From:	Noriega, Joe
To:	Ramirez-Arechiga, Ivan, DPS
Cc:	Maestas, Antonio
Subject:	LECB Rule Making - Sen. Maestas Public Comment
Date:	Monday, October 26, 2026 1:21:21 PM
Attachments:	image001.png LECB Rule Making - Public Comment - Sen. Maestas.pdf

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Dear Mr. Ramirez-Arechiga,

I hope this email finds you well. Please find the attached letter from Sen. Maestas containing his written public comment for the Law Enforcement Certification Board's rulemaking process.

Should you or the board have any questions, please do not hesitate to contact Sen. Maestas or I directly.

Sincerely,

Joe E. Noriega
District Legislative Aide
New Mexico State Senate
District 26 - Senator Antonio Maestas
Office: 505.946.5576
E-Mail: joe.noriega@nmlegis.gov

New Mexico State Senate

State Capitol
Santa Fe

SENATOR
ANTONIO "MOE" MAESTAS
D-Bernalillo-26
3404 Grande Vista Pl NW
Albuquerque, NM 87120

Cell: (505) 304-7497
E-mail: antonio.maestas@nmlegis.gov

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October 26, 2026

VIA EMAIL: Ivan.Ramirez-Arechiga@dps.nm.gov

Ivan Ramirez-Arechiga
Law Enforcement Certification Board
4491 Cerillos Rd.
P.O. Box 1628
Santa Fe, NM 87504-1628

RE: LECB Rule Making

Dear Law Enforcement Certification Board:

Congratulations on the rulemaking process, and thank you for your work in moving police professionalism and accountability in this state forward. I look forward to these rules taking effect. I do, however, believe it is important to address a fundamental problem with this process as it relates to the legal structure of the Law Enforcement Certification Board.

The Law Enforcement Certification Board is not a division within the Department of Public Safety. It is an independent state agency that the Legislature has administratively attached to the Department of Public Safety (DPS).

In 2023, under Section 29-7-4.3 NMSA 1978, the New Mexico state legislature created the Law Enforcement Certification Board (LECB) and administratively attached it to the New Mexico Department of Public Safety. The legislature created the LECB to deny, suspend or revoke and conduct investigations, administer oaths and subpoena persons as necessary to make determination regarding fitness of a law enforcement officer to execute a law enforcement officer's duties.[1]

The NMCB is organized under the New Mexico Executive Reorganization Act which is to "allow for more efficient management of the executive branch."[2] One way the legislature supports this goal of efficiency is to administratively attach an agency to a department. This attachment to a department is for "administrative purposes only" and the agency still exercises its functions "*independently* of the department and without approval or control of the department." [3]

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1. *See NMSA 1978 § 29-7-4.3(E).*
2. *NMSA 1978 § 9-1-2.*
3. *(emphasis added) NMSA 1978 § 9-1-7(A) and 9-1-7(A)(1).*

This means the agency maintains broad autonomy and the agency's only required involvement with the department is to (1) submit its budgetary requests through the department and (2) submit reports required by law or by the governor through the department.[4] The department in turn is required to (1) include the agency's budget requests without changes in its departmental budget, and (2) to provide, if mutually agreed upon with the administratively attached agency, budgeting, record-keeping, and related administrative and clerical assistance to the agency.[5]

The relationship between an administratively attached agency and a department is fundamentally different from a "division" of a department. A division is "a principal unit" of the internal structure of a department and subordinate to the department and its secretary.[6] Another key difference between the administratively attached agency and a principal unit of a department is that division directors are appointed by the secretary (with the governor's approval) while the heads of administratively attached agencies are not.[7]

By administratively attaching the LECB to DPS the Legislature made clear that their relationship is for administrative purposes *only*. The LECB was not created as a division of the Department of Public Safety. The Legislature instead intended the LECB to independently exercise its statutory authority to promulgate rules and oversee the certification of all police officers and deputies in the state.

The LECB's administrative attachment to DPS does not transfer control of the LECB to DPS. Nor does the statutory requirement that DPS provide staff support to the LECB compromise or relinquish the LECB's independence. Likewise, the Department of Public Safety is required to include the LECB's budget requests as submitted, without changes, in the departmental budget recommendation.

The Legislature has also funded the LECB for what I understand to be eleven full-time employees. It is those employees who should be performing the work that the proposed rules appear, in several instances, to assign to the Chief Executive Officer or the chair or vice chair..

For that reason, I would ask that you pay particular attention to any Rule making that would contradict statutory law in this regard. The Secretary of DPS is not the head of the LECB and does not have statutory authority to control the LECB. The proposed rules should reflect the legal structure created by the Legislature: the LECB exercises its statutory responsibilities independently, while DPS provides the administrative and staff support required by law.

I raise this issue not to diminish the important work being done by the Department of Public Safety, but to ensure that the rules accurately reflect the structure of government created by the Legislature. The independence of the LECB is not a matter of interpretation or administrative preference. It is the structure established by statute, and the proposed rules should respect that structure.

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4. NMSA 1978 § 9-1-7(A)(2) and 9-1-7(A)(3).
5. NMSA 1978 § 9-1-7(B)(1) and 9-1-7(B)(2).
6. NMSA 1978 § 9-1-4(A) and 9-1-4(A)(2).
7. Id.

Specific suggestions:

10.29.1.6 - grounds for the **granting**, suspension, revocation or denial …

10.29.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT [ACADEMY] **CERTIFICATION** BOARD.

Sincerely,



Antonio "Moe" Maestas
New Mexico State Senator, District 26