



**Minutes**  
**NMFOG Board of Directors Meeting**  
**Friday, April 28, 2023**  
**12 – 1:45 p.m.**  
**NMFOG Office and via Zoom**

Directors in attendance in person: Paula Maes, Karen Moses, Charles Peifer, Mary Lynn Roper, Kristelle Siarza, Greg Williams and Daniel Yohalem.

Directors in attendance via Zoom: Kathi Bearden, Dede Feldman, Rashad Mahmood, Jessica Onsurez, Kip Purcell, Rebecca Valdez,

Staff in attendance in person: Melanie J. Majors. Jason Espinoza, lobbyist.

Not Present: Nate Gentry, Chris Keller, Henry Lopez, Sammy Lopez and Daniel Russell  
Susan Boe attended part of the meeting. No other members of the public were in attendance.

A quorum of the FOG Board of Directors being present in person and online, President Moses called the meeting to order at 12 p.m.

Ms. Moses asked to make a change in the order of the agenda and added the consent agenda included the Executive Director's Report and the Hotline Report. Mr. Peifer made a motion to approve the agenda, which was seconded by Ms. Siarza, motion carried.

Mr. Mahmood presented the minutes. Ms. Majors told the board Mr. Yohalem sent several changes to the minutes, some grammatical, and said she would make the changes. She read the changes to the board. No other changes, Mr. Williams made a motion to approve the minutes with changes, which were seconded by Mr. Peifer, motion carried.

Treasurer Sammy Lopez was unable to attend the meeting and Ms. Majors presented the financial report. The report included the quarterly financials and budget vs. actuals. FOG has current assets of \$384,873.24 with \$197,386.87 earmarked for the sunshine attorney in an investment account. Mr. Lopez reported \$38,773.82 in the checking account. The total liabilities and equity are \$384,873.24. On a motion by Ms. Roper and seconded by Mr. Peifer a motion passed to accept the report. Ms. Majors was directed to look at possible ways organization will not lose money on investments. Ms. Roper made a motion to accept the financial report which was seconded by Mr. Peifer, motion carried.

Ms. Moses said her report would be short, as the committees were active, and the chairs would make their reports. She told the board she would be retiring as of June 1, 2023 and would

continue on the schedule for the 3-year plan. She thanked board members for their time and energy.

## Committee Reports

Legislative Committee – the entire report from Mr. Espinoza is attached. She thanked the board members for their help and assistance during the session. Ms. Moses pointed out that several bills FOG supported did not pass the Legislative and indicated FOG has time to work with lawmakers on these bills. In discussion Mr. Espinoza, said as we go into another election cycle, we will see changes as several senators have announced their retirements, house members may seek those seats and new house members will get elected. He also indicated there is pressure to change IPRA coming from local government. Mr. Mahmood shared information from a meeting organized by the Thornburg Foundation. He related that several good government groups are focused on restricting reform and modernization of the Legislature. He shared other items from the meeting focusing on writing collective op-eds, memorial bills to build awareness, trust and transparency; the production of policy briefs and a continued effort to support journalism.

Legal Search Committee – Ms. Boe gave the board an overall review of several conversations she and other board members have conducted with the Reporters' Committee (RC) concerning the Sunshine Attorney. Ms. Boe was FOG president when the Legal Initiative began, itself an effort undertaken after FOG submitted a response to request for proposal from the RC. FOG then worked on its own and raised \$300,000 for the Legal Initiative. Ms. Boe spoke about the changes after Covid and some of the challenges FOG is facing in hiring an attorney. She related FOG and the RC have discussed one possibility – which would include the RC hiring an attorney, placing the attorney in New Mexico and FOG providing part of the funding for the attorney. The RC board meets in May.

Mr. Peifer provided an update on the applications received for the Sunshine Attorney position. He said the organization has interviewed several attorneys, but each candidate has withdrawn their name following the initial interview. To gain as much exposure as possible, the FOG ad will continue to appear in the NM Bar Bulletin. Mr. Peifer said letters were sent to all of the bar organizations in New Mexico publicizing the opening. Mr. Peifer said he has contacted several attorneys to discuss the position and let them know that it is still open. He further emphasized that no action would be taken without the full board's consideration and approval.

Legal Committee – Mr. Purcell gave an update on a recent Amicus brief he filed in support of the American Civil Liberties Union case against the New Mexico Department of Corrections. This case concerns the “as otherwise provided by law” exception to IPRA, NMSA 1978, § 14-2-1(L) (2023), and specifically the power of administrative agencies to create their own “law” for purposes of the exception.

Marketing Committee – Ms. Siarza updated the board about FOG's marketing efforts. She said the committee put together a robust marketing plan. Two items to assist the fundraising are the re development of a website and a donor video. The restructure website will fall under three areas – advocate, educate and legislate. She shared the website map. Ms. Majors said the

committee updated the Sunshine Week Ads and distributed the ads to newspapers statewide. Mr. Williams wrote an op-ed about Sunshine Week that appeared statewide.

Nominating Committee – Ms. Bearden said the nominating committee was tasked develop and distribute a DEI board survey to monitor progress on diversifying representation of the board of directors to reflect NM’s diversity. Using the Strategic Board Composition Matrix by BoardSource (provided by Ms. Siarza), the committee met and discussed relevant diversity questions for a DEI board survey.

The survey was sent to all board members. The committee identified workforce demographics that are needed on the FOG board – specifically accounting and marketing as well as regional inclusion on the board (also from 3-year plan). The committee had additional recommendations:

- Add short bios of board members to the FOG web page
- Add Lucas Peerman to the board immediately (if he agrees)
- Create additional application for nominated board members to fill out for meaningful background check – this would be performed by the executive director.
- Accept board nominations immediately to fill positions (being mindful of diversity)

In addition, Ms. Bearden nominated Lucas Peerman to rejoin the board. Mr. Peerman resigned from the board in January as he accepted a position at the Albuquerque Journal and as there was already a Journal staff member on the board, he determined he should work on a committee, but not be a board member. Ms. Roper made a motion to approve Mr. Peerman’s reinstatement, which were seconded by Ms. Siarza, motion carried.

Fundraising – Mr. Mahmood reported that he and Ms. Majors had a meeting with Henry Rael of the McCune Foundation. In a very positive meeting, Mr. Rael provided FOG with some concrete suggestions to improve our chances of receiving a grant in the future.

With no other business, Mr. Williams moved to adjourn the meeting and Mr. Peifer seconded the motion. The meeting adjourned at 1:45 p.m.