

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL
OF REGULATION
20.2.100 – GREENHOUSE GAS REDUCTION PROGRAM

No. EIB 11-16(R)



**MOTION THAT BOARD MEMBERS FULLY
DISCLOSE INFORMATION RELATING TO
THEIR POSSIBLE BIAS AND LACK OF IMPARTIALITY**

Information obtained by New Energy Economy (NEE) brings into question the impartiality of Environmental Improvement Board (EIB) members Elizabeth Marie Atkinson Ryan, Jeffry Walter Bryce, John Michael Volkerding, and Timothy Lee Morrow. NEE therefore requests that these members make certain disclosures and submit to questions by counsel in an open public meeting, as set out below.

Applicable Standard

1. EIB rulemakings are accompanied by virtually all of the same due process protections and formalities as are adjudications.¹ EIB cannot adopt or repeal a regulation unless such action is supported by substantial evidence contained solely in the record that was created in an open, properly-noticed evidentiary hearing. NMSA 1978, § 74-1-9; NMSA 1978, § 74-2-6; NMSA 1978, § 74-2-9; Part 20.1.1 NMAC. Interested persons have the right to become parties to such proceedings, to present testimony and exhibits, to object to other parties' testimony and exhibits, and to file motions. NMSA 1978, § 74-1-9; NMSA 1978, § 74-2-6; and §§ 20.1.1.7(K), 200(B)(3), 303 & 400; *Order Establishing Procedures*. The petitioner has the burden of persuasion. § 20.1.1.302 NMAC. Witnesses testify under oath and are subject to cross examination. § 20.1.1.401 NMAC. In lieu of discovery, the parties must disclose their

¹ In the proceeding in which EIB adopted Rule 100, for example. EIB refused to allow one of NEE's witnesses to appear telephonically, in part, because the Hearing Officer and EIB members attending the hearing would be unable to assess the witness' demeanor.

testimony in advance of the hearing. § 20.1.1.302 NMAC; *Order Establishing Procedures. Rulemaking under the New Mexico Air Quality Control Act and Environmental Improvement Act* is thus analogous to formal rulemaking under the federal Administrative Procedures Act (APA). Cf. Part 20.1.1 with 5 U.S.C. §§ 556 & 557 (prescribing same hearing requirements for adjudications and formal rulemakings under the APA); see also N.M. State Racing Comm'n v. Yoakum, 113 N.M. 561, 564, 829 P.2d 7, 10 (Ct. App. 1991) (citing 2 Am.Jur.2d Administrative Law § 350, 162 (1962), for the proposition that “Rules and regulations of an administrative agency governing proceedings before it, duly adopted and within the authority of the agency, are as binding as if they were statutes enacted by the legislature.”)

2. Consistent with the nature of “formal rulemaking,” EIB members must meet an objective standard of impartiality:

No board member shall participate in any action in which his or her impartiality of fairness may reasonably be questioned, and the member shall recuse himself or herself in any such action by giving notice to the board and the general public by announcing this recusal on the record. In making a decision to recuse himself or herself, the board member may rely upon the Governmental Conduct Act, NMSA 1978, Sections 10-16-1 through 10-16-18, the Financial Disclosures Act, NMSA 1978, Sections 10-16A-1 through 10-16A-8, or any other relevant authority.

§ 20.1.1.111 NMAC; cf. Gila Res. Info. Project v. N.M. Water Quality Control Comm'n, 2005 NMCA 139, 37 (“concepts of fairness and transparency” apply to “administrative proceedings”).

The standard established by Section 20.1.1.111 “is in essence a paraphrase of a federal statute governing the disqualification of judicial branch judges, see 28 U.S.C. § 455(a) (1994) (A judge ‘shall disqualify himself [or herself] in any proceeding in which his [or her] impartiality might reasonably be questioned.’), as well as New Mexico’s Code of Judicial Conduct dealing with disqualification of state judges, see NMRA 1997, 21-400(A) (‘A judge is disqualified and shall recuse himself or herself in a proceeding in which the judge’s impartiality might reasonably be

questioned)’” City of Albuquerque v. Chavez, 1997 NMCA 54, 16. Under this objective standard:

The inquiry is not whether the Board members are actually biased or prejudiced, but whether, in the natural course of events, there is an indication of a possible temptation to an average man [or woman] sitting as a judge to try the case with bias for or against any issue presented to him [or her].

Id., quoting, Reid v. New Mexico Bd. Of Examiners in Optometry, 92 N.M. 414, 416, 589 P.2d 198, 200 (1979). As set out below, there may be good reason to question the impartiality of members Ryan, Bryce, Volkerding and Morrow in this matter.

Argument

3. In her Confidential Candidate Questionnaire, Ms. Ryan listed as personal references Joel M. Carson, III, general counsel for Mack Energy Corporation, and Gregory J. Nibert of Hinkle, Hensley, Shanor & Martin, LLP. Exhibit A at 3. Mr. Carson represented Mack Energy in opposing Rule 100, Exhibit B, and Mack Energy contributed \$122,500.00 to candidate Susana Martinez’s gubernatorial campaign. Exhibit C. Governor Martinez adamantly opposes the regulations currently under review. Exhibit D at 6-9. Mr. Nibert is on the Board of Directors of the Independent Petroleum Association of New Mexico (IPA), Exhibit E, which is a petitioner in this matter and which opposed and later appealed the adoption of Rules 100, 300, 301 and 350. IPA’s attorney (Karin Foster) represented to the Court of Appeals that a “possible resolution of this matter [i.e., IPA’s appeal of Rules 100 and 350] could be negotiated with the new Board with an emergency rulemaking.” Exhibit D at 7-8. Ms. Ryan is also an attorney and may have provided legal services to one or more of the petitioners or other entities that are subject to Rules 100, 300, 301 or 350.

