

## SEC LAWYERS AND THE LAW:

During the last several years, lawyers hired by the SEC Board and Trustees and management have consistently acted against the best interests of the members of the SEC. The most egregious of these acts was the 2010 suit by the Board against the entire membership in order to halt amendments passed by the membership which was recommended to the board by their lawyer at the time. Despite the fact that the Board (and lawyer) lost this suit, the board continues to violate state law and the SEC Bylaws with the complicity of their hired lawyers.

At Wednesday's Board of Trustees meeting, the lawyer stated that a request under the INSPECTION OF PUBLIC RECORDS ACT could be denied as the person requesting had not stated a proper purpose for the request. [VII. Section 14-2-8. Procedure for Requesting Records.](#) clearly states "No person requesting records shall be required to state the reason for inspecting the records." See attached.

April 14, 2012 – SEC Annual Members Meeting. The lawyer stated that amendments passed at that meeting would have to be held over and again voted upon at the next annual meeting in 2013. This is in violation of state law. [NEW MEXICO RECA 62-15-7.](#) states "Thereafter bylaws shall be adopted, amended or repealed by the majority of the members present at any regular annual or special meeting called for that purpose, a quorum being present." See attached. Any SEC bylaw in conflict with state law must bow to state law no matter what the SEC lawyer states or Mr. Bustamante writes in the "Enchantment."

Another action at the 2012 Annual Meeting was the lawyers forcing the SEC Reform Group to move their tailgate party and all material 100 feet from the front door of the Macey Center. The lawyers claimed that such action was required by the state's election code. However the listing of [ELECTION CODE Chapter 1. Article 1. Section 19. Elections covered by code. A. The Election Code \[Chapter 1 NMSA 1978\]](#) applies to the following: 1 general elections, 2 primary election, 3 statewide special elections, 4 elections to fill vacancies in the office of representative in congress, and school district elections..." does not include non-profits. See attached.

During the SEC Board of Trustees meeting on March 28, 2012, the lawyer almost tearfully broke the "news" that Trustee Charlie Wagner had been audio taping the board meeting including the executive sessions. Shame, shame and censuring took place. The problem is that audio taping is not a crime; New Mexico being one of the states that permits one party consent for audio recording. It is also legal under federal law. Trustee Wagner used the tapes as his private notes of the meetings and was advised to do by his attorney for his protection. The board used this perfectly legal taping as a pretext to strip Wagner of a trustee's prerogatives, rights and privileges of office. This action also strips members in Districts 2 & 5 of their representation. This illegal action is being challenged and all other illegal actions and rulings will find their way into the request for class action by the SEC members.

All of the above listed performances have the effect of restricting members rights. It is ironic that the members are paying for lawyers who make such questionable rulings.