



**STATE OF NEW MEXICO  
COMMISSION FOR DEAF AND HARD OF HEARING PERSONS**

**Wednesday, November 12, 2014**

*State Bar of New Mexico*

*5121 Masthead NE*

*Albuquerque, NM 87109*

*3:00 p.m.*

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**I. CALL TO ORDER AND ROLL CALL**

Vice-Chair Deb Hambel made an announcement at 3:00 p.m. that three board members were on their way, but an accident on I-25 delayed them. The full board arrived at approximately 3:25 p.m. and Chair Mark Apodaca called the meeting to order at 3:27 p.m.

Mark Apodaca stated that he had some concerns about Dom Bonura being on the Board. There was confusion regarding a letter sent from Rhonda Sandler regarding Mr. Bonura representing NMAD on the board. The letter was dated October 19th and was received a few days later by Nathan Gomme and Nick Piatek. The letter said it was cc'd to senators and the board, but the senators and board members were not named individually. Executive Director Gomme followed up and a copy of the letter was finally received by the board on Monday, November 10, 2014. On October 29th, Mr. Bonura sent Chair Apodaca an email claiming that he was an inactive member of NMAD. Mr. Bonura responded to Chair Apodaca that he was now an active member.

Chair Apodaca made it clear that that he was only concerned because of the need to follow proper protocol, and it was his impression that Randy Gonzalez was still on the board. Apodaca stated that he never removed Mr. Gonzalez from the board, however he did ask him to leave an Executive Session, and perhaps he was confused and thought he was taken off the board.

Chair Apodaca decided that for today it was alright for Dom Bonura to stay since most of the meeting would be Executive Director Nathan Gomme talking about expanding the board and the board reports. Chair Apodaca proceeded with roll call.

Present:	Mark Apodaca, Chair	Deb Hambel, Vice-Chair
	Dr. Ron Stern, Secretary	Austin Welborn
	Dominick Bonura	Luis Quinonez
	John A. Johnson, Jr.	

Ten staff members from NMCDHH were present: Executive Director Nathan Gomme, Sam Martinez, Jason Siergey, Corina Gutierrez, Deborah Romero, Cheryl Padilla, Lori Neubauer, Joyce Croker, Richard Bailey and Roger Robb. Five interpreters were present: Rebecca DeSantis, Lin Marksbury, Shaundra Dunn, Andrea Ginn and Monica Sower. Fifteen members of the community were in the audience.

## **II. APPROVAL OF AGENDA**

Chair Apodaca asked for a motion to approve the agenda. Commissioner Ron Stern asked to amend the agenda under Action Items, to add the letter that was received from Rhonda Sadler dated October 19, 2014.

### **15.1**

A motion was made and seconded to approve the amended agenda.  
Motion passed unanimously.

## **III. APPROVAL OF MAY 13, 2014 MINUTES**

Chair Apodaca asked if there were any corrections to the minutes.

### **15.2**

Commissioner Austin Welborn made a motion to accept the minutes as read.  
Secretary Stern seconded.  
Motion passed unanimously.

## **IV. ACTION ITEMS**

Commissioner Ron Stern brought up the subject of the letter from NMAD that Mark Apodaca had touched on previously. He was seriously concerned. Dr. Stern said he only saw the letter for the first time on Monday of the current week. The way the letter was drafted, it was sent to Nathan Gomme and Nick Piatek from the Governor's Office, and cc'd to the NMCDHH Board and New Mexico Senators, but no one on the board received the letter. There were some inaccuracies in the letter as well. It said that Randy Gonzalez was removed from the NMCDHH Board, which was incorrect. Chair Apodaca only asked Commissioner Gonzalez to recuse himself from the Executive Session because of a vote for Executive Director. Mr. Gonzalez was a new commissioner and had not been involved in previous discussions. There was also a potential conflict of interest since the NMAD president applied for the position. He added that to send this letter to the entire body of New Mexico senators without even one of the Commissioners seeing it hurts the Commission for Deaf and Hard-of-Hearing's reputation. Dr. Stern suggested that it may be appropriate for the Executive Director to write a rebuttal to this letter so that the information is represented accurately to Nick Piatek and others.

Commissioner Deb Hambel stated that, although the discussion was appropriate, a decision could not be made on an action item because it was not on the agenda prior to the meeting. However, Commissioner Stern said it was an urgent matter with the legislative session coming up soon. Chair Apodaca said that had he received the letter earlier, rather than 48 hours ago, it would have been placed on the agenda. Commissioner Hambel said she was concerned that the Board follow protocol, because, according to the Open Meetings Act, all action items need to be on the agenda prior to action being taken.

