



## The McHard Firm

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*Provided to OSA on October 14, 2020; Finalized on November 6, 2020*

Brian S. Colón, Esq, CFE, State Auditor  
New Mexico Office of the State Auditor  
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*and*

Alicia J. Keyes, Cabinet Secretary  
New Mexico Economic Development  
Joseph M. Montoya Building  
1100 S. St. Francis Drive  
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*Submitted electronically*

Re: Spaceport Authority Investigation of Complaint

Dear Auditor Colón and Secretary Keyes,

We were engaged to investigate a complaint filed by Zach DeGregorio, CPA, involving allegations of wrongdoing on the part of Spaceport Director Daniel "Dan" Hicks. This letter is the culmination of our investigation to the issues raised by Mr. DeGregorio in his original complaint and expanded in our interview of him. During the course of our investigation other complaints were presented to us. The results of our investigation of the original complaint and these additional complaints are included in this letter. We make no attempt in this letter to differentiate among the source of the complaints provided to us.

As required by NMAC 2.2.2.10N(2), NMAC 2.2.2.15B, and §12-6-6 NMSA 1978, although this engagement was initiated by the Economic Development Department ("EDD"), when we identified potential criminal activities, these were appropriately reported to the Office of the State Auditor ("OSA") and this report is appropriately, dually addressed to both the Economic Development Department and the Office of the State Auditor.

Please note, this letter is not an exhaustive list of violations of policy, rules, procedures, civil or criminal statutes by New Mexico Spaceport personnel, but rather provides an overview highlighting specific violations or potential violations we identified within the scope and budgetary constraints of our contract. The information in this letter is supported with documentary evidence, including emails, procurement documents, human resource documents and more, or is supported by witness statements and/or admissions from the personnel involved.

Although we were engaged to investigate a complaint filed by Zach DeGregorio, involving allegations of wrongdoing on the part of Spaceport Director Daniel "Dan" Hicks, our

investigation revealed that Mr. DeGregorio assisted, and in some cases planned, apparent violations of law and policy on behalf of Mr. Hicks.

### **Background**

On June 12, 2020, Zach DeGregorio, then the Spaceport's Director of Finance and Administration, filed a formal complaint with copies to various public officials, regarding actions of Spaceport Director Dan Hicks, which he felt were improper. Mr. Hicks was Mr. DeGregorio's direct supervisor at that time. On June 12, 2020, Mr. Hicks was placed on administrative leave, pending an investigation of Mr. DeGregorio's complaint.

On June 17, 2020, we were contacted by the Chief Procurement Officer of the EDD regarding our interest and availability to conduct this engagement. Work on development of a contract and crafting a scope of work began immediately thereafter.

On June 21, 2020, Mr. DeGregorio resigned from employment with the Spaceport, sending his resignation letter to various public officials, including the OSA and the Spaceport Board. We were officially engaged on June 22, 2020, with the acknowledgement of the OSA. We contacted Mr. DeGregorio on June 23, 2020, and interviewed him the following day, on June 24, 2020.

We conducted fieldwork at the Spaceport business offices on June 25-26, July 6, and July 20-21, 2020. On July 21, 2020, we were without approved budget to continue our work, which had expanded substantially in scope; thus, work on this matter was suspended.

On August 10, 2020, a contract for our work was executed and forwarded to the OSA for acknowledgment. The OSA acknowledgment was received on August 11, 2020, and work on this investigation was able to resume after a twenty-two-day hiatus. Our investigation then continued, including additional document requests. We received the most recent documents responsive to our requests on September 22, 2020.

During our investigation of Mr. DeGregorio's complaint, we found other issues of concern which required inclusion in this investigation. We found issues of concern involving Mr. Hicks which are detailed below, but we found issues of concern regarding Mr. DeGregorio himself. Additionally, numerous individuals came forward with complaints and information relevant to this matter. In this letter, we do not attempt to differentiate between issues brought forward by Mr. DeGregorio, other reporting individuals, or issues revealed by our investigation.

In addition to conducting interviews of Spaceport staff during fieldwork, we conducted additional interviews of Spaceport staff via video conference on various dates through September 2020. We also conducted both phone and video conference interviews with personnel at the EDD, Department of Finance and Administration ("DFA"), and the State Personnel Office ("SPO").

We interviewed the previous chair of the Spaceport Authority Board, Richard Holdridge PhD. Mr. Holdridge has an extensive background in the military and the aerospace industry, and was well-qualified as a Board member. Mr. Holdridge stated that he was involved prior to 2000 when the Spaceport was still an idea, and was on the Board from the beginning. He





stated that he was replaced on the Board from 2004-2008, then was again on the Board continuously until the present. He stated that he had been Spaceport Authority Board Chair from 2011-2020, when he was replaced with Secretary Alicia Keyes, Cabinet Secretary of the EDD. Mr. Holdridge was able to provide valuable information concerning both the history of the Spaceport and information concerning Board involvement in the direction of the Spaceport.

In addition to interviews, we were provided access to documents and files at the Spaceport business office where we gathered various original documents. We were also provided emails for Mr. Hicks and Mr. DeGregorio, human resources files for various Spaceport employees, and SHARE access for Spaceport's accounting records. Additionally, we utilized public sources for research.

### **Issues of concern**

Dan Hicks was hired by the Spaceport in November 2016. Mr. Hicks refers to himself as Executive Director, Chief Executive Officer ("CEO"), and various other titles, however the title "Director" is on the personnel action form resulting in his hire. Since Mr. Hicks' date of hire, he has served as a Governor Exempt or "Gov-Ex" employee of the State of New Mexico. Mr. Hicks was put on paid administrative leave on June 12, 2020, which is his status as of the date of this letter.

The issues of concern with regard to Mr. Hicks fall into natural categories, as described here. Overall, the witnesses describe and the documents reveal that Mr. Hicks was an extremely dysfunctional manager, at times a forceful bully, and at other times obviously attempting charm in what was described to us as ineffectual, inept, and also embarrassing to observers. This is consistent with how Mr. Hicks presented himself in his interview with us.

According to virtually all of the witnesses we interviewed, Mr. Hicks was seemingly unable to hear or absorb negative news or reviews, and would hold his beliefs in the face of overwhelming evidence to the contrary. One of his upper managers stated that Mr. Hicks was "pathologically devoid of any memory of anything that wasn't consistent with his views", such that he was only capable of acknowledging whatever agreed with his views. As an example, according to witnesses, Mr. Hicks attended a meeting in Santa Fe in March 2020, in which he was chastised for inappropriate behavior and given an ultimatum, yet he returned to Las Cruces and reported to his management team that everything was fabulous and Santa Fe was 100% behind him.

Mr. Hicks spent hundreds of thousands of taxpayer dollars on travel, consulting services that were essentially lobbying (using unregistered lobbyists) and advertising, trying to attract "orbital space flight" business to the Spaceport. However, the technology does not yet exist for an inland spaceport to launch orbital flights; Spaceport experts we interviewed stated that the technology for such orbital flight may exist 10-20 years in the future. To launch orbital flights now would involve dropping booster rockets over Colorado, Mexico, or other surrounding areas. Obviously, no one would permit that because of the risk to life and property, as was confirmed by the experts we interviewed. The experts explained that the reason that virtually all US orbital space flights are launched from Florida is that booster rockets can only be safely dropped over the ocean.





Nevertheless, Mr. Hicks insinuated and at times directly represented that the Spaceport was prepared to launch orbital space flight. This is despite the fact that the Spaceport has not yet obtained the Federal Aviation Administration ("FAA") permits required to launch orbital flights for whenever the technology does exist. Per our interviews, Mr. Hicks didn't seem to grasp the fact that the Spaceport wasn't currently ready, nor did the technology yet exist, to launch orbital flights from the Spaceport. This is demonstrated by the fact that Mr. Hicks reported in an email that he was excited to meet the Lt. Governor of Colorado, because she would be key to determining where in Colorado the Spaceport would be allowed to drop booster rockets during takeoff. (**Exhibit 1**) Per our interviews with Spaceport experts, this is patently absurd, but Mr. Hicks nevertheless seems to have actually believed it.

Analysis of Spaceport spending and interviews demonstrated that Mr. Hicks spent hundreds of thousands of taxpayer dollars lobbying to attract customers for orbital space flight launches, and also Department of Defense military launch business. The New Mexico Spaceport is a commercial space flight center, not a military base. The military has White Sands Missile Range ("WSMR"), and would naturally utilize that facility for all their inland space flight needs. Per our interviews, Mr. Hicks wanted the Spaceport to compete with his former employer, WSMR, another unreasonable notion. In fact, the Spaceport could not exist without the placement and assistance of WSMR.

Virtually everyone we interviewed told us that Mr. Hicks referred to the Spaceport as "my agency" and the Spaceport budget as "my money". Melissa Force, General Counsel for the Spaceport, told us that he referred to her as "my general counsel", and she had to remind him that she was not his lawyer, but the agency's general counsel.

We were told that Mr. Hicks was angry and frustrated that the DFA would "try to tell him how to spend his money", and that "he should be able to spend it on whatever he wanted". Numerous employees told us that Mr. Hicks considered the Spaceport Board to be a nuisance, and he didn't think he should have to take requests for proposal ("RFP") or contracts to them at all. Mr. Hicks also expressed frustration at rules that governed travel or that limited his ability to spend taxpayer money on whatever he wanted.

Mr. Hicks stated in his interview with us that because the Spaceport was "so unique", that "there is always a waiver", essentially always a way to get around the rules to accomplish a goal. Mr. Hicks' statements to us were consistent with the characterizations of witnesses. Mr. Hicks told us that he relied on Mr. DeGregorio to take care of finances and other paperwork for him.

As the issues, analysis, documents, and interviews described below will demonstrate, Mr. Hicks was an incompetent manager who refused to follow the rules, policies, and statutes. We were told by virtually everyone we interviewed that Mr. Hicks believed that that there had to be a "waiver" available for virtually every rule or statute; he consistently violated rules while attempting to bury the issue with "paper", including letters, so-called "white papers" and excuses or justifications. Mr. Hicks would travel without authorization, then attempt to get authorization after the fact, at times by backdating and falsifying documents. He enlisted Zach DeGregorio and other staff members under his control to assist him in this endeavor.





Under Mr. Hick's management, the Spaceport became increasingly dysfunctional, and ultimately the Governor's office received complaints from Virgin Galactic, the Spaceport's main customer, who became increasingly dissatisfied with Mr. Hicks' management. Internal management was dysfunctional as well, with factions who supported Mr. Hicks' visions of an orbital and military Spaceport, and others who wanted to see the Spaceport follow its original vision as a commercial spaceflight facility. Certain upper managers told us they were literally "locked out of meetings", while Mr. Hicks made decisions with others in secret, then held useless "town hall" meetings so everyone could share their thoughts about a decision which had already been made. During our interviews, one manager said "being in a meeting with Dan [Hicks] is like watching your dog chase soap bubbles". Other staff members related similar descriptions of Mr. Hick's ineffectual management style; several felt sorry for him, because he was such an unskilled and incompetent manager.