4. In his Confidential Candidate Questionnaire, Mr. Bryce listed Karin Foster among his personal references. Exhibit F at 3. As set out above, Karin Foster represent petitioner IPA

before the EIB in this matter and in opposing Rules 100, 300, 301 and 350 in the prior proceedings before EIB; she also represents IPA in its appeals of these Rules. On information and belief, Ms. Foster directly or indirectly engaged in *ex parte* communications with Chairperson Peacock, which resulted in the Order of Remand from the Court of Appeals and the instant petitions now under consideration by EIB. See Motion to Recuse Board Members Casicano, Fulfer and Peacock. Furthermore, Mr. Bryce is Vice President of Operations for the engineering firm, Sierra Peaks, and has a background in the oil and gas industry. Mr. Bryce may have directly or indirectly worked for or advised one or more of the petitioners or other entities that are subject to Rules 100, 300, 301 or 350.

5. Mr. Volkerding is the general manager of Basin Disposal. Basin Disposal is in the business of disposing of produced water for the oil and gas industry and its interests are inextricably linked that industry. *See Exhibit G (advertising that Basin Oil hosted Monday Morning Coffee Breaks at NMOGA's 83rd Annual Conference).* Accordingly, Mr. Volkerding may have a financial and business incentive to vote for the repeal of Rules 100, 300, 301 and 350, which the New Mexico oil and gas industry adamantly opposes. Mr. Volkerding indicated on his Confidential Candidate Questionnaire that he has provided testimony before the New Mexico Legislature or administrative agencies, but he did not disclose the substance of his testimony. Exhibit H.

6. Mr. Morrow listed Brian Moore and Senator Stuart Ingle as his personal references on his Confidential Candidate Questionnaire. Exhibit I. Brian Moore was deputy chief of staff for Governor Martinez, who adamantly opposes the rules currently under consideration. Senator Ingle co-sponsored legislation to repeal these same rules.

7. NEE expressly reserves the right to object to the bias of all EIB members as new information becomes available, both before EIB and on appeal.² NEE further reserves the right to raise any issue concerning a members' bias for the first time on appeal if it appears that raising the issue before EIB would be futile.

WHEREFORE, NEE requests the following:

A. That all EIB members fully disclose the representations they made to the Governor or to the Governor's staff or other representatives concerning Rules 100, 300, 301, and 350.

B. That all EIB members fully disclose their past and present relationships with the petitioners and other entities that are subject to Rules 100, 300, 301, and 350, including the relationships among the members' employers, petitioners, and other entities that are subject to the forgoing rules.

C. That all EIB members fully disclose their past testimony and opinions regarding the regulation of greenhouse gases by EIB.

D. That all EIB members submit to questioning under oath in a public hearing regarding the disclosures requested above.

² The bias of EIB members Casciano, Peacock and Fulfer is the subject of a separate Motion to Recuse.

Respectfully submitted:

NEW MEXICO ENVIRONMENTAL LAW
CENTER

By: 

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Attorneys for Petitioner New Energy Economy, Inc.

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing paper to be emailed to the attorneys of petitioners, Western Resource Advocates, and Stephen Vigil on August 31, 2011.


R. Bruce Frederick

CONFIDENTIAL CANDIDATE QUESTIONNAIRE

PERSONAL INFORMATION

1. Please provide your full name, county of residence, birthplace, social security number, marital status, and list all places of residence by street address and community for the last 5 years. If you were born outside the United States, please provide the basis for your citizenship or permanent residency in the United States. If you are married, please list your spouse's full name and occupation.

Answer 1:

Elizabeth "Beth" Marie Atkinson Ryan
Residence: Roswell, Chaves County, NM
Birthplace: Roswell, Chaves County, NM

[REDACTED]
Married to Zackary Adam Ryan, full-time physical education and history teacher and football, basketball, and baseball coach at Valley Christian Academy in Roswell, NM.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. Please list all of the schools you have attended, beginning with high school(s), and include the approximate dates of attendance and degrees earned.

Answer 2:

Robert H. Goddard High School, Roswell, NM, high school diploma, high honors

Lubbock Christian University, Lubbock, TX, Bachelors of Arts in Humanities, emphasis in Pre-Law, minor in Biblical Studies, *summa cum laude*

Texas Tech University School of Law, Lubbock, TX, Doctorate of Jurisprudence, *cum laude*



3. Are you a veteran of the armed services and, if so, were you honorably discharged? If not, please explain. Were you ever subject to a court-martial?

Answer 3: NO

4. Have you ever been a candidate for any local, state or federal political office? If so, please list positions and, if elected, dates of service.

Answer 4: NO

5. Have you ever been appointed to any paid or unpaid local, state or federal position? If so, please list the position, dates of service and who appointed you.

Answer 5:

Yes, I have been appointed by the Chaves County Commission to the DWI Planning Council. I was originally appointed in 2007 and now currently serve as the Chairman. It is an unpaid position.

6. Please provide the names, addresses and telephone numbers of three personal references.

Answer 6:

Mr. Joel M. Carson III, General Counsel
Mack Energy Corporation

[REDACTED]
[REDACTED]
jcarson@mec.com
[REDACTED]

Mr. Gregory J. Nibert, Esq.
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[REDACTED]

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD

In the Matter of the Petition for Hearing
to Adopt New Regulations and Amend
Various Sections of 20.2.1, 20.2.2.,
20.2.70 and 20.2.72 NMAC, Statewide
Cap on Greenhouse Gas Emissions

EIB No. 08-19



THIRTEENTH REVISED SERVICE LIST

All parties, in addition to a signed original paper copy as well as an electronic copy of all documents filed in this matter with the Environmental Improvement Board Administrator Joyce Medina, must also serve copies of all documents on those persons or entities listed below by electronic means. See email addresses below for your respective files.

