to some of the elders out there at the portal, they think that you're just trying to get rid of us. They do. They think that. They also think that you're trying to charge us.

And then some of them are even asking the silly question, is that, why we can't go to the bathroom without signing in like little kids? Are they measuring our bowel movements? Are they trying to
tell us, you know, we're not welcome in the museum
to use the bathrooms?

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

If it's an issue about finances and
who's coming in and out or a control issue, think
about it this way. If I went to your place and told you, you sign in every time you go to the bathroom, every time you come in and out of the museum, I want that signature, how would you feel? And a lot of them feel humiliated by it, to be honest with you. And I'm standing for what their reasoning is. And I'm trying to say, okay, maybe a security reason? I don't know what. But that's kind of ridiculous, just to go to the bathroom.

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

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

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

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

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

MS. LEJUENE CHAVEZ: My name is LeJuene Chavez. And I just wanted to also mention that one
time I remember the museum saying they were going
to get heating for us outside. We're still
waiting, people. We're still waiting. Please.
We're there, yeah, through cold, blizzards, because
we have to be. But it would be nice if the museum
was a little more considerate for us that way.

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

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

HEARING OFFICER THOMPSON: Yes, ma'am.

MS. DOROTHY CHAVEZ: I'm trying to speak.

My name is Dorothy Chavez. May I ask Dr. Wulf and
staff a question?
HEARING OFFICER THOMPSON: What I would like to do is, I would like to enter the last exhibit in, and then I would like to close the hearing for purposes of our lady who's helping us keep a record of it. And then I'll stick around, I'm sure others will.

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

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

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

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

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

Now, that's not nice. That's not nice for them to do that to us. Because I know what Fran Levine had said in her committee meeting. What I have said is what she said. She told us that there was going to be all those spaces for the portal program. That's what I would like to have them answer, please. That's all I have to say.
still like to finish the record, and then I'm willing to stay with you and try and sit and see if some of those folks will stay, and we can try and get that question answered. I want to focus what we're doing here now with the recorder on the record, and then I'm willing to stay. If anybody else has any other questions or things like that, you can come down and sit around the table, and we'll talk about them. So please hold, and then we'll stick around.

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

(Exhibit 21 admitted.)

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

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

Thank you for coming, everyone.

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