Former Board Chair Mr. Holdridge stated that Dan Hicks travelled much of the time, and was "trying to run the Spaceport over the phone". Mr. Holdridge didn't provide any corrective supervision regarding this, however, and allowed it to continue. He stated that he considered himself to be a "hands-off Chair", and really left the work to Executive Director Hicks and the agency.

All of these violations of policy and law are discussed in detail below, but it is important to understand the overarching dysfunction instilled at the Spaceport by Mr. Hicks' flawed management in order to comprehend the depth of the issues discussed below. This contributes in large part to a "tone at the top" of the Spaceport where policies and procedures, established through both statute and administrative code were not followed by others at the Spaceport, as revealed in our investigation. As detailed below, Mr. Hicks' refusal to follow appropriate internal control procedures and bullying employees to find "waivers" resulted in a cascade of failures, work-arounds, and cover-ups throughout the administration of the Spaceport. It was only through diligent work of individual staff members that the Spaceport remained functional for its primary purpose: commercial spaceflight.

Concerning Mr. DeGregorio, it is clear from Mr. DeGregorio's emails and other documents that he intentionally tried to "distance the agency" from the controls implemented by the New Mexico State Legislature that were intended to ensure fair and impartial procurement, and the provision of best value to the taxpayers. (**Exhibit 2**) Mr. DeGregorio directed his subordinates to violate policies in order to assist him.

Mr. DeGregorio "approved" contracts, travel, and other expenditures that he did not have the authority to approve. Mr. DeGregorio also took deliberate steps to obscure expenditures for travel and other unapproved spending, and to deceive those making approvals, including back-dating documents, and providing other false information on travel vouchers.

Mr. DeGregorio is a Certified Public Accountant ("CPA"), licensed by the State of New Mexico, and as such has professional standards that govern his actions. Mr. DeGregorio appears to have violated those professional standards in the actions he took in his employment at the Spaceport.





**Violations of travel policy & false public vouchers**

Based on our analysis of documents, as well as interviews, Mr. Hicks approved his own travel and the travel of others in blatant violation of policy with the aid of Mr. DeGregorio. This included travel reimbursements to Karen Barker. At the time, Ms. Barker was the newly-hired Director of Strategic Solutions. Mr. Hicks authorized Ms. Barker to commute from the Washington, DC, area to the Spaceport at taxpayer expense, which should have never been approved by Mr. Hicks under any circumstances, as Ms. Barker’s terms of employment required her to relocate to New Mexico (**Exhibit 15**). On another occasion, Melissa Force, General Counsel, received authorization solely from Mr. Hicks for international travel, which he told her was all that was necessary. The Governor’s office found out literally days before the trip, and begrudgingly approved it at that point because the State would not have been able to recover the non-refundable travel and conference fees. (**Exhibit 3**)

Numerous witnesses told us that Mr. DeGregorio put sticky notes on Mr. Hicks’ travel documentation with the date that everyone was supposed to have used when they completed the voucher and reimbursement request. That date was always prior to the travel, when in fact, the documentation was being completed after travel had already occurred. Witnesses were clear that Mr. DeGregorio was assisting Mr. Hicks in back-dating travel requests, so that the requests would be paid, when payment of the requests was actually inappropriate. Mr. DeGregorio signed in “approval” of travel requests and similar documents, when he had no approval authority whatsoever.

Additionally, Mr. DeGregorio had the signature stamp of Spaceport Authority Board Chair, Richard Holdridge, and used it at times without apparent approval or authority by Mr. Holdridge.

In our analysis, it became evident that Mr. Hicks was essentially rewarded in his policy violations, in that everyone, particularly Mr. DeGregorio, worked behind the scenes to overcome or “fix” his violations and he never suffered the consequences for his actions.

**Total reimbursed travel costs to Dan Hicks**

Mr. Hicks spent over \$60,000 on travel reimbursed to him, and paid for by the taxpayers. This total and the figures below do NOT include the cost of travel paid through purchase orders (“PO”) directly to the State’s travel agency, Aquila, which covered much of the airfare, nor any travel costs paid via a State purchasing card. Thus, the actual total cost of Mr. Hicks’ travel is likely thousands of dollars higher than the total reimbursements depicted in this table.

Fiscal Year 2017	\$9,050
Fiscal Year 2018	\$14,966
Fiscal Year 2019	\$22,535
Fiscal Year 2020	\$13,627
<b>Total Reimbursed Travel</b>	<b>\$60,178</b>





### Unapproved travel

Mr. Hicks served under two gubernatorial administrations , each of whom had different travel regulations and documentation requirements. However, Mr. Hicks violated the travel policies on numerous occasions under both administrations.

Under Governor Suzanna Martínez, the travel policy for the Spaceport, as delineated by Nicholas Piatek, on September 20, 2017, was made clear to Mr. Hicks:

*The travel approval policy is as follows: your out of state and international travel is approved by me, international travel of any employee is approved by me. Your in-state travel is at your discretion. Domestic out of state travel and in-state travel of your employees are approved at your level. That authority is granted to agencies by the Governor's Office and can be revoked if there are questions about the approvals being given. Any travel, whether approved by the agency or the Governor's Office, is approved only after a diligent evaluation such that taxpayer dollars are protected and their expense is only made with a reasonable expectation that knowledge, opportunity, and/or direct revenue will be brought back to the state as a result.*  
**(Exhibit 3)**

Under Governor Martinez, Mr. Hicks failed to get proper travel approval for 5 separate trips, for a total of \$6,525. In all cases, Mr. DeGregorio signed in "approval" of Mr. Hicks' travel request, although he lacked the authority to do so. Even Mr. DeGregorio's own internal written policy clearly states that the governor's office approves Mr. Hicks' travel. Further, Mr. DeGregorio signed as Division Director, which is not his position title.

Under Governor Lujan Grisham, (after January 1, 2019) if the travel exceeded the Per Diem rate, or was over a total of \$1,500 per year, Teresa Casados of the Governor's Office had to approve it. All of Mr. Hicks' travel was over \$1,500 per year, which he exceeded in the first month of each fiscal year.

Under Gov. Lujan Grisham, Mr. Hicks failed to get proper travel approval for 28 separate trips, for a total of \$25,879. At one point, Mr. Hicks wrote an email thanking Dominic Gabello for allowing him and other Division Directors to approve their own travel, and then Mr. Hicks filed a copy of that email with each out-of-state travel reimbursement request. However, that approval was limited to travel under \$1,500 per year, and had to meet all other State travel policies as well. Since Mr. Hicks had already spent more than \$1,500 by the time that approval was given, that blanket approval never actually applied to Mr. Hicks. Despite this, Mr. Hicks attached his own email to Mr. Gabello to all out-of-state travel requests, ostensibly as approval.

### Travel with unclear public purpose

On July 16-21, 2019, Mr. Hicks spent over \$3,100 of taxpayer money attending what he described as "a week of travel supporting the 50<sup>th</sup> Apollo anniversary". Mr. Hicks flew to Denver, CO, for the "Wings over the Rockies - Apollopalooza", a celebration of the Apollo 11 flight held in Centennial, CO. He then flew to Huntsville, AL, for the Aerospace States Association Meeting, and from there, he flew to Orlando, FL, for a 3-hour event to celebrate the Apollo 11 anniversary celebration.





Mr. Hicks described a highlight of the Huntsville trip as having met Colorado Lt. Governor Dianne Primavera, about whom Mr. Hicks stated "she and her staff will be key as we grow partnerships within Colorado, for booster drop zones/landing sites from NM launches."  
**(Exhibit 1)**

Mr. Hicks rented a vehicle at each of those locations, as well as hotel and airfare costs. Mr. Hicks purchased his airfare the day before the trip, on his personal card, rather than the required Aquila travel agency, at a cost of over \$1,900. One of the nights, in Titusville, FL, the hotel rate was in excess of the State's maximum hotel rate of \$215 per night. That excessive hotel rate was approved on August 10, 2019, weeks after the trip, by Board Chair Richard Holdridge via signature stamp. This reimbursement was paid with voucher 00007930, on September 24, 2019. **(Exhibit 4)**

It is unclear that this travel had a public purpose or provided any benefit to New Mexico or the Spaceport. Some of the events attended by Mr. Hicks were essentially tourist events, and do not appear to have served any legitimate business purpose for the Spaceport.

#### Mr. Hicks' alleged appointment to Space Council or Space Council User Advisory Group

Mr. Hicks continually told people that Vice President Pence had appointed him to the Space Council and/or that he was a member of the Space Council User Advisory Group. This is according to virtually all of the Spaceport staff we interviewed, as well as Board Chair Mr. Holdridge. Mr. Hicks is not, nor has he ever been, a member of either group.<sup>1,2</sup> In fact, even though the Space Council User Advisory Group Meetings are open to the public, Mr. Hicks has never attended a meeting.<sup>3</sup>

Mr. Hicks traveled numerous times to the site of Space Council meetings; these trips were paid for by New Mexico taxpayers. However, some witnesses told us that they doubted that he actually was able to attend the Space Council meetings, and noted that he was never able to substantively report back anything other than what appeared in the popular press. Others told us that Mr. Hicks lacked the security clearance to attend many of the Space Council meetings, and/or that the meetings were for Council members only, consisting of the Vice President, Cabinet Secretaries, the Joint Chiefs of Staff, and selected Presidential Advisors. We were also told that Mr. Hicks "really believed that he belonged in those meetings", even if he wasn't really allowed. Virtually everyone we interviewed felt that all of Mr. Hicks' travel attending these meetings, assuming he was actually admitted was self-serving. Further, Mr. Hicks claimed attendance at these meetings was allegedly at the

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<sup>1</sup> Space Council Advisory Group Membership:  
<https://www.whitehouse.gov/briefings-statements/vice-president-pence-announces-national-space-council-users-advisory-group/>

<sup>2</sup> Space Council Membership:  
<https://www.whitehouse.gov/presidential-actions/amending-executive-order-13803-reviving-national-space-council/>

<sup>3</sup> Space Council Advisory Group public meeting minutes, including member and non-member attendees  
[https://www.nasa.gov/content/national-space-council-users-advisory-group\\_meetings](https://www.nasa.gov/content/national-space-council-users-advisory-group_meetings)





invitation of Vice President Pence, (**Exhibit 6**), however, this travel had no real benefit to New Mexico in any way. Despite this fact, tens of thousands of dollars of taxpayer dollars were spent on these trips.

Mr. Hicks traveled so much that Spaceport Board Chair Holdridge complained to us that Mr. Hicks was "trying to manage the Spaceport by phone", as he traveled almost half of the time. Spaceport managers stated that Mr. Hicks and Ms. Barker wanted to open a Spaceport branch office in Washington, DC, and that was the reason for all the travel there. Whatever the actual reason for all the trips to attend the events allegedly at the invitation of the Vice President, it is unclear that a single dollar of benefit has accrued to New Mexico or the Spaceport as a result.