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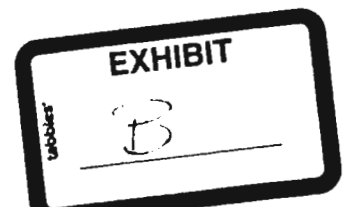
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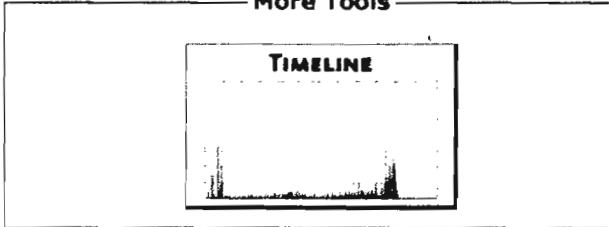
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Farmington, NM 87499
bill@apluswell.com

Contact for A-Plus Well Service, Inc.

Home > New Mexico 2010 > Contributions to MARTINEZ, SUSANA

Total number of records: 10463 (Summarize by Contributor)
 Total amount: \$7,444,452

More Tools



Results: 1-3 of 3



The information in this table has been filtered and only represents records that matched the following: Contributor contains 'mack energy'. To clear the filter click here.

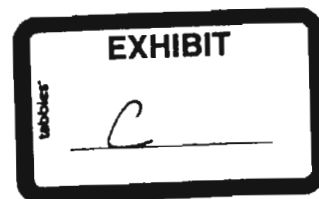
Contributor Industry	Recipient Name	Location	Amount	Date
MACK ENERGY CORP Oil & Gas	MARTINEZ, SUSANA (G)	ARTESIA, NM	\$100,000	03/22/2010
MACK ENERGY Oil & Gas	MARTINEZ, SUSANA (G)	ARTESIA, NM	\$17,500	12/30/2009
MACK ENERGY Oil & Gas	MARTINEZ, SUSANA (G)	ARTESIA, NM	\$5,000	12/30/2009

[http://www.followthemoney.org/database/StateGlance/contributor_details.phtml?&c=116607&s=NM&y=2010&summary=0&so=a&filter\[\]=mack%20energy&filter\[\]=&filter\[\]=&filter\[\]=](http://www.followthemoney.org/database/StateGlance/contributor_details.phtml?&c=116607&s=NM&y=2010&summary=0&so=a&filter[]=mack%20energy&filter[]=&filter[]=&filter[]=)

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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

PUBLIC SERVICE COMPANY
OF NEW MEXICO,

Appellant,

vs.

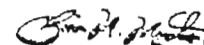
Case No. 31,020

NEW MEXICO ENVIRONMENTAL
IMPROVEMENT BOARD,

Appellee.

COURT OF APPEALS OF NEW MEXICO
FILED

APR 20 2011



MOTION FOR LEAVE TO INTERVENE AS APPELLEE

New Energy Economy, Inc. ("NEE"), by and through its attorneys, New Mexico Environmental Law Center, respectfully requests leave to intervene in this appeal as a co-appellee. The grounds for this Motion are as follows:

INTRODUCTION

1. In this appeal, Public Service Company of New Mexico ("PNM") seeks to overturn the decision of the New Mexico Environmental Improvement Board ("the Board") to adopt regulations governing greenhouse gas emissions. The Board adopted the regulations ("Rule 100"), codified at § 20.2.100 NMAC, on December 6, 2010, pursuant to its authority under the New Mexico Environmental Improvement Act ("EIA") (NMSA 1978, §§ 74-1-1 *et seq.*) and the New Mexico Air Quality Control Act ("AQCA") (NMSA 1978, §§ 74-2-1 *et seq.*). See § 20.2.100.3 NMAC; see also [Exhibit 1 (Order and Statement of Reasons for Rule



5. **NEE should be allowed to intervene in this appeal “as of right,” because no existing party adequately represents NEE’s interests.** As set out below, the Board will not adequately represent NEE’s interests in this appeal. Cf. Rule 1-024(A) (2) NMRA (providing for intervention “as of right ... unless the applicant’s interest is adequately represented by existing parties”).

a. Although it was the Board that adopted Rule 100, it was NEE that drafted the Rule, petitioned the Board to adopt it, and defended the Rule—in the proceeding below, in the Fifth Judicial District, and in the New Mexico Supreme Court.

b. Governor Martinez has publically expressed hostility towards the Board’s regulation of greenhouse gas emissions as well as skepticism regarding the cause and reality of climate change. Immediately upon taking office, the Governor fired all of the Board members who adopted Rule 100 and the Board’s other greenhouse gas regulations, citing the adoption of these Rules as grounds for immediate dismissal. [**Exhibit 2** (New Mexico Governor Loses Bid to Overturn Greenhouse Gas Cap, *Environment News Service* (Jan. 26, 2011))]. Governor Martinez, moreover, attempted to stop Rule 100 from going into effect by preventing its publication in the state register, which prompted NEE to petition the Supreme Court for a writ of mandamus to compel publication as required by law. New Energy Economy v. Martinez et al., 2011 NMSC 6; [**Exhibit 3** (Felicity

Barringer, "2 Environment Rules Halted in New Mexico," *New York Times* (Jan. 6, 2011)]. The Governor has since appointed new Board members who share her hostility toward state regulation of greenhouse gases and general skepticism regarding climate science.

c. PNM summarizes Governor Martinez' and the Board's opposition to Rule 100 and other greenhouse gas regulations, as follows:

Governor Martinez has indicated that she does not support [Rule] 100 and is actively considering avenues to secure the repeal or otherwise prevent the implementation of that rule and other related rules, including the Board's adoption of [Rule 350], the "Greenhouse Gas Cap and Trade.

...

