



**STATE OF NEW MEXICO
COMMISSION FOR DEAF & HARD OF HEARING**

*Quarterly Board Meeting
Thursday, September 4, 2025
3:00pm*

The meeting was virtual on Zoom and the public could view the meeting livestream on YouTube with interpreting and captioning at <https://www.youtube.com/live/u8ZaeFGvbic>

I. CALL TO ORDER AND ROLL CALL

Chair John Hooper called the meeting to order at 3:02pm. Renee Bregar, Administrative Operations Specialist, called roll call.

Present: Mr. John Hooper - Chair
Mr. Joseph Lopez, III - Vice Chair (joined at 3:05pm)
Dr. Norm Dawson
Dr. Jennifer Herbold (left at 3:42pm)
Dr. Stephon Scott (left at 4:03pm)
Mr. Ryan Means
Ms. Tiffany Gallegos

Quorum was met.

Seven staff members from NMCDHH were present: Executive Director, Nathan Gomme; Chief Financial Officer (CFO), Deborah Romero; Director of Community Advocacy, Corina Gutiérrez; Director of Community Engagement, Amy Bourque; Community Development Specialist, Jessica Eubank; Communication Development Specialist, Trevor Brennan; Administrative Operations Specialist, Renee Bregar.

Jessica Eubank, Rhonda Hall, Isabella Krooth and Barbara Shaffer interpreted. Partners Interpreting LLC provided CART transcription.

Ms. Autumn Burgh, from the New Mexico Department of Justice (NMDOJ), was also present.

II. APPROVAL OF AGENDA

Chair Hooper asked for a motion to approve the agenda.

25.17

Commissioner Means made a motion to approve the agenda as written.

Commissioner Lopez seconded.

Ms. Bregar took a roll call vote:

Commissioner Hooper - Yes
Commissioner Dawson – Yes

Commissioner Lopez - Yes
Commissioner Herbold – Yes

Commissioner Scott - Yes
Commissioner Gallegos – Yes

Commissioner Means - Yes

Motion passed unanimously.

III. APPROVAL OF JUNE 5, 2025 MINUTES

Commissioner Hooper asked if there were any changes to the minutes from June 5, 2025.

25.18

Commissioner Lopez made a motion to approve the minutes as written.

Commissioner Means seconded.

Ms. Bregar took a roll call vote:

Commissioner Hooper - Yes
Commissioner Dawson – Yes
Commissioner Scott - Abstained
Commissioner Gallegos – Yes

Commissioner Lopez - Yes
Commissioner Herbold – Abstained
Commissioner Means - Yes

Motion passed with 5 Yes, 2 abstentions.

IV. NMCDHH Executive Director Performance Measure Review Procedures

Commissioner Hooper passed to Ms. Bergh who mentioned a “privileged memo” which was sent to board members last week with her legal advice regarding the performance review process for the executive director. Commissioner Herbold suggested and discussed a word document showing the changes to the process as suggested.

Commissioner Means asked if it was appropriate to remove HR from the process. Ms. Bergh referred him back to the privileged memo.

Chair Hooper asked for a motion to accept the procedure as amended.

25.19

Commissioner Dawson made a motion to accept the procedure as amended.

Commissioner Lopez seconded.

Ms. Bregar took a roll call vote:

Commissioner Hooper - Yes
Commissioner Dawson – Yes
Commissioner Scott - Yes
Commissioner Gallegos – Yes

Commissioner Lopez - Yes
Commissioner Herbold – Yes
Commissioner Means - Absent

Motion passed unanimously.

V. EMPLOYEE SURVEY QUESTIONS

Commissioner Hooper asked if there were any questions or discussion about the questions on the employee survey to be provided by the Commission to staff. Commissioner Herbold made a motion that the questions be accepted. Commissioner Lopez seconded. Then, Commissioner Herbold withdrew her original motion and mentioned an error in the rating scale. It was noted as a scale of 1-4, “...with 5 being the highest”. She suggested and changed to a “scale of to 1-5”. Commissioner Hooper asked for a second to accept the Employee Survey Questions as amended.

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25.20.

Commissioner Gallegos seconded.

Ms. Bregar took a roll call vote:

Commissioner Hooper - Yes

Commissioner Dawson – Yes

Commissioner Scott - Yes

Commissioner Gallegos – Yes

Commissioner Lopez - Yes

Commissioner Herbold – Yes

Commissioner Means - Absent

Motion passed with 6 Yes, 1 absent.

VI. OMA TRAINING UPDATE

Commissioner Hooper asked which commissioners have or have not attended OMA training.

