

# NM Regulation and Licensing Department



## State Tribal Collaboration Act - Agency Activity Report July 31, 2019

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Find out more at [www.rld.state.nm.us](http://www.rld.state.nm.us)

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## **EXECUTIVE SUMMARY**

### ***OUR MISSION***

To ensure that licensed New Mexico businesses and professionals provide quality care and services to all their clients.

### ***WHO WE ARE***

When visiting a dentist for a cleaning, sitting in the barber's chair for a trim or trying to read the alphabet chart for an eye exam, you may take for granted the qualifications of professionals providing these services, but the New Mexico Regulation & Licensing Department (RLD) does not.

RLD is in the business of ensuring that New Mexicans receive quality care and services from qualified individuals and businesses in 35 different industries, professions and trades. We touch everyday activities of every New Mexican, while ensuring fair and prompt administrative processes to help spur economic development.

### ***WHAT WE DO***

We certify and regulate over 400,000 individuals and businesses across New Mexico that fall into the following Divisions:

**Alcoholic Beverage Control Division** regulates the manufacture, transportation, distribution, sales, service, and public consumption of alcoholic beverages by licensing establishments and the alcohol servers who sell or serve alcohol to the public. Our goal is to protect the health, safety, and welfare of the citizens of and visitors to New Mexico while allowing for responsible economic growth. To learn more, visit our website at [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming).

**Boards and Commissions Division** oversees more than 30 different professions and trades, from accounting to funeral services. We issue licenses, provide for continuing education, inspect licensed premises and investigate complaints. For more information, please see [www.rld.state.nm.us/boards](http://www.rld.state.nm.us/boards).

**Construction Industries and Manufactured Housing Division** licenses contractors and certifies journeymen in the building trades; issues permits for residential and commercial construction; and conducts field inspections to confirm that the work meets state standards. It also oversees manufacturers, dealers, brokers, salespersons, installers and repairmen of manufactured housing units. You can find out more at [www.rld.state.nm.us/construction](http://www.rld.state.nm.us/construction).

**Financial Institutions Division** regulates state-chartered banks, savings and loans, credit unions, trust companies, collection agencies, endowed care cemeteries, small loan and motor vehicle finance companies, mortgage lenders and loan brokers. More information can be found at [www.rld.state.nm.us/financialinstitutions](http://www.rld.state.nm.us/financialinstitutions).

**Securities Division** - licenses broker-dealers, financial advisers and other investment professionals; registers certain securities offered in New Mexico; investigates securities fraud, as well as providing education and training about securities laws and investment issues. For more information, visit us online at [www.rld.state.nm.us/securities-division](http://www.rld.state.nm.us/securities-division).

**Additional Programs:**

**Carnival Rides** - requires that carnival rides be inspected for safety and carry insurance  
[http://www.rld.state.nm.us/superintendent/Carnival\\_Ride\\_Insurance\\_Program.aspx](http://www.rld.state.nm.us/superintendent/Carnival_Ride_Insurance_Program.aspx)

**Crane Operators Safety Program** – regulates the crane industry  
<http://www.rld.state.nm.us/superintendent/default.aspx>

**Employee Leasing** - requires that employee leasing companies be bonded and registered  
[www.rld.state.nm.us/construction/Employee\\_Leasing\\_Program.aspx](http://www.rld.state.nm.us/construction/Employee_Leasing_Program.aspx)

**Recycled Metals** – regulates the recycled metal industry [www.rld.state.nm.us/overview.aspx](http://www.rld.state.nm.us/overview.aspx)

***OUR VALUES***

**We** are accountable to the public we serve with our performance and our actions.

**We** conduct our business with honesty, integrity and take responsibility for our actions.

**We** demonstrate competent, resourceful and professional conduct.

**We** honor diversity, recognize individual contributions and treat people with courtesy and respect.

**We** interact effectively, build cooperative relationships, and encourage creative ideas and communication openly to achieve our goals.

***AGENCY-SPECIFIC AND APPLICABLE/RELEVANT STATE OR FEDERAL STATUTES OR MANDATES***

The New Mexico Liquor Control Act, respecting tribal and pueblo sovereignty, has divested the Alcoholic Beverage Control Division from jurisdiction, regulatory or enforcement authority on tribal lands.

**Liquor Control Act exemptions specified in §60-3A-5** “[n]othing in the **Liquor Control Act [60-3A-1 NMSA 1978]** applies to: ...**(D)** the sale, service, possession or public consumption of alcoholic beverages by any person within the boundaries of lands over which an Indian nation, tribe or pueblo has jurisdiction, if the alcoholic beverages are purchased from New Mexico wholesalers and if the sale, service, possession or public consumption of alcoholic beverages is authorized by the laws of the Indian nation, tribe or pueblo having jurisdiction over those lands and is consistent with the ordinance of the Indian nation, tribe or pueblo certified by the secretary of the interior and published in the federal register according to the laws of the United States.”

**Construction Industries Licensing Act (CILA) Section 60-13-1, et seq., NMSA 1978** gives the Construction Industries Division (CID) regulatory authority to license contractors and enforce the New Mexico building codes. The codes do not apply to construction on tribal lands unless the tribes choose to come under CID jurisdiction. This is also true for the **Manufactured Housing Act at Section 60-14-1, et seq., NMSA 1978**.

***SIGNIFICANT STATE-TRIBAL ISSUES, RECOMMENDATIONS AND/OR PRIORITIES  
ADDRESSED IN FY 20***

**Boards and Commissions – Pharmacy Board**

The Board of Pharmacy continues to provide access to its Prescription Monitoring Program to the Indian Health Services (IHS) Health Care Practitioners in a joint effort to reduce controlled substance abuse. IHS is not required to provide information to the Pharmacy Board.

