

July 3, 2012 – Commentary:

After 5 years of work to reform the SEC, it has come to this. The SEC Board of Trustees has lost at every turn, elections, court decisions, and the court of public opinion, but they still control the board, the corporations lawyers, and to a large extent the management of the Socorro Electric Cooperative. They also continue to vote together for actions that are illegal and over which they have no authority.

There are many examples of this overreach. The Board voted to pull reimbursement for expenses Trustee Wagner incurred more than two years ago in March, 2010. Their own lawyer at the time, Dennis Francis, informed the Board that this action was illegal. On August 26, 2011, he stated:

“At the August 22, 2011 Board meeting, I forgot to bring up the matter of the EIB chargeback to Trustee Charlie Wagner. After getting the facts straight, I am asking the Board of Trustees to reconsider its prior action denying Mr. Wagner mileage and per diem (M&PD) and allow Mr. Wagner this M&PD as paid to other trustees who also attended the EIB meeting. My reasons are Mr. Wagner, as the other attendees, had Board approval to attend the EIB meeting. The only reason he is being denied M&PD is because he spoke up at the meeting and made statements not on behalf of the Company. To disallow the M&PD on this basis would amount to censorship and denial of free speech. THIS ACTION GOES BEYOND THE BOARD’S CONSTITUTED AUTHORITY.”

The Board also continues to hold ridiculous votes of censor to punish Charlie Wagner every time the members win another battle. On April 25, 2012, less than two weeks after the members voted down of the trustees’ ill conceived amendments to the SEC Bylaws, President Bustamante wrote to Charlie Wagner fussing about Mr. Wagner’s taping of the Board meetings (an action advised by his attorney and NOT an illegal act). As punishment, he was to be stripped of his committee appointments (Bid, Renewable energy, marketing, and awards/recognition), denied attendance at executive sessions of the board, forbidden to attend meetings, training sessions, etc. Mr. Bustamante also stated, “During the remainder of my term as President however, you will not be authorized to attend any NRECA meeting on behalf of SEC and you will not be provided with any credentials on behalf of SEC to attend any NMRECA or NRECA meeting.” This letter is posted on the SEC website, a strange action in itself. The Trustees are also attempting in various ways to remove Mr. Wagner from the board. These actions affect every SEC member particularly those members that Mr. Wagner represents (District 5 now District 2).

The following is a statement from Trustee Charlie Wagner:

“The SEC Board of Trustees and its present attorney are holding me responsible for the reforms achieved by the members and are attempting to disenfranchise those that I was elected to represent by obstruction of my right of free speech, independent thinking, and prerogatives under federal and state law and the SEC Bylaws to pursue my duties as your elected representative. At this point there is no other recourse but the courts to address these illegal and unethical actions. Only a suit filed in district or federal court on behalf of a member or members of my district can stop this attempt at oppression and obstruction of the will of the SEC members.”

This matter is being called to your attention because this attack on Trustee Wagner is an attack on you. If the Trustees’ actions are not challenged in court they stand and you have no say in the cooperative you own. District 2 members individually and as a group must stand up and ask that their rights be restored. We need your help. An injunction filed in district court would stop the trustee’s illegal actions but it must be filed in the name/names of members of the district. It would be wonderful if all members of District 2 would rise up. The Village of Magdalena is affected by this injustice also. Please contact us if you are willing to act in this matter or have questions. You are already involved.