#### False public voucher – Travel to San Francisco for NewSpace conference

On June 19, 2017, travel was booked through Aquila for Mr. Hicks to travel to San Francisco for the NewSpace Conference, leaving on June 26, 2017. Mr. Hicks' travel request is unsigned by Mr. Hicks. Mr. DeGregorio signed in "approval" and put on a date of June 25, 2017, which would have been the day before departure.

The travel request contemplates only two nights in a hotel, and contemplates a return flight on June 28, 2017. However, the actual travel booked for Mr. Hicks was a flight leaving June 26, 2017, returning June 29, 2017, with three nights hotel room. What actually occurred was that on June 28, 2017, Mr. Hicks changed his return flight, at a cost of \$332.01, and actually returned home on June 28, 2017, a day early. Mr. Hicks wrote a note on the receipt stating that he needed to return a day early to sign contracts at the Spaceport on June 29, 2017. (**Exhibit 5**)

The fact that the travel documents dated before the flight demonstrate the changed travel, which could only have been known after the fact, means that they could not have been filled out prior to Mr. Hicks' actual travel. The travel request documents were actually done after the travel, and back-dated. This voucher caused a travel payment to Mr. Hicks of \$2,936.49 on NM State Voucher #00006363, dated July 21, 2017. Mr. Hicks caused this to be back-dated, and was clearly assisted by Mr. DeGregorio. Thus, a false public voucher was created and submitted, and Mr. Hicks received the payment. (**Exhibit 5**)

#### False public voucher – Travel to Kennedy Space Center for Space Council meeting

On February 12, 2018, Mr. Hicks emailed Nick Piatek of Gov. Martinez' office, stating "I was invited by the Office of Vice President Mike Pence to attend the Second National Space Council Meeting, in Kennedy Space Center, next week on 21 Feb." On February 26, 2018, an email was sent by Loren Hatch, confirming that Mr. Piatek had verbally approved Mr. Hicks' travel prior to the actual trip.

However, there is no evidence that Mr. Hicks was invited to this Space Council Meeting by Vice President Pence. In fact, he appears to have been invited by the Commercial Spaceflight Federation, an industry lobbying group, and then only at the behest of Karen Barker, Director of Strategic Services. This is documented in the same email string in which Mr. Hicks and Ms. Barker agreed to spend \$5,000 to sponsor a cocktail party, in addition to





some other sponsorship and attendance package that was purchased by the Spaceport.  
**(Exhibit 6)**

On February 19, 2018, Mr. Hicks flew to Cape Canaveral, returning February 22, 2018. He stayed at a hotel that exceeded the maximum State hotel allowance, the maximum hotel rate was approved after the trip, on February 26, 2018, by use of Board Chair Richard Holdridge's signature stamp.

There is no evidence that Mr. Hicks' statement to Mr. Piatek that he was invited by Vice President Pence's Office is true. In fact, Mr. Hicks was invited by an industry group, and then only because the Spaceport paid for a "package" for Ms. Barker to attend, and Mr. Hicks was added as a free attendee, at Ms. Barker's request. This is the same transaction in which Mr. Hicks and Ms. Barker committed the Spaceport to sponsor a cocktail party for \$5,000. If Mr. Hicks had been truthful with Mr. Piatek regarding the invitation, sponsorship and cocktail party, it is unlikely that the travel would have been approved. Presumably, Mr. Piatek would have stopped Mr. Hicks from violating the State's anti-donation clause, as well.

Mr. Hicks' material misrepresentation of the nature of the travel resulted in payment to Mr. Hicks of \$1,295.80 on Voucher #00006801, dated March 7, 2018.

Interestingly, Mr. Hicks's email to Mr. Piatek, where he made the claim regarding the invitation, is missing from Mr. Hicks' archived electronic emails or backups provided to us, although we have all of the emails for the time period, and other emails on and around that date. Fortunately, Sandra Franco, the accounting person at Spaceport who processed travel reimbursements, had printed out this email and put it in the travel voucher paperwork, otherwise, it would not be available. It cannot be stated whether Mr. Hicks intentionally deleted this email in an attempt to destroy evidence, or whether there was some other problem.

Additionally, at Mr. Hicks' direction and approval, the Spaceport paid \$5,000 to sponsor the Florida National Space Council's cocktail reception, the payment went to the Commercial Spaceflight Federation, a non-profit trade association. This is a violation of the New Mexico Constitution's anti-donation clause, as discussed later in this report.

In analyzing the documents concerning this travel voucher payment, we identified a "Travel Request Checklist," signed by Mr. DeGregorio, demonstrating his review of the documents, including that Mr. Hicks' out of state travel needed approval from the Governor's office. That package included both the sponsorship request, which was Mr. Hicks' actual invitation to the event, and Mr. Hicks' false statement to Governor's office from which Mr. Hicks' received approval for travel. The presence of these documents demonstrates that Mr. DeGregorio knew, or should have known, about Mr. Hicks representing that he had been invited to the meeting by Vice President Pence when, in fact, Mr. Hicks was invited by the Commercial Spaceflight Federation as part of a sponsorship package costing at least \$5,000.

#### False public voucher – Travel to Washington, DC, for FAA Spaceport Roundtable

On April 12, 2019, Mr. Hicks received an email from the Acting Director of the newly formed Office of Spaceports, inviting Mr. Hicks to attend a meeting on April 25, 2019. On April 23, 2019, Mr. Hicks emailed Sandra Franco and Zach DeGregorio, requesting their help to get a





travel request completed, stating that he had already purchased his airline ticket himself. However, the travel request signed by Mr. Hicks, as well as Mr. DeGregorio, is dated April 22, 2019, a day prior to Mr. Hicks saying "Just need to get a travel request complete."  
**(Exhibit 7)**

Witnesses told us that Mr. Hicks' travel requests were completed with a sticky-note on them stating the date that was to be applied to all the paperwork, in order to make it appear that Mr. Hicks' travel documents had been completed in advance of travel. In this case, the travel request was clearly backdated, with the false date applied after the fact, and then signed by both Mr. Hicks and Mr. DeGregorio.

Additionally, Mr. DeGregorio wrote a memo stating that because the travel was made with such short notice, Mr. Hicks had to put the airline ticket on his personal credit card, rather than using the purchasing card (or using the State's travel agent). However, that was also a false statement. Mr. Hicks clearly stated in his April 23, 2019, email that he had already purchased the airfare on his personal card, prior to requesting travel. The hotel for this trip exceeded the State's \$215 per night hotel limit. On June 6, 2019, Spaceport Board Chair Richard Holdridge approved the hotel cost, with the application of a signature stamp. This occurred weeks after the travel occurred. Finally, this trip was never approved by anyone in the Office of Gov. Lujan Grisham, as required.

The request for this travel contained false statements regarding the date submitted, as well as false statements for the reason for use of Mr. Hicks' personal credit card. Mr. DeGregorio was instrumental in assisting Mr. Hicks to complete and submit this travel request, which contained information that Mr. DeGregorio knew, or should have known, to be false.

#### Needless last-minute approval of travel

Mr. Hicks received an agenda for a meeting to travel on August 7, 2017, however, he never requested out-of-state travel authorization from Gov. Martinez' office, as was required. He forwarded the agenda to staff, asking for travel to be set up on September 6, 2017, travel was booked on September 11, 2017, but the travel request form wasn't signed by Dan Hicks until September 12, 2017, and wasn't "approved" by Mr. DeGregorio (who didn't have the authority to approve it), until September 14, 2017. The travel took place September 18-20, 2017. **(Exhibit 8)**

Documents show that on Feb 8, 2018, Mr. Hicks received an invitation to the FAA Spaceport Categorization Rulemaking Committee. It wasn't until February 23, 2018, at 3:30 in the afternoon on a Friday, that Mr. Hicks forwarded the invitation requesting approval for travel to Gov. Martinez' office. It was approved the following Monday, February 26, 2018, by Loren Hatch who stated "Approved for tomorrow. I know this is a crazy time of year, but a bit more lead-time would be appreciated." Mr. Hick's flight was booked on February 26, 2018, the day before travel, at a cost of \$984 for just the flight. The hotel exceeded the State's approved cost of \$215 per night, and this violation of the travel policy was approved by a memo well after the travel occurred, on March 15, 2018, using Board Chair Richard Holdridge's signature stamp approving the excessive hotel cost. **(Exhibit 9)** If Mr. Hicks would have requested travel approval when he first knew he would attend the event, he would have saved hundreds of dollars of taxpayer's money on the cost of the last-minute





airline ticket, and might have been able to secure a hotel room within the State's policy limit.

In another example, on November 14, 2018, Loren Hatch stated in an email that he was "reluctantly approving" Mr. Hick's travel to Ohio and then Colorado, the request for which occurred one day before the actual travel. In the email, Mr. Hicks was criticized by Loren Hatch for failing to request approval or plan for out-of-state travel more than one day in advance, and was reminded that last minute travel is needlessly expensive for the taxpayers. Spaceport Board Chair Richard Holdridge signed a memo approving the hotel cost, which exceeded the state allowance, on December 4, 2018, weeks after the travel occurred. (**Exhibit 10**)

Based on our analysis of travel documents and emails, Mr. Hicks also changed his airfare and travel schedule in the middle of trips, in some cases for no known legitimate business reason. Mr. Hicks frequently booked flights fewer than 7 days in advance of the trip. In each of these cases, the late travel arrangements greatly increased the cost of travel to the taxpayers; generally, with no reason other than Mr. Hick's failure to plan.

#### Lack of supporting travel documentation for Mr. Hicks

Those individuals who assisted Mr. Hicks in reporting his travel and submitting reimbursement requests told us that Mr. Hicks' travel was rarely, if ever, requested and approved in advance. We were told that Mr. Hicks frequently lacked documentation to show the business purpose of meals, the names and positions of individuals that he had meals with, that he lost receipts, and in general lacked supporting documentation to show the legitimate business purpose of his travel and expenses. We were told that Mr. Hicks resented having to provide detailed receipts, stating that it was "nobody's business" what food he ate at a meal.

#### Personnel issues

##### Mr. Hicks tried to give himself a raise without Board approval

On July 2, 2019, Mr. DeGregorio stated via email to Dominic Gabello, that "our Board would like to request a pay increase for our CEO Dan Hicks from \$153K to \$175K". (**Exhibit 11**) This was untrue, as the Board never requested this, or even took up the issue, per our review of Board meeting agendas and minutes. On July 18, 2019, Chair Holdridge wrote an email to Mr. Gabello stating that he "and other Board members", strongly supported the raise. (**Exhibit 12**) Since the Board never formally took up the matter, the decision to "support" the raise may be an Open Meetings Act violation, depending on whether the "other Board members" who had discussed the raise and decided to request it constituted a quorum.

Several months later, on October 18, 2019, in another attempt to give Mr. Hicks the raise, Mr. DeGregorio conferred with Board Chair Richard Holdridge, with Mr. Hicks' agreement, and they decided to give the raise based solely on Mr. Holdridge's authority as Chair. (**Exhibit 13**) Both Mr. Hicks and Mr. DeGregorio misrepresented the facts surrounding the requested raise, stating the raise was approved by the Board, which was untrue.