Second, the Governor is responsible for appointing members of the Board. On January 4, 2011, Governor Martinez announced her removal of the entire Board. She has subsequently appointed replacement Board members, whose nominations are subject to Senate confirmation. *PNM believes that a possible resolution of this matter may be achieved with the new Board.*

PNM's Motion for Extension of Time to File Docketing Statement at 2 ¶4 & 3 ¶ 7

(emphasis added).

d. In a related appeal, the Independent Petroleum Association of New Mexico ("IPANM") further describes the Governor's hostility towards Rule 100 and the Board's openness to negotiating a "resolution" through an "emergency rulemaking":

Governor Martinez has indicated that she does not support [Rule 100] and is actively working with IPANM to consider avenues to secure the repeal [or] otherwise prevent the implementation of this rule and other related rules.

As a first step, the new administration has issued Executive Order 2011-001, forming a “Small Business Friendly Task Force” and suspending pending regulations during a ninety-day review period. . . .

Our Independent Petroleum Association of New Mexico Executive Director and attorney, Karin Foster, has been appointed by the Secretary-designate of the Economic Development to serve on the Governor’s small business taskforce. As a member of that Taskforce, she is preparing a report for the Governor recommending the reversal or revision of several rules and regulations [T]he reversal of the GHG rules, specifically [Rule] 100 . . . and [Rule] 350, will be the top priority recommendation in the Taskforce report, due April 1, 2011. . . .

Moreover, the Governor recently terminated all members of the . . . Board and has appointed an entirely new Board. IPANM believes that a possible resolution of this matter could be negotiated with the new Board with an emergency rulemaking.

Motion for Extension of Time to File Docketing Statement ¶¶ 4-5, 7-9 (Feb. 22, 2011), filed in Indep. Petroleum Ass’n of N.M. v. N.M. Env’tl. Improvement Bd., No. 31016 (N.M. Ct. App.).

e. Although the Attorney General has represented the Board in some of the judicial and administrative proceedings referenced above, the Attorney General has never represented NEE nor duplicated NEE’s efforts to defend Rule 100 or any other greenhouse gas regulation. For example, unlike NEE, the

New Mexico Governor Loses Bid to Overturn Greenhouse Gas Cap

SANTA FE, New Mexico, January 26, 2011 (ENS) - The New Mexico Supreme Court handed environmental groups a victory today in their unanimous ruling that Governor Susana Martinez violated the state Constitution when she prevented a rule establishing a statewide cap on greenhouse gas emissions from being published as codified state law.

The environmental group New Energy Economy sued Martinez, claiming the newly elected governor improperly requested the state's records administrator to delay publishing the rule.

Chief Justice Charles Daniels said state law is clear - once regulations are filed, the records administrator "does not second guess" their intent.

The ruling orders the state records administrator to post the regulations in the next issue of rules publications. The court's ruling also applies to a separate but similar lawsuit on dairy regulations passed by the Water Quality Control Commission in December 2010.

"This is a tremendous and deserved victory for the administration of justice in New Mexico," said Bruce Frederick, staff attorney of the New Mexico Environmental Law Center, the nonprofit law firm that brought the two lawsuits against the governor for its clients, New Energy Economy and Amigos Bravos. "The ruling ensures that our regulations will continue to be developed in a public and open process, and be protected from revision through secret, backroom deals."

Governor Martinez, a Republican who took office on January 1, 2011, follows Governor Bill Richardson, a Democrat who was widely hailed as a champion of environmental protection.

On December 6, 2010, in the final days of the Richardson administration, the New Mexico Environment Improvement Board, adopted New Energy Economy's rules to reduce greenhouse gas emissions by three percent per year from 2010 levels, with a goal to reduce emissions 25 percent below 1990 levels by 2020.

New Energy Economy said in a statement today, "This rule enables effective and efficient carbon pollution reduction that will foster clean energy job creation and prosperity for New Mexico's families and communities. This breakthrough achievement provides a practical model for national climate change policy and economic renewal."

Indicating her "bold" new direction for New Mexico, on January 4 Governor Martinez removed all the members of the Environmental Improvement Board for helping create an "anti-business environment."

"The EIB moved forward with the cap-and-trade regulatory program after state lawmakers rejected the proposal during the legislative process," she said then in a statement.



New Mexico Governor
Susana Martinez (Photo
courtesy Office of the Governor)

EXHIBIT

2

"Unfortunately, the majority of EIB members have made it clear that they are more interested in advancing political ideology than implementing common-sense policies that balance economic growth with responsible stewardship in New Mexico," Martinez said.

On her first day in office, Martinez had halted "all proposed and pending regulations," which includes the cap-and-trade regulation. To rescind those rules, the new members of the EIB, which will be appointed by Martinez, will have to hold new public hearings and allow for public comment.

Martinez' new direction for New Mexico is illustrated by her choice of Harrison "Jack" Schmitt to head the Energy, Minerals and Natural Resources Department, which oversees environmental issues.

A former U.S. Senator and Apollo 17 astronaut who walked on the Moon, Schmitt has said he believes that some leaders of the environmental movement are communists.

As reported by Matthew Reichbach today in the "New Mexico Independent," while appearing on "Infowars," the Alex Jones radio show, on July 31, 2009, Schmitt said, "I think that there are individuals, [Obama science advisor John] Holdren apparently among them, a very large number who have taken the - shall we say captured - the environmental movement and turned it into what was previously considered the communist movement."



Harrison Schmitt (Photo by Debbie McCallum courtesy NASA)

Holdren is director of the White House Office of Science and Technology Policy. He was previously Teresa and John Heinz Professor of Environmental Policy at the Kennedy School of Government at Harvard University, and director of the Woods Hole Research Center. Holdren was elected president of the American Association for the Advancement of Science, 2006-2007, and served as board chairman in 2007-2008.

