

State of New Mexico

OFFICE OF FAMILY REPRESENTATION AND ADVOCACY



December 18, 2024 Meeting
Minutes Approved by the Commission on April 28, 2025

Roll Call

Members in Attendance:

Vice Chair Judge John Davis, Retired Judge, 13th Judicial District
Representative Gail Chasey, JD, NM House of Representatives, District 18
Representative Pamela Herndon, NM House of Representative, District 18
Tim Flynn-O'Brien, JD, Retired Civil Rights and Tort Attorney
Alison Pauk, JD, CCIC Director, NM Administrative Office of the Courts
Bernie Lopez, Parent Advocate
Joanna Delaney, Youth Member
Beth Gillia, JD, Executive Director
Elena Giacci, Trainer and Advocate
Chair Monica Zamora, Retired Judge, Court of Appeals
Monica R. Corica, JD, Civil Legal Services Attorney
Pamela Pierce, JD, CEO Silver Bullet Productions
Mary Nienow, Director and Associate Professor School of Social Work, NMSUU

Members Absent:

Senator Linda Lopez, NM State Senate, District 11

I. Call to Order/Welcome

Judge Zamora, Commission Chair called the meeting to order at 3:33pm.

II. Announcements (Informational)

Director Gillia announced OFRA's newest staff member, Wolf Bomgardner, who will spend half his time as OFRA's appellate attorney, and the remainder as a trial attorney. She also announce that OFRA's CFO will be leaving us on January 3, 2025. To fill the gap created by the CFO's departure, OFRA is going to contract with an accounting firm on policy development.

III. Adoption of Agenda

Commissioner Davis moved, and Commissioner Corica seconded the motion. The agenda was adopted.

IV. Public Input

No public input.

V. Approval of October 28, 2024, Minutes

Commissioner Flynn-O'brien moved to approve, and Commissioner Davis seconded the motion to approve of the October 28, 2024, Meeting Minutes. The Minutes were approved without objections.

VI. OFRA Spotlight

Director Gillia focused on Representative Gail Chasey, who has been a Representative since the late 1990s, emphasizing that she is an inspiring leader and long-time champion for children and families, her commitment to justice and to OFRA in the Legislature, and serving as a key advisor on critical issues. Director Gillia noted that Representative Chasey's retirement is a huge loss for OFRA and the Legislature. Judge Zamora added that Representative Chasey has been a great asset to OFRA and its Commission and thanked Representative Chasey for all her hard work, time and dedication in all the work she has done. Representative Chasey thanked everyone for their service to the Commission and noted that the quality of representation of children and families is a great reward to all of us and it has been an honor. Director Gillia personally thanked Representative Chasey for all her work not just for OFRA, but her entire career dedicated to children, people with disabilities, and those on death row.

VII. Director's Report

Staffing

The Director's report noted that OFRA is hiring a significant number of staff this year and that OFRA is working to balance the administrative and programmatic needs of expanding services statewide. Director Gillia announced a recent reorganization and the appointment of Lisa Fitting as a Deputy Director of Operations. Deputy Director Farra Fong remains Deputy Director for Programs. This reorganization will allow Director Gillia to focus on key duties like quality improvement and external relationships.

Audit

The Director's report focused primarily on the final audit. OFRA received a positive unqualified/unmodified audit that our reporting was appropriate and adequate for the Auditor to do their job. The auditor indicated that our basic finances and reporting are fine. We received the following three audit findings and have submitted our corrective action plan to avoid these errors in the future.

1. We had deficiencies of our internal controls over Federal IV-E funding. Although we claimed the federally allowable reimbursement for \$2,000,000 in state funding, we did not claim reimbursement for \$126,000 worth of activity that was claimable. This amount would have led to a reimbursement of approximately \$26,000. This amount is still recoverable and will be claimed in future invoices. OFRA has a plan in place to make sure we identify all claimable expenses in the future. This finding is on page 50 of the audit report and our response is on page 52.

The commission asked if the lost funding was for services that were not provided. The Director explained that all services were provided and attorneys were compensated; the error was failing to submit the related expenses for reimbursement.

2. Page 50 finds a small number of procurement and contract violations from the beginning of our operations. These violations included failing to issue purchase orders before work began in three cases and exceeding the maximum allowed for small contracts without using a competitive RFP process in two cases. We have completed the training required as a result of these errors and have a process that protects against repetition of these errors.
3. During the audit, some documents were submitted late to the Auditor. We have subsequently created a checklist and timeline for submitting audit materials.

As a first time State agency, OFRA and the auditor expected findings. The findings we received can be readily fixed and there was no fraud or misconduct.

Judge Zamora mentioned she was at the exit audit conference and was able to ask questions from the auditor. She notes that there is a learning curve when starting a new State agency with only four people, and that there were no concerns about transparency. She also mentioned the auditor's positive observation that OFRA identified and self-reported the early procurement violations. The auditor recommended that OFRA should maintain sufficiently experienced staff fiscal staff (particularly a competent CFO) and add a dedicated Chief Procurement Officer (CPO). Director Gillia mentioned that Lisa is working with the state's Mobile CPO, a cross-agency procurement officer, to help us improve procurement practices and develop procurement policies.

Judge Zamora recommended that the Commission consider at the next meeting whether to create an audit representative(s) to increase the Commission's knowledge and increase transparency. Director Gillia requested that the Commission create a budget sub-committee that works with her and key staff on budget related issues. This committee could provide more detailed input and then report to the Commission. Vice-Chair Davis, Judge Zamora, Tim Flynn-O'Brien, and Monica Corica are interested. This committee will make recommendations on how the Commission will receive budget information.

Commissioners Bernie Lopez and Flynn-O'Brien, are willing to attend Zoom meetings related to the audit starting in August.

2025 Legislative Session

Director Gillia discussed the Governor's budget recommendation \$12,867,000 and the likelihood that the LFC recommendation will be lower.

Director Gillia and the Commission discussed possible legislative changes for the coming session (rulemaking, clean-up language, right to waive counsel, appointment vs. assignment of counsel, indigency determinations, and creation of a loan repayment program for OFRA's attorneys, social workers and navigators) and the future (e.g. attorney immunity from lawsuits, akin to the public defender's immunity provisions).

After considerable discussion, Chair Zamora asked for a motion to approve the proposed legislative changes in principle. Vice-Chair Davis made the motion with clarification from recommendation of Representative Herndon that it be approved. Monica Corica seconded the motion with the omission of the first rule making provision which will be tabled. The motion passed without objection.

VIII. Update on Commission Vacancies

Judge Zamora gave notice to the Supreme Court in June that she would be stepping down as Chair as of December 31st. A search for a new Chair/member has been done but has been unsuccessful. Judge Zamora is willing to stay on as a member but must step down from Chair. One youth advocate position is still to be filled.

IX. Meeting Schedule in 2025

Meetings have been held every other month; the statute requires that we meet quarterly. Since OFRA is operational, the Commission considered whether meetings could be held quarterly, as required by the statute. The Commission suggested that quarterly meetings will be 2 hours, with committees meeting more frequently and reporting at Commission meetings. and if committees working on other issues they have to meet more often to present information during the longer meetings. The Commission decided not to change the meeting frequency for now, but would like to have an in-person meeting in the spring.

X. Other Business

The Commission requested that OFRA provide a list of the committees that are available.

XI. Adjournment of Meeting

Representative Chasey moved, and Bernie Lopez seconded the motion to adjourn. The motion was approved. The meeting adjourned at 5:35 pm.