Based on our analysis of Spaceport budget and documents, the raise never came to fruition.

#### Untruthfulness to Secretary Keyes

On May 19, 2020, Mr. Hicks was specifically requested to provide the current strategic plan for the Spaceport, by Secretary Keyes. (**Exhibit 14**) On numerous occasions, including on April 30, 2020, Mr. Hicks stated that the Spaceport already had completed a strategic plan, and had no need for either a consultant, such as Jim Hinde, who provided aviation consulting to the Spaceport in early 2020, nor for a contractor to assist in such a plan. Mr. Hicks was ordered to provide the current strategic plan allegedly in place, but stalled, and never provided one, ultimately refusing to do so.

In fact, Mr. Hicks was being entirely untruthful when he told Secretary Keyes that a strategic plan was in existence. The Spaceport did not have a recent or current strategic plan, nor was there even a viable draft. We were unable to locate a current strategic plan, and no one at the Spaceport was able to provide one to us. Guillermo Blacker, (see discussion elsewhere in this report for a discussion of Mr. Blacker's position at the Spaceport) stated that he worked on an outline for a strategic plan, but that nothing was complete at all. We also identified an email where Mr. Hicks wrote that he wanted Chris Andrews, a consultant, to work on a strategic plan. This email was dated February 6, 2020, and indicates that as of that date, the Spaceport did not have a completed strategic plan. Approximately one month later Secretary Keyes requested to see the Spaceport's strategic plan, however, this email string proves that Mr. Hicks knew that no strategic plan existed. (**Exhibit 14**)

Additionally, witnesses told us that Mr. Hicks discussed with staff the fact that no strategic plan existed, but stated that if they really needed one, he could simply write it over a weekend. Despite these facts, Mr. Hicks represented to Secretary Keyes, via email and verbally, that the Spaceport had a current and tenable strategic plan; this was a lie.

#### Hiring of Karen Barker

Karen Barker was hired by Mr. Hicks to be the Spaceport's Director of Strategic Solutions, and essentially to direct marketing efforts for the Spaceport. Mr. Hicks had a professional and/or personal relationship with Ms. Barker prior to hiring her for a position at the Spaceport. Mr. Hicks and Ms. Barker communicated prior to the hiring. Mr. Hicks sent Ms. Barker the job posting so that she could apply. Ms. Barker was interviewed on October 2, 2017, and emails between Mr. Hicks and Ms. Barker indicate that she had been told she was the candidate selected by October 4, 2017, and that she was concerned that her current employer knew. Clearly, Ms. Barker had been informed that she was getting the job prior to the actual determination and hiring letter being released by SPO on October 12, 2017. (**Exhibit 15**) Spaceport was specifically instructed by SPO on October 11, 2017 that an offer couldn't be made yet. Despite SPO's specific instructions, Mr. Hicks had already told her that she had the job.

Mr. Holdridge, who was then the Board Chair for the Spaceport, stated that he knew that Karen Barker and possibly other employees were prior friends of Dan Hicks, and that the relationship was part of the reason for hiring them. However, Mr. Holdridge stated that those relationships didn't bother him at all. He stated that the space community was fairly





small, and hiring people who had connections was how things were done. He stated that Karen Barker was hired for her military connections.

Ms. Barker's hiring seems to have been Mr. Hicks' predetermined choice, having informed Ms. Barker that she was getting the job early in the interview process, and well before her actual selection was approved. Thus, Ms. Barker's hiring was not the result of a competitive process.

#### Hiring of Guillermo Blacker

Mr. Hicks had a professional and/or personal relationship with Guillermo Blacker prior to Mr. Hicks' tenure with the Spaceport, from when they both worked on projects together at WSMR. Mr. Blacker stated that he volunteered as a judge for the 2018 Spaceport America Cup, and had other contact with Mr. Hicks in 2018. In November of 2018, Mr. Hicks rewrote the Business Operations Specialist position, giving it vastly expanded job duties, and changing the position so it reported directly to him, instead of to the Finance Director as it previously had, but without changing the title or rate of pay. (**Exhibit 16**)

On February 5, 2019, following an email conversation, Mr. Hicks brought Mr. Blacker into the office to "meet some of the team". On February 7, 2019, Mr. Blacker emailed Mr. Hicks thanking him for the meeting with Mr. Hicks, Melissa Force, Bill Gutman and Zach DeGregorio, saying "The conversation actually reinforced my interest in the enterprise, particularly after you highlighted the options that may evolve in the near future. I am pleased to advise that I just submitted my application on line [sic], and have rearranged some previous commitments so that I may be available full time during the first week in March." (**Exhibit 16**) Mr. Hicks replied to that email the same day, expressing his pleasure in Mr. Blacker's "interest in becoming a member of the [Spaceport] family". The individuals with whom Mr. Blacker was introduced by Mr. Hicks, prior to Mr. Blacker's application, were the complete complement of interviewers for the position.

We found no evidence that Mr. Hicks invited the other applicants for the Business Operations Specialist position to meet with the upper management team who would be interviewing them, prior to their interviews, as he had Mr. Blacker. According to Mr. Blacker, he was interviewed by the same four individuals that Mr. Hicks introduced him to in that February 5<sup>th</sup> meeting. Mr. Blacker's "official" interview for the position was on March 21, 2019, but the results of the interview process and Mr. Blacker's hire was a foregone conclusion.

Mr. Hicks manipulated the hiring process. Witnesses who were in the interviews told us that they preferred a different candidate instead of Mr. Blacker, that they considered a better fit for the actual position for which they were supposed to be hiring. We were told that Dan Hicks made it clear to those in the interview that he wanted to hire Mr. Blacker, and other interviewers acquiesced to his wishes.

The position was originally a Business Operations Specialist, a low-level clerk which was an existing vacancy. Mr. DeGregorio stated that Mr. Blacker was supposed to have reported to him, but never did. However, the position description states that the position was to report to Mr. Hicks. Therefore, on the first day of Mr. Blacker's employment, it was made clear





that Mr. Blacker was to report directly to Mr. Hicks, and was to perform high-level assignments given to him as directed by Mr. Hicks.

Mr. Hicks had "highlighted" to Mr. Blacker prior to his application about "options that may evolve in the near future". As promised, early in 2020, Mr. Hicks attempted to get a reclassification of Mr. Blacker's job, and a corresponding pay raise of over 120%. As a result, the low-level clerk position is still unfilled, leaving those actual job duties to be performed by others, or not at all.

Given all these circumstances, including Mr. Hicks' prior relationship with Mr. Blacker, the event where Mr. Blacker was invited to "meet the team" who was to interview him prior to his actual application, and Mr. Hicks' statements regarding the future upgrade of the job, and Mr. Hicks' control over the hiring selection, and extensive communication prior to the hire, it can be stated that Mr. Blacker's hiring was not the result of a competitive process.

#### Inappropriately accessing the email of others

On June 12, 2020, Mr. Hicks and Mr. DeGregorio had a meeting, after which Mr. DeGregorio submitted his formal complaint via email to Secretary Keyes and other public officials. As expressed in a subsequent email from his personal email account, Mr. DeGregorio realized about an hour later that his Spaceport email wasn't working. He got access back on Monday, June 15, 2020, at 2:50 pm. During the time period that Mr. DeGregorio couldn't access his own State of New Mexico email, it was determined that three emails previously sent to Secretary Keyes by Mr. DeGregorio had been forwarded to Mr. Hicks. It was later determined that Mr. Hicks requested Chris Markham, an IT specialist at the Spaceport to use Mr. Markham's administrative IT access to get into Mr. DeGregorio's email and forward items to Mr. Hicks, without Mr. DeGregorio's knowledge or permission.

Additionally, when Karen Barker left the employment of the Spaceport, Mr. Hicks had Ms. Barker's email address forwarded directly to him. Mr. Hicks inappropriately accepted emails on behalf of Ms. Barker from her colleagues for some time. Instead of merely informing people that Ms. Barker no longer worked there, he answered those in an attempt to develop relationships with Ms. Barker's colleagues. We were not provided with access to Ms. Barker's emails so we could not determine whether Mr. Hicks responded to any of Ms. Barker's emails while representing himself as Ms. Barker. We suggest this be further investigated.

The New Mexico Code of Conduct specifically precludes the access of resources for which the user does not have authorization by means of user accounts, valid passwords, file permissions or other legitimate access methods. Thus, the access of Mr. DeGregorio's email, and possibly Ms. Barker's email, appears to be a violation of the Code of Conduct by Mr. Hicks.

#### **Mr. DeGregorio outsourced much of his own job**

Starting in September 2018, with the release of an RFP, Mr. Hicks allowed Mr. DeGregorio to outsource many of the important functions of Mr. DeGregorio's own job as Director of Finance to Fiore Industries, in a contract for construction accounting. Fiore bid \$55,000 a year for a contract to do "accounting" for construction projects. However, the services





provided included both accounting elements and construction project management elements, and included on-site inspections to determine percentage of completion. **(Exhibit 18)**

Disturbingly, Fiore asked Mr. DeGregorio to be a reference for them in the construction accounting RFP process, and he was listed as a reference in Fiore's bid. Nevertheless, Mr. DeGregorio failed to remove himself from the RFP selection committee where Fiore was ultimately selected. **(Exhibit 18)**

Shortly after Fiore undertook the construction accounting work, Mr. DeGregorio expanded the scope to include managing consultants and environmental contracts, plus public relations contracts, and website development. **(Exhibit 19)** The expanded scope increased the contract from a \$55,000 per year bid, to \$158,000 in FY18 and \$103,000 in FY19, with no additional RFP or approvals.

After Fiore's construction accounting contract was executed, Mr. DeGregorio instructed all vendors to send invoices to himself and directly to Fiore. Fiore was also writing RFP's for various other projects. This was reported to Mr. Hicks via Mr. DeGregorio's "weekly status report" email. **(Exhibit 17)**

Mr. Hicks failed to properly supervise Mr. DeGregorio, and allowed him to outsource some of the most important functions of his own job, at many times the cost to the taxpayers of Mr. DeGregorio simply doing his own job by himself. Mr. DeGregorio should have been performing his own job, not outsourcing it to others. Additionally, as soon as the vendor requested to use Mr. DeGregorio as a reference, he should have recused himself from the remainder of the procurement process. Instead, he allowed his name to be listed as a reference, and also sat on the committee that ultimately selected this vendor, which would also have violated procurement requirements concerning objectivity in choosing vendors.

#### **Reduced scope "negotiated" for independent financial statement audit**

On September 15, 2019, Mr. DeGregorio wrote Mr. Hicks that he had "negotiated" with Spaceport's external auditors "a much reduced scope of the audit." Further saying, "this should result in half the level of testing as last year, because our previous audit firm was being overly aggressive in their interpretation of the standards." **(Exhibit 20)** This meant that the external auditors would look at fewer documents, and would be less able and less likely to have located any of the issues that we found during our investigation, including violations of procurement code and policy.