Later in the interview, Schmitt expanded on the communist theme, saying, "I think the whole trend really began with the fall of the Soviet Union. Because the great champion of the opponents of liberty, namely communism, had to find some other place to go and they basically went into the environmental movement."

"That's not to say there aren't some major and significant environmental issues, particularly at the local level, but they converted environmental activism to a political movement and some would say a religious movement," Schmitt said on air.

Schmitt has stated repeatedly that he does not believe man-made global warming exists and says the government pressures scientists to support its existence.

Schmitt must be confirmed by the state Senate, where Democrats are in the majority.

Also up for Senate confirmation is Governor Martinez' choice of petroleum engineer F. David Martin for secretary of the environment.

Martin currently serves as an adjunct associate professor at the New Mexico Institute of Mining and Technology. After working for the Calgon Corp. for 15 years, Martin worked for 20 years at the Petroleum Recovery Research Center, serving as the director from 1987 to 1996.



F. David Martin (Photo courtesy NAMMTC)

In 1990, Martin was appointed by Governor Garrey Carruthers to coordinate policy between the state of New Mexico and the United States Department of Energy.

Upon his nomination, Martin said, "Without question, our state's natural beauty must be kept intact for future generations. I look forward to working with Governor Martinez to implement common-sense policies that keep New Mexico beautiful and protect our environment while allowing for responsible development of our vast natural resources."

"My goals are the governor's goals," said Martin. "Our mission is to provide the highest quality life through a safe, clean and healthy environment. We want to have policies and procedures in place that will ensure that our children and grandchildren will have the same thing."

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2 Environment Rules Halted in New Mexico

By FELICITY BARRINGER
Published January 6, 2011

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Acting on a campaign promise, New Mexico's new Republican governor, Susana Martinez, has scuttled a state regulation requiring annual 3 percent cuts in greenhouse gas emissions.

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A second environmental rule intended to control the discharge of waste from dairies in southern New Mexico was also dropped before publication. A different state rule that caps greenhouse gas emissions from stationary sources like power plants remains in effect for the time being.



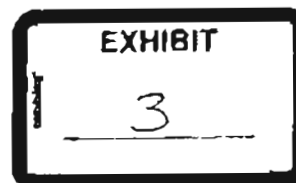
During her campaign, Governor Martinez described the regulation of heat-trapping emissions as burdensome for industry and harmful to the state's economy. Her swift action upon taking office comes as the newly elected governors of two other southwestern states, Arizona and California, are setting a different tone, firmly advocating greater reliance on clean energy.

Governor Martinez, who received hundreds of thousands of dollars in campaign contributions from oil and gas interests, has also said that she does not believe that science has clearly established a link between climate change and human activity.

As if to emphasize that point, on Thursday she appointed the geologist and former astronaut Harrison Schmitt, another skeptic, as secretary of the state's Energy, Minerals and Natural Resources Department.

Great'

The measure on cutting emissions by 3 percent was struck on Tuesday, when the governor's office instructed a senior official at the state's records center not to publish it in the next state register, to be issued on Jan. 14.



Because state regulations become final on publication, that rule, which was adopted in December by the state's Environmental Improvement Board, now appears to have no force. Bruce Frederick, a lawyer for the New Mexico Environmental Law Center, called Governor Martinez's action "underhanded" and "illegal," adding: "It's beyond the power of the governor. What she's trying to do is change the result in a case after the judgment has been rendered."

Before scuttling the rule, the governor's office sent e-mails to members of the Environmental Improvement Board informing them that they had been dismissed. "Unfortunately, the majority of E.I.B. members have made it clear that they are more interested in advancing political ideology than implementing common-sense policies that balance economic growth with responsible stewardship," Governor Martinez said in a press release announcing the dismissals.

In an interview, Gay Dillingham, who had been the board's chairwoman, said that she would have preferred that the federal government acted to address climate change across the board in place of state regulators. In the absence of firm steps, she said, the board felt it had to act.

On Election Day, the board voted 4 to 3 to establish an emissions cap on stationary sources like power plants and a system permitting polluters to trade emission allowances that would take effect in 2012.

"I think we designed a very good regulation," Ms. Dillingham said. "Rate payers are not going to suffer; nobody's going to suffer."

Staff members in the state Environmental Department were instructed to refer calls to the governor's press secretary, Scott Darnell. He did not answer repeated phone calls and e-mails seeking comment.

A version of this article appeared in print on January 7, 2011, on page A14 of the New York edition.

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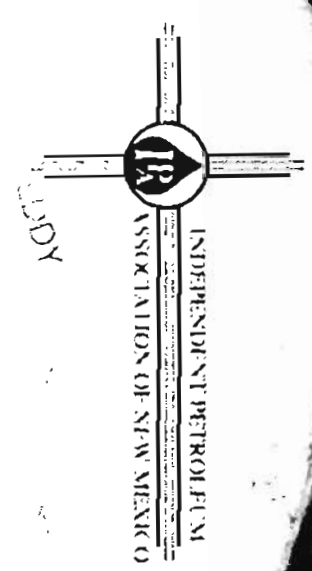
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INFORMATION

Welcome to Independent Petroleum Association of New Mexico
Fri, Aug 19 2011 @ 12:47 PM MDT

Sign I
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- [News Room \(4/0\)](#)
- [IPANM Newsletters \(5/0\)](#)
- [Regulatory \(3/0\)](#)
- [Legislative Matters \(3/0\)](#)
- [Reports & Statistics \(1/0\)](#)
- [Archived Topics \(1/0\)](#)

The activities of IPANM are truly directed by its members. The member-elected Board of Directors guides all business conducted by the Association. The Board has outsourcing arrangements to support its administrative and lobbying functions. Consequently, IPANM focuses solely on the concerns of the independent oil and gas producer in New Mexico.

