

From: [Ortiz, Matt, SRCA](#)
To: [Strassberg, Herbert, DPS](#)
Cc: [Barreras, Monique T, DPS](#); [Montoya, Ricardo, DPS](#); [Otero, Antonio, DPS](#); [Cormier, Angie, DPS](#)
Subject: RE: [EXTERNAL] DPS rulemaking comment received
Date: Wednesday, October 1, 2025 4:39:27 PM
Attachments: [image001.png](#)

Herbert / DPS folks,

You are correct, there were two incorrect rule citations in the D.P.S. notice published in issue 17 on September 9, 2025:

<https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/3f7d472c-803c-4014-ba42-3dfbba32f640/xxxvi17.pdf> .

(See, p. 758)

In that same notice, there are 21 instances of the correct rule citation to 10.8.2 NMAC.

Consistent with your agency's action to address the two instances of that clerical error, we have those same two corrections to the electronic versions of your notice on our REGISTER website:

https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/53c44917-31da-4b44-9149-2238cd2e7f75/DPSnotice2_xxxvi17.html ;
https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/5e2b65fe-5aa9-4f17-b169-fb0419241ef8/DPSnotice2_xxxvi17.pdf .

Please provide this email to your agency's hearing officer as a part of written comments received. Should you seek my attendance at your upcoming rule hearing, please reach out to me and I will make every effort to make myself available to answer any questions of your hearing officer.

Regards,

matt

Matthew Ortiz

Administrative Law Division Director

matt.ortiz@srca.nm.gov

505-476-7941



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From: Strassberg, Herbert, DPS <herbert.strassberg@dps.nm.gov>

Sent: Wednesday, October 1, 2025 4:03 PM

To: Ortiz, Matt, SRCA <Matt.Ortiz@srca.nm.gov>

Cc: Barreras, Monique T, DPS <MoniqueT.Barreras@dps.nm.gov>; Montoya, Ricardo, DPS <ricardo.montoya@dps.nm.gov>; Otero, Antonio, DPS <antonio.otero@dps.nm.gov>; Cormier, Angie, DPS <Angie.Cormier2@dps.nm.gov>

Subject: FW: [EXTERNAL] DPS rulemaking comment received

Matt,

We received a comment from Chris Mechels (below) and our in the process of taking the corrective action listed below. We will publish his comment on the DPS website as required.

The Notice of Proposed Rulemaking published on the Department of Public Safety website and the New Mexico Sunshine Portal, in the *New Mexico Register* (Volume XXXVI, Issue 17) on **September 9, 2025**, and in the Albuquerque Journal on **September 5, 2025** contains

two clerical references to “10.2.8 NMAC” that should read “10.8.2 NMAC.” The proposed rule as posted on the Department of Public Safety website and the New Mexico Sunshine Portal correctly identifies the affected rule as **10.8.2 NMAC**. A corrected notice and the original published notice are placed in the rulemaking record.

To ensure interested persons have an adequate opportunity to comment given this clerical error, the Department has posted a corrected notice on the DPS website and the New Mexico Sunshine Portal and will accept written comments through **October 28, 2025**. The Department will forward to the hearing examiner any written comments received through the extended deadline and will include them in the rulemaking record.

Please note: the Emergency Rule was filed with the State Records Center & Archives, and the Emergency Rule adoption notice on the New Mexico Sunshine Portal directed interested persons to obtain copies on the Department’s website. DPS has posted the Emergency Rule to the Sunshine Portal today, **October 1, 2025**, and a copy is included in the rulemaking record.

Regards,
Herbert Strassberg

From: Chris Mechels <cmechels@q.com>
Sent: Wednesday, October 1, 2025 11:31 AM
To: Strassberg, Herbert, DPS <herbert.strassberg@dps.nm.gov>
Subject: [EXTERNAL] DPS rulemaking

You don't often get email from cmechels@q.com. [Learn why this is important](#)

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Dear Sir;

This is a follow up to this morning's telcon, concerning the 10.8.2 rulemaking.

It seems you have other serious problems, past getting the number wrong.

The Emergency Rulemaking on 10.8.2 was filed with the SRCA, but not supplied on the Sunshine Portal.

The Sunshine Portal requirement comes under the "provide to the public" clause in the Rules Act.

Thus, you are "replacing" an Emergency Rule which was not legally filed.

The SRCA doe NOT trouble themself with your filing, past the 30 day requirement, they simply put it in the Register. This cause a great many problems, but Matt Ortiz, at SRCA, does not care. Nor does the Records Commission, which has authority over Matt.

New Mexico is full of such people it seems

Best,

Chris Mechesl
505-982-7144