Assuming the negotiation actually occurred and was agreed to by the external auditor, as opposed to Mr. DeGregorio lying to look good in front of his boss, this is a violation of Mr. DeGregorio's professional standards as a CPA, and would likely violate the independence of the audit firm. This matter should be reported to the OSA for an investigation of the audit firm, to determine if this actually occurred. This should also be reported to the New Mexico Board of Accountancy, for an investigation into Mr. DeGregorio's actions.

Please see further discussion below concerning violations of Mr. DeGregorio's professional standards as a Certified Public Accountant.





### **Violations of State Procurement Code**

Mr. Hicks frequently stated that the Spaceport's budget was "his money" to spend as he pleased, per numerous witnesses. He resented what he viewed as "interference" by "Santa Fe" (meaning DFA), in controlling or limiting his spending. Witnesses told us that he liked to put out big RFPs to ensure that all of his budget was encumbered, so that he could then move the money around, and spend it however he wanted. Mr. Hicks spent this money on unbudgeted travel, as well as contracts with questionable purposes and deliverables of limited value.

Mr. Hicks had a pattern and practice of procurement violations, aided by Mr. DeGregorio. On October 6, 2019, Zach DeGregorio sent an email containing his weekly status update.

Mr. DeGregorio stated:

*"A new piece of legislation went into effective starting on July 1. This increases restrictions around all service contracts, especially Sole Source and Emergency contracts. Even with my new approach to distance the agency from GSD, we will have to follow these new regulations...My main concern is it is going to slow down the Sole Source contracts we are trying to process for Sierra Nevada and Rocket Labs." (Exhibit 2)*

This email indicates that Mr. DeGregorio was actively working to contravene financial controls put in place by the New Mexico Legislature as well as rules promulgated by the General Services Department ("GSD") and/or DFA, which is responsible for the fiscal affairs of all State agencies.

There is no theory under which Mr. Hicks and Mr. DeGregorio could or should attempt to "distance the agency from GSD" or the governmental controls put into place to protect taxpayer dollars. In combination and cooperation with Mr. Hicks, Mr. DeGregorio was "working to distance" the Spaceport from GSD, as well as DFA, the agency responsible to oversee their finances, and protect the taxpayer's interests. This was entirely inappropriate.

Numerous witnesses told us that when Mr. Hicks wanted a contract or a particular vendor, it was up to everyone else to make it happen, regardless of the rules. Mr. Hicks viewed the Spaceport Board as a needless step in the procurement process, and worked to limit their influence on his selections.

Mr. Hicks wanted to approve well over \$1,000,000 in contracts himself, in the spring of 2020, but was stopped by Secretary Keyes, the Spaceport Board's incoming Chair. These contracts included contracts for four separate law firms at \$250,000-500,000 each for potential legal consulting work. Ms. Melissa Force, the Spaceport's General Counsel, referred to the potential contract spending as "funny money" since there was no immediate need for them, and the money would likely never be spent in anything close to the contract amounts. Among these contracts was a contract for \$250,000 for a photographer who was the only respondent to an RFP.

Mr. DeGregorio stated that Mr. Hicks wanted to give a sole source contract to an out-of-state firm for the Spaceport's economic impact analysis. Mr. Hicks told Mr. DeGregorio that





he got quotes, and then wanted to sole source Mr. Hicks' own personal selection. When Mr. DeGregorio told him that it would have to go to RFP, and that a New Mexico firm would be capable of doing it, a screaming match ensued, that Mr. DeGregorio stated was heard by virtually everyone at the Spaceport business office. Ultimately, the selection went to RFP, and the New Mexico office of Moss Adams was selected.

#### Spaceport Purchasing document

We were provided with an 8-page document called "Purchasing" which was represented to us to be the purchasing guide written by Mr. DeGregorio. (**Exhibit 21**) The Word version of this document, which was provided to us along with copies in PDF format, lists Mr. DeGregorio as the author under the "Info" tab. While this document is undated on its face, the "Info" tab shows the earliest date of April 4, 2018, and a last modified date of May 11, 2020.

In this document, Mr. DeGregorio wrote an opinion stating that the Spaceport Board was established as a "Central Purchasing Office". However, on a plain reading of the statutes cited by Mr. DeGregorio, these statutes bear no resemblance to the assertions written by him. Further, Mr. DeGregorio notes that there is a requirement, through the Open Meetings Act, that the Spaceport Board should approve all purchases over \$2,500. Mr. DeGregorio then goes on to say that would be "impractical" and instead says the Spaceport "brings all purchases to the board when there is an element of '**discretion**' in the procurement decision" [emphasis in original]. Mr. DeGregorio writes in the document that only purchases over \$60,000 will go to the board for vote. The document then goes on to establish procedures consistent with Mr. DeGregorio's interpretation of the statutes, rather than being consistent with the statutes themselves. This meant that Mr. DeGregorio together with Mr. Hicks could approve any purchases under \$60K without Board approval. (**Exhibit 21**). At best, this document is a severe misinterpretation of the statutes, at worst it is deceptively written as a legal opinion, which Mr. DeGregorio would not be qualified to provide.

The proper course of action would have been to request an actual legal opinion, or other authoritative guidance, from DFA and/or GSD, to ensure that the Spaceport was following the procurement code. Instead, Mr. DeGregorio simply gave his own inappropriate interpretation as if it were fact, which assisted Mr. Hicks in committing numerous violations of the procurement code. Later determinations from GSD clearly demonstrate that the Spaceport was never designated as a "Central Purchasing Agency".

Mr. Holdridge stated that he was unaware of any Board rules that were officially promulgated and voted upon. Mr. Holdridge had been Chair for the majority of the time from 2011-2020, and was a Board member for all but four years from 2000 to 2020. Per legal analysis that Secretary Keyes forwarded to us from the General Counsel to the EDD, according to NMSA 1978, §58-31-5(A)(5), the Spaceport Authority, commonly referred to as simply the "Board", must review all contracts, unless rules are promulgated by the Board granting authority to the Executive Director to make purchases at a different level.

Mr. Hicks, as stated previously, considered the Board to be a nuisance and made spending decisions on his own whenever possible. In this case, the Board, under Mr. Holdridge's leadership, failed to promulgate any rules, but acted as if they had granted the authority to the Executive Director to personally and solely approve all contracts and purchases up to





\$60,000. A rule was never put into place giving the Executive Director this authority, thus all contracts up to \$59,999 were made improperly, without required Board approval. This resulted in literally hundreds of violations of purchasing and contracting rules. Mr. Holdridge was unaware that rules should have been promulgated to delegate this Board authority to the Executive Director.

The Spaceport Authority Board relied on Mr. DeGregorio's opinion as expressed in the "Purchasing" document, and failed to promulgate any appropriate rules which might have allowed the Spaceport Director to lawfully make some of these purchases or contracts. Because of Mr. Hicks and Mr. DeGregorio, the Spaceport made dozens of improper and probably illegal purchases, violating numerous sections of the procurement code.

Elsewhere in the same "Purchasing" document, Mr. DeGregorio states as to Travel Approvals, "The following guidance was provided by the Governor's office to Dan Hicks, CEO of the agency: Dan Hicks can approve his own travel and agency staff travel." This is, of course, not true as shown in our previous discussion, but Mr. DeGregorio incorporated it into the agency's procedures manual as instructed or approved by Mr. Hicks; there is no legitimate documented source for such a statement. (**Exhibit 21**)

#### Contracts approved & budget changed without Board votes

Mr. Holdridge stated that it was his understanding that the Board was to vote on contracts over \$60,000, however, there were occasions where contract for amounts greater than \$60,000 were entered into without the approval of the full Board in a public meeting. He stated that at times decisions were made via email, or contracts were approved solely by himself, along with Dan Hicks.

Mr. Holdridge stated that he considered any contracts that were already in the budget as being "pre-approved", since the Board approved the budget. For example, Mr. Holdridge stated that he was aware of the \$250,000 contract for photographic services, but didn't recall if that contract actually went to the Board for approval. Mr. Holdridge stated that there was no need for the Board to approve any contracts that were already in the budget.

Mr. Holdridge also noted that when contracts went through the RFP process, the Board "would approve whoever they [staff] recommended". Mr. Holdridge also stated that he did not recall ever voting to approve the statement of work for RFPs before the RFP was issued. He also noted that renewals of multi-year contracts were not brought to the Board.

#### Inappropriate notification of RFP bidders

Winning bidders were notified of their selection prior to complete process or approval of the Board, which was inappropriate. For example, in an email to John Tysseling of Moss Adams, on August 23, 2019, Mr. Tysseling was notified that Moss Adams was selected as the "winning submission", even though this had not been approved by DFA nor the Spaceport Board of Directors. This contract was approved subsequently on September 11, 2019. In our analysis we found that other bidders were notified prior to the actual approval of the RFP or selection by the Spaceport Board or DFA.





### Consulting Contracts - Multiple awardees

According to the procurement code, the point of putting out a request for proposal is to select one responsive bidder who will give the best price to the State of New Mexico. In the case of tied bids, the procurement code has specific rules for how the single winner should be selected, owing to resident preference and other rules. However, the Spaceport, under Mr. Hicks' and Mr. DeGregorio's direction, had a habit of sending out RFPs and selecting all the respondents, at double or triple the cost to the taxpayers. This even included having two consultants work together on a single project, at twice the price.

For example, when reporting the results of the RFP for aerospace consulting to the Spaceport Board on October 25, 2018, Mr. Hicks reported that they put out a solicitation for consulting (which was essentially lobbying), and got three very qualified firms. Mr. Hicks stated that he wanted to award contracts to all three of them. He stated that Peter Bythrow of Bougainvillea Breeze had intelligence community contacts, and Chris Andrews of Andrews Consulting Services LLC had NASA contacts, and Bryce Space and Technology LLC had both, thus, he needed all three of them. **(Exhibit 22)**

The Spaceport was unable to produce any documents showing scoring on the RFP to demonstrate which of these companies should have won the bid. Contracts were given to all three. Mr. Hicks told us during his interview that Mr. Bythrow and Mr. Andrews were friends of his; other people told us they were friends of Karen Barker's. None of the firms are registered lobbyists; even though the work being performed by Mr. Bythrow and Mr. Andrews was clearly lobbying. **(Exhibits 23 and 24)** In addition to using unregistered lobbyists, the Spaceport was paying two or three times the cost for a single service, which apparently could have been provided in total by Bryce Space and Technology LLC, the firm with contacts in both arenas.