Board of Directors (2010-2011)

MY ACCOUNT

- [Username:](#)
- [Password:](#)
- [Login](#)
- [Sign up as a New User](#)
- [Lost your password?](#)

UPCOMING EVENTS

- [Site Events](#)
- [Thursday Aug-25](#)
- [BLM Glade Run Scoping Meeting](#)

RANDOM IMAGE



John Thompson
Walsh Engineering



Greg Nibert
Hinkle Law Firm



Gary Brink
Energen Resources Corporation



Francisco Olvera
Ritter & Company, LLC

Vice President,
North

Secretary/Treasurer

CONFIDENTIAL CANDIDATE QUESTIONNAIRE

PERSONAL INFORMATION

1. Please provide your full name, county of residence, birthplace, social security number, marital status, and list all places of residence by street address and community for the last 5 years. If you were born outside the United States, please provide the basis for your citizenship or permanent residency in the United States. If you are married, please list your spouse's full name and occupation.

Answer 1:

Jeffrey Walter Bryce

USA

White Plains, NY
[REDACTED]

Married (happily) Denise Alice Polderman Bryce, Manager in the pharmaceutical industry
2005 - 2011 [REDACTED]

2. Please list all of the schools you have attended, beginning with high school(s), and include the approximate dates of attendance and degrees earned.

Answer 2:

Harry A Burke High School 1980-84, Diploma

Duke University 1984 - 88, BSME

3. Are you a veteran of the armed services and, if so, were you honorably discharged? If not, please explain. Were you ever subject to a court-martial?

Answer 3:

No

4. Have you ever been a candidate for any local, state or federal political office? If so, please list positions and, if elected, dates of service.

Answer 4:

No



5. Have you ever been appointed to any paid or unpaid local, state or federal position? If so, please list the position, dates of service and who appointed you.

Answer 5:

No

6. Please provide the names, addresses and telephone numbers of three personal references.

Answer 6:

John Rockwell - [REDACTED]

Karin Foster - [REDACTED]

Darlene Martin - [REDACTED]

LEGAL INFORMATION

7. Have you ever been charged with a DWI or DUI or any other criminal offense, other than a minor traffic violation for which the fine was less than \$300 dollars? If so, when? Please describe the outcome.

Answer 7:

No

8. Have you ever been charged, pled guilty to, or convicted of any misdemeanor or felony offense? If so, when? Please describe the outcome.

Answer 8:

No

9. Please list any claims of sexual harassment or other workplace misconduct made against you or any employee directly supervised by you, including the resolution of the matter.

Answer 9:

No

10. Have any civil judgments or liens been rendered against you? If so, please provide details.

Answer 10:

No

TAX INFORMATION

11. Have you filed all federal and state tax returns that are now due or overdue, and are all tax payments, fines, penalties and interest been paid in full and/or otherwise finally resolved with the taxing authority? If no, please explain.

Answer 11:

Yes

12. Have you or any entity in which you held an interest ever filed a petition in bankruptcy, or has a petition in bankruptcy been filed against you? If yes, please explain.

Answer 12:

No

EMPLOYMENT INFORMATION

13. Have you ever been discharged, suspended or asked to resign from your place of employment? If yes, please explain.

Answer 13:

No

14. In the last ten years, have you ever registered as a lobbyist or other legislative agent to influence legislation or administrative acts in any state or for the federal government? Have you ever received payment for acting as a lobbyist or legislative agent? If so, please supply details.

Answer 14:

No

15. Have you ever testified (on your own behalf or on behalf of others) before the New Mexico legislature, or any administrative, investigative or regulatory body of the State of New Mexico? Describe the time period and subject matter of your testimony.

Answer 15:

No

MISCELLANEOUS

16. Are there any other matters you believe the Governor-elect should be aware of?

Answer 16:

If the Governor is interested in any assistance or wants to brainstorm on managing change, mission statements and/or long term planning, I can likely add value.

Items to be Submitted in Separate Document(s):

1. Please include an updated copy of your resume.
2. Please attach a list of your references (three personal and three professional).
3. Please attach any readily available copies articles, columns or publications you have authored, individually or with others that are likely to be controversial.

I hereby declare under the penalty of perjury the foregoing is true and correct to the best of my ability.

Print Name: Jeff V Bryce

Signature:  Date: 1/19/11

Please keep a copy for your records



83rd NMOGA ANNUAL CONFERENCE
OCTOBER 2, 3, & 4, 2011

PRELIMINARY AGENDA

SATURDAY, OCTOBER 1

9:00 a.m. Halliburton Golf Tournament
6:00 p.m. BJ Services Reception

SUNDAY, OCTOBER 2

8:30 a.m. Schlumberger Golf Tournament
6:00-8:00 p.m. NMOGA Opening Night Reception

MONDAY, OCTOBER 3

9:00 -11:30 a.m. Morning General Session

- Welcome - Governor Martinez (*INVITED*)
- Mr. Don Hrap, President, ConocoPhillips – Americas
- Mr. William Pollard, President, Burnett Oil Co., Inc.
- TBA

12-1:30 p.m. NMOGA Membership Lunch with Jeffrey Hayzlett, Social Media Expert, Chief Marketing Officer & Vice President, Eastman Kodak Company, 2006-2010, and author, *The Mirror Test*. Mr. Hayzlett has become a "Celebrity CMO" according to *Forbes Magazine*. Having appeared on shows including CNBC's *The Big idea* with Donny Deutsch, Fox Business News and NBC's *Celebrity Apprentice* with Donald Trump, organizations around the world are interested in the insights of this social media and marketing expert, Mr. Hayzlett speaks frequently about the advantages of the social networking in a Web 2.0 world.