Commissioners Hooper, Gallegos and Dawson did participate in the July 2025 session. Commissioner Herbold asked if the OMA training is an annual requirement. She has participated in many OMA training sessions based on her position with the School for the Deaf. Director Gomme and Commissioner Hooper encouraged all to attend.

VII. EXECUTIVE DIRECTOR REPORT

Director Gomme welcomed Dr. Scott from DVR.

In his Executive Summary, he reported that Hamilton Relay declined the optional 2-year extension that was in the existing contract, which led to an urgent need to renegotiate the extension in order to meet the federal requirement to provide relay services. He explained that there is a Legislative Measure based on an assumption of relay minutes to be used. That measure cannot be met as the captioning relay minutes continue to decline since the end of COVID. The expectation is, by December 2025, around 100 hours per month will be used of the captioning relay service, but the state is still required to provide the service at this time.

Mr. Gomme then discussed Senate Bill 235 (SB235). The Commission is not yet able to definitively see how its passage will affect revenue. The bill splits revenue between relay services and 988 services. 988 receives 80% of the revenue and CDHH receives 20%. Then, from that 20%, 20% of those funds are sent to the Tax & Revenue Department (TRD). We will be receiving less revenue for the agency at an increased cost for services. Based on the data that we do have, it appears revenue collection in FY26 and FY27 will be less than previous years' collections.

With the relay contract renegotiated for the remaining two years, the term of the contract for relay services will end just prior to the recertification process with the FCC for relay services; this happens every 5 years. We are seeing an increase in the cost for relay services which, in conjunction with the concerns about the amount of revenue being collected for them and the approaching deadline for recertification for relay services with the FCC, raises strong concern about future funding. Some states have stated that they are deciding not to recertify with the FCC. If we decide not to recertify, we will not receive the funding. The responsibility and revenue would be transferred back to the phone carriers. The FCC is being encouraged, during the commenting period, to make the transition to digital and sunset analog by 2028.

Director Gomme discussed budget, as requested by Commissioner Hooper prior to the meeting; he referenced page 37 of the FY25Q4 report provided to the Board earlier this week. The Legislature over-assumed that amount of revenue generated by Traditional Relay Services (TRS) at \$1,187,600. The actual revenue generated was \$905,202, a difference of approximately \$282,397. This decrease has been repeated every year. We did see a similar decrease this year. The contract line will show no

decrease in the amount expended, due to the amendment. Much of the budget has to be reserved to cover mandated expenditures.

The Governor's office notified all agencies in August to request appropriations now and that any future requests will not be considered. A Legislative Special Session was announced and will begin on October 1, 2025.

Commissioner Hooper commented on the legislation that passed in 2025 regarding the changes to TRS. He requested a legal opinion from Ms. Bergh. He stated that his opinion is that 988 receiving TRS funds is a violation, that the service is not related to ADA. Ms. Bergh requested an email specifying and clarifying the request.

There was discussion among Commissioners Dawson and Hooper, as well as Director Gomme, regarding the needed changes within the FCC. Director Gomme stated that no one should be left without services and that there are rural areas within the state that do not have digital access. He stated that the FCC needs to revise the rule that does not allow us to communicate directly with the TRS users. Due to the rule, there is no way to know who, specifically, is using the services or where they are located; we only know the number of calls. If the FCC releases the rule, the state can help the TRS users with the transition to digital. Then we can inform those users of what will be occurring with relay services and help them transition. Director Gomme stated that the state should be involved in transition so there is equipment and access to resources. We need to meet people where they are. The FCC had advisory committees which they combined into a consumer committee. Organizations such as National Association of State Relay Administration (NASRA), the Telecommunications Equipment Distribution Program (TEDP) and the National Association of State Agencies for the Deaf and Hard of Hearing (NASADHH) are trying to ensure they have a voice and encourage the FCC for productive changes. Director Gomme did confirm that the agency is using fund balance to continue to provide services and requesting general fund increases. One of the agency's primary functions is to provide relay services. If surcharge funding ceases, the work of the agency will need to change.

IX. ADJOURNMENT

Chair Hooper asked for a motion to adjourn the meeting.

25.21

Commissioner Means made a motion to adjourn the meeting.

Commissioner Lopez seconded.

Ms. Bregar took a roll call vote:

Commissioner Hooper - Yes
Commissioner Dawson – Yes
Commissioner Scott - Absent
Commissioner Gallegos – Yes

Commissioner Lopez - Yes
Commissioner Herbold – Absent
Commissioner Means - Yes

Motion passed with 5 Yes, 2 absent.

The meeting was adjourned at 4:11pm.

Respectfully submitted,

Renee F. Bregar

Renee Bregar
Administrative Operations Specialist