Mr. Hicks actually encouraged Mr. Bythrow and Mr. Andrews to work together, with each charging full price to assist the other. **(Exhibit 25)** Mr. Bythrow and Mr. Andrews were paid time and travel to attend the 2019 Spaceport Cup, which involved only students and recruiters, and therefore had no legitimate business purpose. Spaceport executives, including Bill Gutman, Spaceport's Director of Aerospace Operations, and Melissa Force, complained about the lack of justification for the cost of \$2,800 per day. **(Exhibit 26)** Additionally, Mr. Hicks also flew to Washington DC to meet with both men to discuss business, incurring needless travel expenses. We also found an invoice from Chris Andrews where he charged the Spaceport to attend the Spaceport Cup (he refers to it as "America Cup" in the invoice) more than \$10,000, including travel. **(Exhibit 27)**

Furthermore, the Spaceport paid a portion of the cost for Mr. Bythrow to attend a conference in Hawaii on September 17-20, 2019, at a cost to New Mexico taxpayers of \$1,437 in time and travel expenses. **(Exhibit 28)** Mr. Bythrow's reports consisted of emails stating that he spoke to one person or another, attending meetings and conferences, or at times sending emails essentially "cold calling" on behalf of the Spaceport. Mr. Bythrow's lack of substantive work product comes into question as he frequently reported that he was unable to discuss the nature of his work for the Spaceport, because the information was classified. **(Exhibit 29)** Between FY18-FY20, the Spaceport paid \$36,641 to Mr. Bythrow and his firm, Bougainvillea Breeze, for his consulting and lobbying services, with little to show for it in terms of actual benefit to the Spaceport.





In analyzing Mr. Andrews invoices, we find that Mr. Andrews set his own work plan and his work product was similarly lacking in support; an invoice for \$11,811 is supported with a few bullet points describing his activity. (**Exhibit 30**) Much of Mr. Andrews' work product consisted of attending meetings with Dan Hicks, and "providing support". Mr. Hicks should have been able to attend high-level meetings without the constant "support" of a consultant, but was evidently unable to do so. Over the same time period of FY18-FY20, the Spaceport paid Mr. Andrews \$168,605; again, with a very limited work product, and unclear benefit to the Spaceport, as opposed to benefiting Mr. Hicks personally.

Former Board Chair Mr. Holdridge stated that he was also aware contractors such as Pete Bythrow (Bougainvillea Breeze) were hired by Dan Hicks because they were friends and former colleagues. However, Mr. Holdridge stated that it didn't bother him at all. He stated that the space community was fairly small, and hiring people who had connections was how things were done. He stated that he knew several contractors were hired for their military connections, as well as at least one employee as described elsewhere in this report.

Based on information found in documents, and confirmed during interviews, Mr. DeGregorio initially approved Mr. Bythrow's and Mr. Andrews' invoices without ever seeing any work product, later Fiore was performing accounting for these invoices without work product. Mr. Hicks received the work product in the form of emails; nobody appeared to have been directing Mr. Bythrow's work, except for Mr. Bythrow. This is particularly concerning, since Mr. Hicks described these consultants as being "his friends", and since no legitimate scoring of RFP submissions is documented to have occurred.

Other contracts awarded by Mr. Hicks as sole source, single bidder or multiple bid awards included Barracuda public relations (\$126,450), Griffin & Associates public relations (\$155,342, the firm is also known as "Sunny 505"), a photographer named Jesse James Ramirez, also known as Weaponize (\$66,493), and Bryce Space and Technology (\$61,026). These payments combined with the Bythrow/Bougainville Breeze and Andrews Consulting contracts, totaled \$671,429 of Spaceport spending approved by Mr. Hicks' and/or Mr. DeGregorio over three years.

Of the \$281,793 of public relations money spent on the two contractors listed above, \$13,000 of that was payment for billboards which, according to our interviews, had to be taken down early because the billboards were deemed to be inappropriate lobbying to the New Mexico State Legislature. The billboards and their placement were specifically authorized by Mr. Hicks; this constitutes additional improper lobbying by Mr. Hicks and his consultants. (**Exhibit 31**)

#### Statements of work/contract scopes not going to the Board prior to RFP release

There is no evidence that proposed statements of work, or scopes of work for contracts ever went before the Board as required. Instead, Mr. Hicks and his staff under his supervision, would determine a scope of work, put out an RFP, frequently without going to GSD for proper determination, then interview bidders and select a desired vendor, and notify the vendor that they had won, all without involving the Board. Only when the vendor had been selected and notified, was the Board brought in to give a rubber-stamp to the already-completed RFP award.





#### Vendors selected prior to RFP being issued

In July 2019, in a series of emails from Mr. DeGregorio to Mr. Hicks and others, Mr. DeGregorio states that he has interviewed several bond refinance and advisors' firms. He states that he has identified, and names in an attachment on July 16, 2019, a specific team who will go along with his "team" approach scheme, for over \$800,000 in fees. (**Exhibit 32**) In a later email on September 29, 2019, Mr. DeGregorio writes, "We cannot move forward without a public RFP." He goes on to say, "My plan is to write an RFP based on my proposed team approach and post it in October." It is clear from Mr. DeGregorio's emails that he had already identified the winning bidders for the RFP which had not yet been issued. This would be a violation of New Mexico procurement code and could have been construed as bid-rigging. (**Exhibit 17**)

The point of an RFP is to receive proposals to select appropriate bidders, by conducting complete interviews and competitively selecting the vendors to secure the best value for the taxpayers. Mr. DeGregorio was violating both the spirit and the letter of the procurement code, with Mr. Hicks' tacit and explicit approval.

In an email on June 2, 2020, discussing the refinance of the bonds, Secretary Keyes had added a representative of New Mexico Finance Authority ("NMFA") in the email string but Mr. DeGregorio removed the NMFA representative saying, "NMFA is trying to take advantage of Spaceport." (**Exhibit 33**)

This never actually went out to RFP, but was stopped by Secretary Keyes in her role as Spaceport Board Chair.

#### Sole source contracts

Under Dan Hicks' leadership, the Spaceport entered into several sole source contracts. None of the sole source contracts went to the Spaceport Board, as required. Further, several sole source contracts should have been put out to RFP, to see if another vendor could provide the needed service or arrangement under more favorable terms.

Sierra Nevada – This is a sole source contract in which the Spaceport is essentially paying Sierra Nevada to be the Spaceport's customer, because the Spaceport will get the launch data to use for another purpose. Supposedly, no other company would provide such data. Without putting out an RFP, it cannot be known if another company would provide the needed data under an arrangement more favorable to the Spaceport. As it stands, Spaceport is essentially paying Sierra Nevada to be their customer, under this improper sole source contract.

UP Aerospace – Mr. Hicks has proposed a sole source contracted in which the Spaceport would pay UP Aerospace to put in a rail launch system at the Spaceport. UP Aerospace already operates a launch rail system at the Spaceport. The sole source documentation states in one place that the new launch rails system is "for the exclusive use of UP Aerospace", but in another place states that it's for other customers of the Spaceport, along with UP Aerospace, should they ever need a second system. Although UP Aerospace does have the ability to build the launch rail system, there is no evidence that there are no other





qualified bidders with that ability. The Spaceport should have put out an RFP with their specifications, to determine if anyone other than UP Aerospace responded.

Additionally, the way the contract is currently written, it does not appear to be the agency's actual intent. Under no circumstances should UP Aerospace be paid by the Spaceport to build a launch rail system for the company's own exclusive use.

These sole source contracts should be considered within the context of Mr. DeGregorio's email referenced earlier where he was attempting to "distance" the Spaceport from GSD and his complaint that the new legislation would adversely affect sole source contracts. The tone at the top was such that public matters were shielded from oversight and appropriate authorities, public records were considered secret and improperly withheld, and transparency and accountability was never a goal. At each available opportunity, Mr. Hicks and Mr. DeGregorio attempted to thwart appropriate oversight of the Spaceport.

#### Reductions to purchase orders

Mr. DeGregorio participated in and specifically requested improperly moving funds from legitimate purchase orders to pay for other contractual obligations, without appropriately following the requirements for budget adjustments, in violation of NMSA §6-3-23 & §6-3-25. For example, Mr. DeGregorio instructed his staff to reduce a PO to Fiore for Protective Services by \$490,000. Eventually, funds were moved back as needed, according to our interviews and notes on documents we analyzed. See additional discussion regarding these practices below. (**Exhibit 34**)

Mr. Holdridge also stated that he was aware that Dan Hicks had "scraped off" approximately \$500,000 from the Fiore contact to use for other purposes. Mr. Holdridge stated that as Chair, he "expected people to move money and take initiative to get things done", he stated that they "couldn't go through a three-month ordeal to wait for 'Mother-May-I' from Santa Fe". Mr. Holdridge stated that he really left the work to the Executive Director and the agency, but stated that he made it clear that he expected them to do whatever it took to get things done.

Mr. Holdridge stated that he thinks he was briefed on the money being "scraped off" of one contract for another, but didn't think there was a Board vote. He stated, "If that's wrong, it's wrong, but it probably happened".

#### Manual of Model Accounting Practices violation

Mr. DeGregorio's actions resulted in at least one documented violation of the Manual of Model Accounting Practices ("MAP"), promulgated by DFA. On September 27, 2018, Mr. DeGregorio sent a letter to Mr. Ronald Spillman, then-State Controller at DFA, requesting vouchers for services rendered in July, August, and September 2018, to Fiore Industries be paid despite the fact that there was no PO in effect for the time when Fiore performed the work in the invoice. The totals for those vouchers were:

- July 2018 - \$165,576.63
- August 2018 - \$234,854.51
- September 2018 - "estimated at \$250,000" because the invoice had not yet been received





Mr. DeGregorio blames delays caused in getting the contract amendment back from GSD, short staffing within the Spaceport, the annual audit, difficulties with the Department of IT helpdesk getting the PO reissued, and confusion over the contract amendment. But Mr. DeGregorio notes that the contract amendment wasn't signed until August 7, 2018, and the PO was not submitted to DFA until September 12, 2018, five weeks after the contract amendment was signed. Mr. Spillman wrote a handwritten note on the letter stating that the vouchers are approved for payment after the fact then noted, "this is a MAP violation." (**Exhibit 35**)

The amount of the vouchers involved in this MAP violation suggests that external auditors would or could have determined this to be an internal control weakness had this information been provided to them. The finalized FY 2019 audited financials do not include any internal control findings, suggesting that Mr. DeGregorio failed to disclose Mr. Spillman's notation that "this is a MAP violation" to the external auditors. See also, discussion above, describing how Mr. DeGregorio states he "negotiated" a lower level of testwork for the FY 2019 audit.

#### **Lack of control of Spaceport budget & use of GRT funds for operations**

Per our interviews, Mr. DeGregorio represented to staff that his job was to get Mr. Hicks what he wanted, regardless of whether the spending was prudent or in-line with the Spaceport's goals, or even consistent with the law and legislative intent. This is was repeated by other interviewees who told us about Mr. Hicks' statements that the Spaceport budget was "his money" to do with as he pleased. Mr. Hicks spent money in ways that were not consistent with his budget, approved contracts and issued purchase orders. When money was available on one PO, but not available for the purpose Mr. Hicks desired, Mr. DeGregorio would instruct his staff to move money from one PO to another.