Commissioner John Johnson added that he, like Mr. Gonzalez, was asked not to attend the Executive Session for the vote for Executive Director. The main reason was so that nobody in the community could say that there was even a hint of a conflict of interest. Commissioner

Johnson said he had explained to Commissioner Gonzalez that there was no problem, because he understood the reasons behind it. He stated that there was a letter he received that was going to be sent to the governor, but he disagreed with it. It was concerning being taken out of the Executive Session for the vote, but again Johnson told Gonzalez he agreed with the Board's decision. Commissioner Johnson wanted to make that public since there is a letter going around, but Johnson said he had not seen the letter, yet, but he would like to.

Commissioner Stern asked if the Executive Director had a position on the subject. Director Gomme stated that his initial impression was that NMAD had distributed this, but as he talked with board members who were unaware of the letter; it didn't look good. It was his understanding that Rhonda Sadler had distributed this letter to the board, but they just received it this past Monday. It seems as if there is a lot of missing information at this point and it doesn't reflect well on the Commission and those who represent it. The exact wording was something that concerned him and it wasn't edited prior to being distributed. He felt they needed to follow up on the letter, and meet regarding the issue so it can be put on the agenda for the next board meeting. There needs to be a discussion as to what actions should be taken.

Commissioner Stern stated that he would like to be on record that he finds the letter to be a serious concern and he finds the appropriateness of the letter to be in question.

Director Gomme assured all that he would follow up with Mr. DeBee and Nick Piatek.

## **V. NEW BUSINESS**

### ***a. Request to Add New Members to the Board to Represent the Diverse Community Members***

Executive Director Nathan Gomme said that in the past several months that he has been looking at the representation of the Board. The NMCDHH Board represents a good number of members of the community, but it fails to represent all of the community for deaf, hard-of-hearing, deaf-blind, interpreters and audiologists. He spoke with executive directors from other states, Kentucky, Arizona, and New York, regarding their different rules for how they represent the members of their community. Those boards tend to include a more diverse group than what New Mexico has. As Executive Director, Gomme said, he would like to represent our community needs more holistically. He met with the Hearing Loss Association of Albuquerque and with some from the interpreting community, and there is agreement that an effort needs to be made to include in our statutes a more diverse group of community members. Mr. Gomme felt the representation didn't satisfactorily meet with the needs of the community at large. Perhaps Hands and Voices and AARP could have a place on the board, as well. Director Gomme asked the Board to consider allowing him to start working towards changing the legislative language so it can better reflect the community needs. In the audience were members of the community that wished to voice their opinion on the matter.

Discussion followed regarding what groups need to be represented, how many should be on the board and where to draw the line. Dom Bonura felt that this topic should also be discussed with the Deaf Community. Commissioner Stern felt an ad hoc committee should be established to further discuss the matter. Director Gomme initially wanted these changes to be presented at the next legislative session, but realized that it is coming up very quickly. Commissioner Bonura felt that there needed to be more time. Commissioner Johnson warned that, although being more inclusive was a great idea, every group in New Mexico feels that their group is extremely important and each group would want representation on the NMCDHH Board. Director Gomme asked the Board for an opportunity for the community members in the audience to speak on behalf of having representation on the board. There was no objection.

The first to speak was Johnny Robertson, Vice-President of NMAD. He felt Director Gomme's idea had merit. He stated that it could help New Mexico, but he recommended caution, advising that if there were too many people on the board there would be issues. Mr. Robertson also agreed with Mr. Bonura that it was important to talk to the deaf community and come up with a reasonable solution that everyone can live with.

Executive Director Gomme felt NMCDHH needed more options. The focus has been mostly for deaf who sign and not enough about the hard-of-hearing community who represents a larger population. He added that when it comes to legislative support for funding and for influence, NMCDHH needs that support, and NMCDHH needs to reflect on their needs as much as the needs of the deaf community. Mr. Gomme felt that he could not just stand by one group. The interpreters' voices also need to be included, because when it comes to language access and licensure, the interpreters have a big influence and it is important to know their needs.

Dr. Barbara Shaffer spoke next and stated that she was an interpreter representing her views only. She mentioned that the Commission was established over 20 years ago; times have changed and NMCDHH needs to change, too. Dr. Shaffer believes that the Commission needs to have a designated hard-of-hearing position on the board as well as an interpreter. The interpreters have rules and regulations under the Commission, therefore interpreters need to be represented on the Board.

