

October 12, 2012 – Comments. Re: Writ of Mandamus hearing 10/11/12

The SEC lawyers can't seem to make up their mind as to the status of the coop. Seemingly it depends on the circumstances. Yesterday, the SEC had nothing to do with being even a quasi public entity as the SEC lawyers tried for hours to argue that a Writ of Mandamus (copy below) could not apply to our hallowed non-profit and Judge Reynolds did not have any jurisdiction. After much wrangling, the findings of the New Mexico Supreme Court in the case of Schein v Northern Rio Arriba Electric Co-operative (copy below) which arose from a Writ of Mandamus filed originally in a district court settled the issue. Judge Reynolds does have jurisdiction and the case will be heard in his court.

The case moved on to Count I: Mandated Member's inspection of SEC Records: After lengthy argument, the question clarified itself to Petitioners (us) with the weight of the Non-Profit Corporation Act and the Inspection of Public Records Act against the Respondents (the SEC and Its Board of Trustees, Collectively, and Joseph Herrera, in his capacity as its manager- otherwise known as them) upholding a 1985 policy in the SEC Policy Manual.

Unfortunately at this point when the Judge was trying to make it clear to the SEC lawyers that the burden of proof was on them, a technicality arose which made it necessary for the hearing to be postponed until a new Writ could be submitted and a hearing date scheduled. And so it rests. The result of the SEC and its Board and lawyers efforts to deny the rights of its members and to conduct themselves as being above the law is that the members are forced to go to court for fair treatment. The SEC pours members' money into lawyers whose sole purpose seems to be to harm members while the SEC Reform Group is operating on donated funds and people's savings. So far, we have done an awful lot with very little and the patience of our lawyers.

The Writ of Mandamus and Schein V Northern Rio Arriba case are posted below. The address to send donations is also in the top left column of this webpage. The next hearing date will be posted as soon as we know.

See website for Writ of Mandamus, and copy of the Northern Rio Arriba court case.