2-3:00 p.m. Federal and State Agencies Award Presentations

3-4:30 p.m. Afternoon General Session

- San Juan College, School of Energy, Farmington, NM : *Next Generation Oil and Gas Field Professionals*
- Energy Technology at New Mexico Junior College, Hobbs, NM

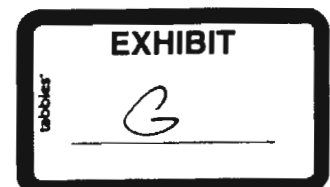
6-8:00 p.m. NMOGA Reception (La Fonda)

TUESDAY, OCTOBER 4

8-9:00 a.m. Executive Committee Meeting

9-10:00 a.m. Membership meeting
10:00 a.m. Industry Forum with guest speaker Don McMillan
<http://technicallyfunny.com/CorporateComedy.htm>

Noon Adjourn





SUNDAY NIGHT RECEPTION

Concho Resources
Chesapeake Energy
Cimarex Energy Co.
DCP Midstream
Rising Star Services
(\$2,500 - Available)

SPEAKERS' GIFTS
Linn Energy Co.

PROGRAM BROCHURE PRINTING

Chevron U.S.A., Inc.

MONDAY LUNCHEON

ExxonMobil/XTO Energy, Inc.

REGISTRATION DOOR PRIZES

Cimarex Energy Co.

MONDAY MORNING COFFEE BREAKS

BBC International, Inc.
Basin Disposal, Inc.
DCP Midstream
Energen Resources
Fasken Oil & Ranch, Ltd.
Nearburg Producing Co.
Permian Crude Transport
(\$750 - Available)

MONDAY MORNING GENERAL SESSION

Basic Energy Services

MONDAY AFTERNOON GENERAL SESSION

CUDD Energy Service

ROADRUNNER BREAKFAST

Nova Mud, Inc.

TUESDAY MORNING GENERAL SESSION

Devon Energy Corp.

TUESDAY MORNING COFFEE BREAKS

BBC International
Energen Resources
Nearburg Producing Co.
Permian Crude Transport
Souder, Miller & Assoc.
(\$750 - Available)

TUESDAY MORNING BREAKFAST

ConocoPhillips

MONDAY NIGHT GIFT CERTIFICATES

Rising Star Services
Permian Crude Transport
Agave Energy Co.
ARCADIS
DCP Midstream
DJ Simmons, Inc.
Great Western Drilling
Montgomery & Andrews, P.A.
Nicholas Consulting Group
Plains Marketing, L.P.
The Rodey Law Firm
(\$500 ea. - Available)

NMOGA/HALLIBURTON SATURDAY

GOLF TOURNAMENT

SATURDAY NIGHT RECEPTION

BJ Services

NMOGA/SCHLUMBERGER SUNDAY

GOLF TOURNAMENT

CONFIDENTIAL CANDIDATE QUESTIONNAIRE

PERSONAL INFORMATION

1. Please provide your full name, county of residence, birthplace, social security number, marital status, and list all places of residence by street address and community for the last 5 years. If you were born outside the United States, please provide the basis for your citizenship or permanent residency in the United States. If you are married, please list your spouse's full name and occupation.

Answer 1:

Full Name: John Michael Volkerding

County of residence San Juan

Birthplace Flagstaff, AZ

Social security number [REDACTED]

Marital status Single

list all places of residence by street address and community for the last 5 years

May 2006-Present: [REDACTED]
[REDACTED]

June 2001-May 2006: [REDACTED]
[REDACTED]

2. Please list all of the schools you have attended, beginning with high school(s), and include the approximate dates of attendance and degrees earned.

Answer 2:

Farmington High School, Diploma, 1983-1985

New Mexico State University, BS Chemistry, 1986-1989

Kennedy Western University: MS Environmental Engineering, 1988-2000

Kennedy Western University: PhD Environmental Engineering 1988-2002

3. Are you a veteran of the armed services and, if so, were you honorably discharged? If not, please explain. Were you ever subject to a court-martial?

Answer 3:

US Navy, Jan 1989-Jun 1991, Honorable Discharge
I was never subject to a court-martial

4. Have you ever been a candidate for any local, state or federal political office? If so, please list positions and, if elected, dates of service.

Answer 4:

None

5. Have you ever been appointed to any paid or unpaid local, state or federal position? If so, please list the position, dates of service and who appointed you.

Answer 5:

None

6. Please provide the names, addresses and telephone numbers of three personal references.

Answer 6:

Sherry Pigford, [REDACTED] [REDACTED]
John Dean, [REDACTED] [REDACTED]
Jennifer Smith, [REDACTED] [REDACTED]

LEGAL INFORMATION

7. Have you ever been charged with a DWI or DUI or any other criminal offense, other than a minor traffic violation for which the fine was less than \$300 dollars? If so, when? Please describe the outcome.

Answer 7:

No

8. Have you ever been charged, pled guilty to, or convicted of any misdemeanor or felony offense? If so, when? Please describe the outcome.

Answer 8:

No

9. Please list any claims of sexual harassment or other workplace misconduct made against you or any employee directly supervised by you, including the resolution of the matter.

Answer 9:

None

10. Have any civil judgments or liens been rendered against you? If so, please provide details.

Answer 10:

None

TAX INFORMATION

11. Have you filed all federal and state tax returns that are now due or overdue, and are all tax payments, fines, penalties and interest been paid in full and/or otherwise finally resolved with the taxing authority? If no, please explain.

Answer 11:

Yes

12. Have you or any entity in which you held an interest ever filed a petition in bankruptcy, or has a petition in bankruptcy been filed against you? If yes, please explain.

Answer 12:

No

EMPLOYMENT INFORMATION

13. Have you ever been discharged, suspended or asked to resign from your place of employment? If yes, please explain.

Answer 13:

No

14. In the last ten years, have you ever registered as a lobbyist or other legislative agent to influence legislation or administrative acts in any state or for the federal government? Have you ever received payment for acting as a lobbyist or legislative agent? If so, please supply details.