Steve Frazier, the New Mexico chapter coordinator for the Hearing Loss Association of America, He felt the hard-of-hearing have never had a very strong voice, so they need a voice on the Commission Board. The numbers of deaf people in New Mexico were under 5,000, but the hard-of-hearing population is 257,000, so Mr. Frazier felt the hard-of-hearing should have a little more representation. He went on to say that deaf and hard-of-hearing do not necessarily understand each other's problems and issues. He felt that, as a hard-of-hearing person, he would not understand what a deaf person has to deal with unless he was deaf and vice-versa.

Mr. Frazier felt specialties should be represented on the board, also. He had met a parent dealing with his three-year-old child who has been fitted with a cochlear implant, but is still not oral. The parents hadn't been told that speech pathology could work with that child. Mr. Frazier said that with the knowledge of those specialties should be on the Board so that they can share their experiences with others.

Dr. Stern responded to Mr. Frazier agreeing that he is a strong proponent of having an HLAA representative on the board. However, the deaf community struggles a lot more with oppression, because the deaf are a low incidence population. Stern said he would like to see a little more dialogue about the best process to go about it. If it is looked at from just the perspective that there are more hard-of-hearing than deaf, the deaf people will get shortchanged.

Johnny Robertson said he agreed with comments about the hard-of-hearing community, but wanted to remind everyone that deaf people have experienced oppression for hundreds of years and are still being oppressed in employment opportunities, opportunities in education, in training, and in advancement at their professions, so that is why the deaf community wanted to have the Commission for the Deaf established. He felt we should do something for the deaf community and at the same time the hard-of-hearing community. They are oppressed, too, but the deaf have been very severely oppressed.

Commissioner John Johnson spoke about the oppression hard-of-hearing have, too, and how they face issues that people just don't understand. It is difficult for him to attend a business meeting and understand what is being said. He was recently laid-off and it will be difficult for him to get employment, because he can't always answer questions appropriately when he misunderstands them. He understands that the deaf community has been oppressed for hundreds of years, but also look at the oppression the hard-of-hearing population is going

through. Both communities have oppression and need the hearing world to understand the needs of both hard-of-hearing and deaf worlds.

Commissioner Stern wanted to make sure he wasn't misunderstood. He does understand that the hard-of-hearing have special needs and he wants them to have a voice. All the commissioners want to do the best job they can to meet the needs of both deaf and hard-of-hearing communities that they support.

Director Gomme clarified that he did not want to say that one person is more represented than another. The hard-of-hearing representation on the board would allow NMCDHH to better understand their needs and concerns.

An audiologist, Audrey Chumley, spoke next. She felt it was obvious from listening to everyone that there are many things the two groups could learn from each other. She also said it would be a great idea to consider having an audiologist on the board, as well. Audiologists are dealing with hearing aids, cochlear implants, assisted listening devices; a lot of things that the Commission is involved with. The audiologist on the board could advocate for NMCDHH and the different programs and would have valuable information. She also stated she was in support of the HLAA and the interpreter representatives.

Dr. Norman Dawson asked to speak and he said he had a unique history that he would like to share. When he was young he had a moderate hearing loss and the teacher would get mad at him if he didn't hear his name called. Later, when he had a hearing aid, kids ridiculed him. He lost all of his hearing by age 27 and he learned sign language as a second language. Sign language was all he had to help him through college. He has two children who have a hearing loss, one who now has a cochlear implant and one with hearing aids. About fourteen years ago he had a cochlear implant and 5 months ago got a second one and he is doing well. He said each one of those progressions of his life required tremendous change. He stated that he knows a lot more about every group, but he doesn't pretend to be an expert. He thought that the new Executive Director wants to make sure taxpayer funds are being used in the broadest way, and it would behoove NMCDHH to consider broadening the group and strongly encouraged the commissioners to consider the hard-of-hearing, audiology, and profession interpreter representatives.

Chair Apodaca questioned Mr. Gomme on how to get the money to increase the size of the board. Gomme responded that if the Commission starts involving more community members, taxpayer and taxpayer driven components, the Commission might be able to get more funding and help the shrinking TRS money. The more representation from the community would help the Commission approach the legislature for that financing. The more people that support NMCDHH when it comes time to approach the Legislative Finance Committee would definitely be good.