**Securities Division- Consumer Protection and Investor Education**

In collaboration with Native Community Finance, the New Mexico Securities Division continues to educate and prepare Native investors so that they can protect themselves from financial fraud and learn about strategies to grow their assets through sound investments. This is accomplished through seminars, media outreach and presentations made on tribal lands.

**Financial Institutions Division – Financial Literacy**

One area the FID is focusing on is the deployment of a functional financial literacy program that would be tailored to be delivered to the Native American population. The FID has worked with several groups such as Native Community Finance and other organizations in the development of this program. The FID will continue to work with similar groups for the deployment of this program.

***MAIN AGENCY ACCOMPLISHMENTS AND CHALLENGES REGARDING TRIBES,  
AI/AN AND/OR INDIAN ORGANIZATIONS***

RLD can offer inspection, regulatory services and technical advice to tribes, but the agency has no jurisdiction, regulatory or enforcement authority on tribal lands. To find out more about the New Mexico Regulation & Licensing Department and the services we offer, please visit our website at: [www.rld.state.nm.us](http://www.rld.state.nm.us).

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## **AGENCY POLICY PROMOTING STATE-TRIBAL RELATIONS**

### Policy Timeline- Recommendation

The RLD timeline for the development, review and adoption of the agency policy is subject to the cluster approach of the policy template. The agencies involved in the cluster of Commerce and Industry are: EDD, TD, DOT, DWS, RLD and EXPO. The agency liaison or representative will communicate with these agencies in order to conduct a meeting of the liaisons to review, make recommendations and draft a template policy for the cluster. This cluster approach seeks to identify a generic policy covering appropriate agencies with some consistency and general commonalities.

## **AGENCY EFFORTS TO IMPLEMENT POLICY**

Every division of RLD stands ready and available to collaborate with tribes and tribal liaisons in order to allow for government to government cooperation. Since the agency has no jurisdiction on tribal lands, collaboration will occur upon request of tribal leaders.

## ***GOALS RELATING TO TRIBES, AI/AN AND/OR INDIAN ORGANIZATIONS FOR FY20***

### **Alcoholic Beverage Control Division**

#### **Recommendation #1: Opportunities for Collaboration**

Over the years the Alcoholic Beverage Control Division has offered technical advice and assistance to tribes and pueblos who administer alcohol to strive for increased consistency in the regulatory

environment. ABC staff regularly communicates with their counterparts in Indian County on a variety of alcohol related issues.

### **Construction Industries Division and Manufactured Housing Division**

#### **Recommendation #1: Tribal Building Programs**

Tribal governments intending to form building programs are welcome to collaborate with the state Construction Industries Division and the Manufactured Housing Division. Such programs could be designed to comprise the tribal housing authority for federal HUD construction, a traditional construction component, and a component to administer modern commercial and non-HUD residential construction as well as manufactured housing. Such a program would be administered by tribal personnel, including one or more inspectors, and such inspectors would be eligible to attend CID and MHD-sponsored trainings.

### **Boards and Commissions Division**

#### **Recommendation #1: Expand Opportunities for Collaboration**

We currently have Memorandums of Understanding between Boards and Commissions Division and several tribes.

Example: We recently had a MMA Athletic Commission event at Isleta Casino where BCD entered a Memorandum of Understanding with the tribe.

The Boards and Commissions Divisions goal would be too expanded to all reservations in regards to Memorandums of Understandings.

#### **Recommendation #2: Opportunities for Collaboration**

In the past the BCD used to inspect tattoo conventions. In the last couple of years, BCD have noticed that Body Art events are being held at several casinos in which BCD is unsure if they do inspections. If not a goal for BCD would be to collaborate with the casino(s) so they can complete Sanitation and Safety inspections at these events. This is to ensure all citizens of New Mexico are following the same safety standards that are required outside of the tribes.

### **Financial Institutions Division**

#### **Recommendation #1: Full Service Banking Centers**

Should tribal government(s) decide to increase the availability of banking services in remote tribal areas, the state Financial Institutions Division could advise or assist with regulatory issues such as the availability of deposit insurance. If a tribal governing body becomes interested in having a branch of a state bank on tribal lands or to open a bank, the Financial Institutions Division is able to offer guidance on compliance matters.

#### **Recommendation #2: Reduce Predatory Lending**

Native Americans can be frequent victims of predatory lending in the form of payday, car title, tax refund and installment loans. In part this is due to the scarcity of traditional lending institutions on and around tribal land. FID has supported numerous efforts to enhance the statutory prohibitions on predatory lending practices and will continue to do so in the future.

## **Securities Division**

### **Recommendation #1: Consumer Protection and Investor Education Bureau**

With the well-publicized Cobell trust fund lawsuit, where tribal members may have received a share of the \$3.4 billion settlement, tribal populations may become targets for con artists and unscrupulous securities promoters. The Securities Division collaborated with Native Community Finance in offering awareness and educational programs to native communities about potential financial fraud. The program launched in July 2013 and has continued to present. If tribal governments wish to continue having the Securities Division offer investor awareness and education, we would be pleased to do so.

## **CURRENT AND PLANNED PROGRAMS AND SERVICES FOR AMERICAN INDIANS / ALASKA NATIVES**

N/A

## **TRAINING AND EMPLOYEE NOTIFICATION**

Training of department personnel will be addressed following the release of training and certification material and curriculum by SPO as identified in Section 4-C-4 of the Act. Training and employee notification will be addressed via interagency memorandums directed by the Superintendent through division directors.

### **A. STCA TRAINING CERTIFICATION**

Please see above.

### **B. EMPLOYEE NOTIFICATION ABOUT STCA**

Employee notification will occur via interagency memorandum to RLD personnel through the Office of the Superintendent.



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