Answer 14:

No

15. Have you ever testified (on your own behalf or on behalf of others) before the New Mexico legislature, or any administrative, investigative or regulatory body of the State of New Mexico? Describe the time period and subject matter of your testimony.

Answer 15:
Yes

MISCELLANEOUS

16. Are there any other matters you believe the Governor-elect should be aware of?

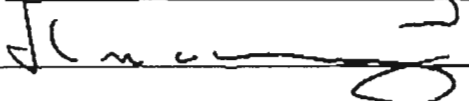
Answer 16:
No

Items to be Submitted in Separate Document(s):

1. Please include an updated copy of your resume.
2. Please attach a list of your references (three personal and three professional).
3. Please attach any readily available copies articles, columns or publications you have authored, individually or with others that are likely to be controversial.

I hereby declare under the penalty of perjury the foregoing is true and correct to the best of my ability.

Print Name: John M Volkerding

Signature: 

Date: 1/26/11

Please keep a copy for your records

CONFIDENTIAL CANDIDATE QUESTIONNAIRE

PERSONAL INFORMATION

1. Please provide your full name, county of residence, birthplace, social security number, marital status, and list all places of residence by street address and community for the last 5 years. If you were born outside the United States, please provide the basis for your citizenship or permanent residency in the United States. If you are married, please list your spouse's full name and occupation.

Answer 1: Timothy Lee Morrow: Union County: Raton, NM, [REDACTED] Married: [REDACTED] US Citizen: Wife - Jill Ilene Morrow retired from DOI, National Park Service.

2. Please list all of the schools you have attended, beginning with high school(s), and include the approximate dates of attendance and degrees earned.

Answer 2: Des Moines High School, Des Moines, NM (1965-68): Raton High School, Raton, NM (1968-69): Eastern New Mexico University, Portales, NM (1969-73) Ag Business Degree.

3. Are you a veteran of the armed services and, if so, were you honorably discharged? If not, please explain. Were you ever subject to a court-martial?

Answer 3: I am not a veteran.

4. Have you ever been a candidate for any local, state or federal political office? If so, please list positions and, if elected, dates of service.

Answer 4: Des Moines School Board, Des Moines, NM - March 1978 to March 2002.

5. Have you ever been appointed to any paid or unpaid local, state or federal position? If so, please list the position, dates of service and who appointed you.

Answer 5: I have not been appointed or served in a paid or unpaid local, state or federal position.

6. Please provide the names, addresses and telephone numbers of three personal references.



Answer 6: Craig Reeves - [REDACTED]

Stuart Ingle - [REDACTED]

Brian Moore - [REDACTED]

LEGAL INFORMATION

7. Have you ever been charged with a DWI or DUI or any other criminal offense, other than a minor traffic violation for which the fine was less than \$300 dollars? If so, when? Please describe the outcome.

Answer 7: Approximately 1998 - arrested, blew .05, released and was not charged.

8. Have you ever been charged, pled guilty to, or convicted of any misdemeanor or felony offense? If so, when? Please describe the outcome.

Answer 8: No to all

9. Please list any claims of sexual harassment or other workplace misconduct made against you or any employee directly supervised by you, including the resolution of the matter.

Answer 9: No to all

10. Have any civil judgments or liens been rendered against you? If so, please provide details.

Answer 10: No to all

TAX INFORMATION

11. Have you filed all federal and state tax returns that are now due or overdue, and are all tax payments, fines, penalties and interest been paid in full and/or otherwise finally resolved with the taxing authority? If no, please explain.

Answer 11: Countie(s), State and Federal Taxes are paid in full.

12. Have you or any entity in which you held an interest ever filed a petition in bankruptcy, or has a petition in bankruptcy been filed against you? If yes, please explain.

Answer 12: No to all

EMPLOYMENT INFORMATION

13. Have you ever been discharged, suspended or asked to resign from your place of employment? If yes, please explain.

Answer 13: No to all

14. In the last ten years, have you ever registered as a lobbyist or other legislative agent to influence legislation or administrative acts in any state or for the federal government? Have you ever received payment for acting as a lobbyist or legislative agent? If so, please supply details.

Answer 14: No to all

15. Have you ever testified (on your own behalf or on behalf of others) before the New Mexico legislature, or any administrative, investigative or regulatory body of the State of New Mexico? Describe the time period and subject matter of your testimony.

Answer 15: No to all

MISCELLANEOUS

16. Are there any other matters you believe the Governor-elect should be aware of?

Answer 16: No

Items to be Submitted in Separate Document(s):

1. Please include an updated copy of your resume. My Resume has already been submitted to your office.
2. Please attach a list of your references (three personal and three professional).
3. Please attach any readily available copies articles, columns or publications you have authored, individually or with others that are likely to be controversial.

I hereby declare under the penalty of perjury the foregoing is true and correct to the best of my ability.

Print Name: Timothy Lee Morrow

Signature: /s/ Timothy Lee Morrow Date: January 20, 2011

Please keep a copy for your records

Waiver of Confidentiality

The undersigned applicant hereby waives, until the position applied for is filled, the benefits of any statute, rule or regulation prescribing confidentiality of any legal, administrative, criminal, financial, tax or business records, including but not limited to the candidate's credit reports and criminal history.

The undersigned applicant hereby authorizes all federal, state and local government agencies and administrative bodies, law enforcement agencies and financial institutions to release the candidate's confidential records, including documents, records, files, or any other pertinent data, to the Governor-elect's Transition Team and its designated agents or representatives, and the Chairman of the Transition.

The undersigned applicant hereby authorizes the Governor-elect's Transition Team and its designated agents or representatives, and the Transition Director, to communicate with any and all past and present employers, personal and professional references, and family members