Chair Apodaca asked Vice-Chair Deb Hambel if they could go ahead and select members of the ad hoc committee to discuss adding more board members. Ms. Hambel replied that she believed an ad hoc committee could be established without an action item in place. Chair Apodaca asked for volunteers from the board to serve on the ad hoc committee and Commissioner Johnson, Commissioner Welborn, Commissioner Stern and Chair Apodaca would be the board members on the committee. Apodaca added that if it turned out the ad hoc committee did require a board vote, a special meeting would be called for that purpose.

#### ***b. Executive Director Report***

Executive Director Gomme stated that he took the role of Executive Director in the 4<sup>th</sup> quarter of FY14. He said there was a lot to do; goals were established that are currently met. NMCDHH is moving in December, so he told the Board this would be the last time to meet at the State Bar of New Mexico. The Commission will be in the Compass Bank building at 505 Marquette NW in

Suite 1550. He added that the large conference room will have LED lighting. NMCDHH is making sure we are meeting all the technical needs for communication access and also energy saving devices for the lighting.

During the process of the move Mr. Gomme asked his staff to produce some vlogs. This way the Commission can better explain to the community what is happening and Mr. Gomme was proud to say Corina Gutierrez, Cheryl Padilla, and Roger Robb were currently wrapping up the first vlog.

Director Gomme said that Corina Gutierrez has been working with COPD to confront the issues related to video relay interpreting (VRI) at the hospitals. He added that VRI does support some of the needs of deaf people, but it fails in some areas. A good example would be for the deaf-blind.

Director Gomme also addressed the shooting that have happened in some states in which deaf individuals have not been able to hear or respond. The Albuquerque Police Department has responded to the Department of Justice with mental health awareness and sensitivity training and Gomme was encouraging them to consider deaf issues as well. NMCDHH will also be working with the Las Cruces Police Department and giving presentation in the area of deaf and hard-of-hearing needs in crisis situations.

Mr. Gomme also met with the Public Defender's Office, the District Attorney's office, and the UNM Law School and encouraged them to use interpreters better as well as how to interact with deaf and hard-of-hearing people. He explained that NMCDHH is not ready to provide the Continuing Legal Education (CLE), yet. UNM Law School is already willing and ready to have us work with them to make sure that attorneys will have good practice to work with deaf and hard-of-hearing people. Mr. Gomme said that was a big step, since issues with lawyers have been brought up many times by the deaf and hard-of-hearing community. Lisa Dignan was not present, but Director Gomme explained that she was involved in making that happen. Also, a Deaf-Blind Disability Lawyer, Haben Girma, came from Disability Rights and Advocacy in California to meet with the community and offer her legal services.

Another big issue is mental health access. Gomme said the National Alliance of the Mentally Ill (NAMI) met with him and opened up access for disability support groups, family interventions, counseling on best practice for the mental health field relating to the deaf and hard-of-hearing..

Executive Director Gomme announced that the next goal NMCDHH is working on is rural access to interpreting services, which is a difficult goal. The people in rural areas want a live interpreter for office visits or the hospital when there is no availability. The VRI discussion is a tough one. Now there are two VRS companies in New Mexico, and interpreters are needed at APS, UNM, CNM, so interpreters are a limited resource. New Mexico has to develop supports to attract more interpreters, especially in the rural communities.

Mr. Gomme said that HLAA brought up issues regarding hearing aids. There is very little funding support for hearing aids in New Mexico after age 21. This is a huge problem since most people lose their hearing after age 21. Also HLAA brought to his attention the lack of utilizing Loop New Mexico. It is available, but many places don't use it. So the goal is to work more collaboratively with HLAA about hearing aid policies and LOOP systems.

### ***c. Department Reports***

Commissioner Johnson wished to express his concern over the lack of personnel in the southern part of the state. He said the priorities are being met, but outreach has been given up due to the lack of personnel, and it has reached a critical point. Mr. Johnson urged people to be aware of the situation down there which has gone on for a long time.

Executive Director Gomme let Commissioner Johnson know that he had already asked the Legislative Finance Committee (LFC) for an expansion of staff, which includes the Las Cruces office. He assured him that he was already working on a temporary staff position with Lisa Dignan, who is acting as HR at this point.

#### **VI. ADJOURNMENT**

Since the meeting rooms were only available until 5:00 p.m., Chair Apodaca asked for a motion to adjourn

#### **15.3**

Commissioner Stern made a motion to adjourn.  
Commissioner Welborn seconded.  
Motioned passed unanimously.

The meeting adjourned at 5:00 p.m.

Respectfully Submitted,



Lori G. Neubauer  
Administrative Operations Specialist



Mark Apodaca, Board Chair