As examples, on approximately September 13, 2019, at Mr. DeGregorio's instruction, \$490,000 was moved off the Fiore protective services PO, and is noted to have been spent on "other obligations". Then on November 7, 2019, a different PO to Fiore, also for protective services, was reduced by \$50,000 "per Zach to cover 300 obligations"<sup>4</sup> according to notes made on the PO by staff. Eventually, funds were moved back as needed, according to our interviews and notes on documents we analyzed. (**Exhibit 34**)

At least in part because of Mr. Hicks' spending on travel, contracts, and other purchases, the Spaceport always seemed to be out of money, per several witnesses. This becomes apparent when reviewing the Spaceport's use of so-called excess revenue Gross Receipts Tax ("GRT") funds. The statutes creating the Spaceport Authority allowed the Spaceport to issue bonds which are being repaid from a special GRT approved by vote in two counties. These bonds were purchased by the NMFA at the time of issue. The GRT funds earmarked for repayment of these bonds went directly to NMFA, who then held the revenue which is in excess of the amount needed to make payments on these bonds. Over many years, the Spaceport applied for, and received, the transfer of these excess revenues, which were then used for many purposes, some of which may not have been appropriate.

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<sup>4</sup> "300 obligations" refer to contractual obligations in the State of New Mexico budget numbering system.





Brian S. Colón, Esq, CFE, State Auditor  
Alicia J. Keyes, Cabinet Secretary  
Re: Spaceport Authority Investigation of Complaint  
Provided to OSA on October 14, 2020; Finalized on November 6, 2020  
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A plain reading of the statutes authorizing the Spaceport's GRT funds would indicate that those funds were designated to be used around activities that included designing and engineering and construction, NMSA §7-20E-25B, which states:

*A governing body, at the time of enacting an ordinance imposing the tax authorized in Subsection A of this section, shall dedicate a minimum of seventy-five percent of the proceeds of the revenue to the regional spaceport district for the **financing, planning, designing and engineering and construction of a spaceport** or for projects or services of the district pursuant to the Regional Spaceport District Act and may dedicate no more than twenty-five percent of the revenue for spaceport-related projects as approved by resolution of the governing body of the county. [Emphasis added]*

However, during our interview of Mr. DeGregorio, his opinion was that there was no restriction on the GRT revenues (presumably he meant the excess revenues but he did not make that clear in our interview), and told us that those GRT funds were "one of the most flexible sources" for funding the Spaceport.

Despite Mr. DeGregorio's assertion, the statute quoted above appears to limit the revenues of the regional spaceport GRT to certain activities and categories that would not include operations such as salaries; this is a legal interpretation shared by the general counsel for EDD. However, Mr. Hicks and Mr. DeGregorio went to the public bodies responsible for decisions regarding the usage of those taxes, and made their case for spending the funds on operations and salaries. In one meeting with the regional tax commission, on June 12, 2017, Melissa Force, the Spaceport's General Counsel, misquoted a statute, indicating that "construction" was not even present in the statute, and opined that it was fine to spend this money on salaries and operations.

The interpretation of the statute is currently and historically in dispute; the Attorney General is the appropriate person to give a final opinion on this matter, and we are not providing a legal opinion. The important aspects of this matter for this investigation involve the degree of desperation expressed by Mr. Hicks at needing the money to keep the Spaceport afloat.

For example, in an email on July 1, 2017, Mr. Hicks stated "We will not sign NMFA's amending resolution...while it's a pain it the backside, we have set them up in a documented trail to give us the money once NMSA approves a simple resolution reflecting Stephanie's amendment! Hang in there, Zach, we'll get the money." (**Exhibit 36**)

The Spaceport did ultimately combine excess revenue GRT funds with appropriated funds, and spent GRT money on operations including salaries, at the direction of Mr. Hicks, and with the agreement of Mr. DeGregorio. It is unclear if this was included in the approved budget for Spaceport. However, regardless of approval, receipt of the disputed excess revenue GRT funds did not solve the Spaceports budget overspending problems. In his weekly status reports over various time periods, Mr. DeGregorio echoes continued immediate need for an infusion of funding to the Spaceport, when he states "We are almost out of money in category 400, and we will need to make more jet fuel purchases...A BAR right now will make sure there is no interruption in the operations and will give us more time to figure out the hiring options." (**Exhibit 36**) In an email of March 8, 2020, Mr.





DeGregorio states, "We are currently running out of money and only have \$50k remaining in category 400. Our electric bill alone will be \$25k." (**Exhibit 36**)

As Finance Director, it was Mr. DeGregorio's responsibility to say "no" to Mr. Hicks, and to ensure that the Spaceport operated within its budget, in a fiscally sound manner. Instead, Mr. DeGregorio collaborated with Mr. Hicks to circumvent rules to procure contracts, spend money on unapproved travel, file materially false travel vouchers, move money off of approved POs to cover other expenditures, and generally fail to control the Spaceport's finances in any responsible way.

An analysis performed by DFA personnel, and shared with us, shows that the Spaceport would not have been able to pay its obligations without the infusion of the excess GRT revenues. It is important to note that because these funds were combined with appropriated funds, it is not possible to definitively say that the funds were spent on personnel costs or any other specific budget line item. However, it is clear from DFA's analysis that these funds were necessary for the Spaceport to meet its obligations. (**Exhibit 37**)

The lack of controls over the Spaceport's budget was likely compounded by the lack of Board oversight detailed for us by former Board Chair Mr. Holdridge. Please see discussions elsewhere in this report concerning failure to promulgate rules for the Spaceport and Open Meetings Act violations where Spaceport business was conducted via emails or phone calls or via rolling quorums. Mr. Holdridge also noted that his signature stamp may have been used to indicate his approval on budget documents, but didn't know of any specific documents and couldn't recall whether those were specifically approved by him. Our analysis of Mr. DeGregorio's email did not reveal any requests or approvals to use Mr. Holdridge's signature stamp on budget documents. We have not otherwise attempted to locate any budget documents which are affixed with a signature stamp rather than an actual signature.

### **Anti-Donation Clause Violation**

As described in more detail above, at Mr. Hicks' direction and approval, Mr. DeGregorio allowed \$5,000 of Spaceport funds to be paid to sponsor the Florida National Space Council's cocktail reception. (**Exhibit 6**) The payment went to the Commercial Spaceflight Federation, a non-profit trade association. This is a violation of the New Mexico Constitution's anti-donation clause.

The New Mexico Constitution has an "anti-donation" clause (Article IX, Section 14) that prohibits the government from giving gifts of money, property, or credit to private parties. This precludes donations to non-profit organizations like the Commercial Spaceport Federation or the Florida National Space Council. This is specifically addressed in *Hutcheson v. Atherton*, 99 P.2d 462, 471 (1940), when the Supreme Court ruled that even if the corporation was a non-profit corporation "composed of a group of public spirited, patriotic citizens who have banded themselves together for [a worthy] purpose...this fact does not make it a proper subject of governmental bounty. The mere fact that the work in which it is engaged is of great educational and patriotic value does not legally entitle it to state or county aid."





### **Open Meetings Act Violations**

The Spaceport Authority Board of Directors violated the New Mexico Open Meetings Act on several occasions. As the Director of the Spaceport Authority, Mr. Hicks was responsible to the volunteer Board to ensure that their operations were within the law. Chair Richard Holdridge also shares in this responsibility. Mr. DeGregorio contributed to, and in some cases instigated, violations of the New Mexico Open Meetings Act. Mr. DeGregorio was also responsible for putting together the Board's agendas, which were approved by Mr. Hicks, and the agenda at times failed to list planned closed sessions, and the reason for the closed session, as required by law.

Violations of the Open Meeting Act are misdemeanor crimes, and also subject those responsible to civil penalties. As demonstrated below, Dan Hicks as Director, had a pattern and practice of personally committing Open Meeting Act violations, as well as allowing violations of the Open Meeting Act by the Spaceport Authority Board to occur without correction.

On April 11, 2018, verbatim minutes of the Spaceport Authority public meeting recorded Dan Hicks stating "We can do it [Board votes and approvals] on a phone or video-conference type of thing". This demonstrates that Dan Hicks intentionally planned, in advance, for the Board to violate the Open Meetings Act, by voting or making other decisions outside of a public meeting.

In his statement to us, Spaceport Authority Chair Richard Holdridge, described and admitted to permitting activities that likely constituted Open Meetings Act violations. Mr. Holdridge stated that because the Board only met quarterly, he frequently conducted business via email or phone with Board members. He stated that Dan Hicks sometimes briefed all the Board members via email or phone, and decisions were made in this way, too. Mr. Holdridge stated that he was unaware that this type of "rolling quorum" was a violation of the Open Meetings Act.

Mr. Hicks violated the Open Meetings Act on each occasion when he briefed Board members by phone, where any decisions were made, including via a rolling quorum. Rolling quorums and any other Board decisions made outside of a public meeting would almost certainly violate the Open Meetings Act.

Mr. Holdridge also acknowledged that, at times, the Board minutes available to the public were not complete. He stated that depending on who took the minutes, they were virtually a transcript of meetings, or were incomplete. He stated that an abridged version of the meeting minutes was available to the public online, and not the complete transcript.

On September 11, 2019, Board Chair Richard Holdridge asked the Board to enter a closed session in order to discuss personnel matters, which he stated were exempted under the Open Meetings Act. (**Exhibit 38**) However, the closed session was not placed on the agenda, nor was appropriate notice of the closed session given to the public, as required by statute. (**Exhibit 39**) Secretary Keyes was not in attendance at this meeting, but signed the minutes nearly a year later, on July 9, 2020, having been named as Chair in the intervening time.





On three annual occasions, Mr. DeGregorio requested to use Mr. Holdridge's signature stamp on a letter over Mr. Holdridge's signature block which appointed members to the audit committee of the Authority. Analysis of board minutes does not reveal any Board approval of the membership of the audit committee, in a public meeting or otherwise. Apparently, Mr. Holdridge appointed the members, himself included, to this committee without Board action. Dan Hicks was copied on this email, and as Director, was responsible to stop this violation of the Open Meetings Act. Mr. Holdridge appointed the audit committee in this way in three separate years; none of the selections occurred or were discussed in a public meeting. **(Exhibit 40)**

The Spaceport was also sued for numerous and flagrant violations of the New Mexico Inspection of Public Records Act ("IPRA"). In emails, it is clear that Mr. DeGregorio acted as the *de facto* IPRA contact person and records custodian. He was deposed as part of a lawsuit by Heath Haussamen. In July 2018, the New Mexico Attorney General's Office ruled that the Spaceport violated IPRA four separate times. As a result, the Spaceport entered into a settlement in which they paid \$60,000 to Heath Haussamen to settle the lawsuit for IPRA violations.

Mr. Hicks, as Director, was responsible for understanding both the Open Meetings Act and the Inspection of Public Records Act. In an interview in 2017, Mr. Hicks admitted that nobody at the Spaceport had attended the Attorney General's training on OMA or IPRA, but stated that they had internal training.

### **Findings and Conclusions**

As detailed above, there is evidence to conclude that Dan Hicks violated criminal and administrative statutes, as well as the State of New Mexico Governmental Compliance Act, and Governor Lujan Grisham's Code of Conduct, during his tenure as Director of the Spaceport. These violations are detailed above, and summarized below.

Accordingly, we recommend that this matter be referred to the appropriate law enforcement agency for additional investigation, and consideration of formal criminal and/or administrative charges. It is our understanding that EDD personnel have already referred this matter to the Attorney General's Office.

Mr. DeGregorio came forward with the intentions of providing concerning information about Mr. Hicks, and the information he initially provided brought to light some of the issues at the Spaceport. However, Mr. DeGregorio participated in many of the violations that our investigation revealed. In some cases, Mr. Hicks would not have been able to so easily and successfully violate the procurement code and other statutes, without Mr. DeGregorio's assistance.

We recommend that this matter be referred to the appropriate law enforcement agency for additional investigation, and consideration of formal criminal and/or administrative charges concerning Mr. DeGregorio's role and participation in Mr. Hicks' actions. It is our understanding that EDD personnel have already referred this matter to the Attorney General's Office.





### **Specific statutes and administrative codes implicated in our investigation**

As to the three false vouchers described above, there is probable cause to conclude that Mr. Hicks and Mr. DeGregorio violated **NMSA §30-23-3, Making or Permitting a False Public Voucher**, which states:

*Making or permitting false public voucher consists of knowingly, intentionally or wilfully [willfully] making, causing to be made or permitting to be made, a false material statement or forged signature upon any public voucher, or invoice supporting a public voucher, with intent that the voucher or invoice shall be relied upon for the expenditure of public money. (1962 Op. Att'y Gen. No. 62-55. - Includes travel vouchers)*

*Whoever commits making or permitting false public voucher is guilty of a fourth degree felony.*

There is probable cause to conclude that Mr. Hicks violated **NMSA §10-16-3, Ethical Principles of Public Service**, which states:

*A. A legislator or public officer or employee shall treat the legislator's or public officer's or employee's government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.*

*B. Legislators and public officers and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.*

There is cause to believe that Mr. Hicks violated that following portions of the **NM Code of Conduct**, as signed by Gov. Lujan Grisham on July 2, 2019, and acknowledged by Mr. Hick's signature. (**Exhibit 41**)

As to submission of false public vouchers, travel for questionable public purpose, and other ethical violations:

#### **1. Public Trust**

*a. You shall treat your government position as a public trust. You shall use your position and the powers and resources of public office only to advance the public interest and not to obtain personal benefits of pursue private interests.*

*b. You shall conduct yourself in a manner that justifies the confidence placed in you by the people of New Mexico by at all times maintaining the integrity of public office and ethically discharging the high responsibilities of public office.*





As to travel and other activities at the alleged invitation of Vice President Pence, and/or other possible lobbying activity:

**5. Political Activities**

*a. You must comply with the requirements governing political activity found in the New Mexico Administrative Code, state law, and federal law, if applicable, including, but not limited to, the federal Hatch Act, 5 U.S.C. Sections 1501 to 1508.*

*b. You must also consider whether any political activity may involve other provisions of this Code of Conduct, the New Mexico Administrative Code, state law, and federal law, including, but not limited to, use of state time and equipment, conflicts of interest, prohibitions on accepting gifts, and confidentiality.*

As to the unauthorized access of Mr. DeGregorio's and Ms. Barker's State emails:

**6. Use of State Information Technology Resources**

*c. You shall not access or attempt to access IT resources for which you do not have authorization by means of user accounts, valid passwords, file permissions, or other legitimate access and authentication methods. "Access" means the ability to read, change, or enter data using a computer or an information system.*

**Penalty:** Any violation of this Code of Conduct shall constitute cause for dismissal, demotion or suspension.

As our investigation demonstrates, Mr. Hicks with the assistance of Mr. DeGregorio, in some cases, violated both the spirit and the letter of the following **New Mexico Procurement Codes**:

Multiple Source Award

**NMSA 13-1-69. Definition; multiple source award. (1984)**

*"Multiple source award" means an award of an indefinite quantity contract for one or more similar services, items of tangible personal property or construction to more than one bidder or offeror. 13-1-110. Competitive sealed bids; identical bids. (1984)*

*When competitive sealed bids are used and two or more of the bids submitted are identical in price and are the low bid, the state purchasing agent or a central purchasing office may:*

*NMSA 13-1-110. Competitive sealed bids; identical bids. (1984) Competitive Sealed Bids*

*A. award pursuant to the multiple source award provisions of Sections 126 and 127 [13-1-153 and 13-1-154 NMSA 1978] of the Procurement Code;*





*B. award to a resident business if the identical low bids are submitted by a resident business and a nonresident business;*

*C. award to a resident manufacturer if the identical low bids are submitted by a resident manufacturer and a resident business;*

*D. award by lottery to one of the identical low bidders; or*

*E. reject all bids and resolicit bids or proposals for the required services, construction or items of tangible personal property.*

*NMSA 13-1-154. Multiple source award; determination required. (1984)  
The state purchasing agent or central purchasing office shall make a determination setting forth the reasons for a multiple source award.*

#### Competitive bids are required

*NMSA 13-1-29. Rules of construction; purposes. (1984)*

*C. The purposes of the Procurement Code are to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity.*

*NMSA 13-1-102. Competitive sealed bids required. (2007)*

*All procurement shall be achieved by competitive sealed bid pursuant to Sections 13-1-103 through 13-1-110 NMSA 1978, except procurement achieved pursuant to the following sections of the Procurement Code [Sections 13-1-28 through 13-1-199 NMSA 1978]:*

- A. Sections 13-1-111 through 13-1-122 NMSA 1978, competitive sealed proposals;*
- B. Section 13-1-125 NMSA 1978, small purchases;*
- C. Section 13-1-126 NMSA 1978, sole source procurement;*
- D. Section 13-1-127 NMSA 1978, emergency procurements;*
- E. Section 13-1-129 NMSA 1978, existing contracts;*
- F. Section 13-1-130 NMSA 1978, purchases from antipoverty program businesses; and*
- G. the Educational Facility Construction Manager At Risk Act [13-1-124.1 NMSA 1978].*

#### Sole Source

*NMSA 13-1-126. Sole source procurement. (2013)*

*A. A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office determines, in writing, that:*





- (1) *there is only one source for the required service, construction or item of tangible personal property;*
  - (2) *the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and*
  - (3) *other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.*
- B. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the sole source procurement, including reviewing available sources and consulting the using agency, and shall include its written determination in the procurement file.*
- C. The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the state agency or a local public body.*
- D. A contract for the purchase of research consultant services by institutions of higher learning constitutes a sole source procurement.*
- E. The state purchasing agent or a central purchasing office shall not circumvent this section by narrowly drafting specifications so that only one predetermined source would satisfy those specifications.*

Based on our investigation as above, there is cause to conclude that Mr. Hicks directed and/or participated in numerous violations of the **New Mexico Open Meetings Act**, some of which appear to be intentional and planned.

***10-15-1. Formation of public policy; procedures for open meetings; exceptions and procedures for closed meetings.***

*A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meeting. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.*

*B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to*





*the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.*

*C. If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.*

*D. Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.*

*[...]*

*I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure:*

*(1) if made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; and*

*(2) if called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed is given to the members and to the general public.*

*J. Following completion of any closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting if the closed meeting was separately scheduled shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting . This statement shall be approved by the public body under Subsection G of this section as part of the minutes.*





**10-15-4. Penalty.**

*Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.*

**Violations of Professional Standards by Mr. DeGregorio**

Mr. DeGregorio is a CPA licensed by the State of New Mexico Board of Accountancy, license #6946, renewed through 7/31/2021. As a CPA, Mr. DeGregorio has a Code of Professional Conduct which he is required to uphold. The New Mexico Board of Accountancy has adopted the Association of International Certified Professional Accountants ("AICPA", previously known as the American Institute of Certified Public Accountants) Code of Professional Conduct. Mr. DeGregorio, as a CPA licensed by the State of New Mexico, has agreed to adhere to those standards. Additionally, Mr. DeGregorio is obligated to adhere to the other standards set by the Board of Accountancy, which are codified in the New Mexico Public Accountancy Rules, §Title 16 NMAC. Violation of these rules, including the AICPA Code of Professional Conduct, could potentially subject Mr. DeGregorio to disciplinary action by the New Mexico Accountancy Board, up to and including the forfeiture of his license as a CPA.

It is our opinion that Zach DeGregorio CPA, failed in his professional responsibilities as a licensed CPA. Mr. DeGregorio's actions, as detailed above, include failing to serve the public interest and subordination of judgment, as demonstrated by outsourcing his own job at many times the cost to the taxpayers, assisting Mr. Hicks in completing and submitting travel vouchers that were materially false, and failing to provide the best value to taxpayers in the procurement process.

Mr. DeGregorio was unduly influenced by vendors, as demonstrated by his complete abdication of his own job duties so that accounting could be performed by an outside contractor, as well as the fact that he allowed that same vendor to list his name as a reference during their own procurement. Mr. DeGregorio failed to recuse himself from participating in the procurement for this vendor, even after he was personally listed as their reference. Mr. DeGregorio subordinated his judgment to Mr. Hicks, who was not only not a CPA, but was not financially savvy, and felt there was or should be a "waiver" for every kind of rule. Finally, Mr. DeGregorio was untruthful with the Spaceport's external auditors, going so far as negotiating with them to subject the Spaceport to a less rigorous audit and failing to disclose MAP violations totaling over \$650,000. He was also untruthful with employees of DFA regarding subjects including travel vouchers, POs and procurement.

**Applicable Code of Professional Conduct**

The New Mexico Administrative Code is quoted below, followed by the applicable AICPA Code of Professional Conduct sections which are implicated in this case; all quotes of statute and the Code are italicized.

**NEW MEXICO PUBLIC ACCOUNTANCY RULES, NEW MEXICO ADMINISTRATIVE CODE**  
**TITLE 16. OCCUPATIONAL AND PROFESIONAL LICENSING,**  
**CHAPTER 60 PUBLIC ACCOUNTANTS**





**§16 NMAC 60.5.8 DUTY TO ABIDE BY CODE OF PROFESSIONAL CONDUCT:**

A. In addition to its own rules of conduct, the board adopts the American institute of certified public accountants' (AICPA) Code of Professional Conduct: code of professional conduct. All certified public accountants and registered public accountants holding a current certificate and all holders of firm permits shall comply with the board's rules of conduct and the AICPA code of professional conduct or any successor code of professional conduct promulgated by AICPA in meeting and maintaining their responsibilities and requirements of ethical and professional conduct in the practice of public accountancy. This code of professional conduct is on file and available for review at the offices of the board and is available from AICPA.

B. By accepting licensure to engage in the practice of public accountancy or to use titles which imply a particular competence so to engage, the licensee also accepts the obligations of the profession and the duty to abide by the board's rules of conduct and the AICPA code of professional conduct.

C. Any departure from either the rules of conduct or the code of conduct must be justified, and individuals who do not adhere to them may be subject to board disciplinary action.

[16.60.5.8 NMAC - Rp 16 NMAC 60.7.6, 02-14-2002]

**THE AICPA CODE OF PROFESSIONAL CONDUCT**

§ 0100.01 The AICPA Code of Professional Conduct (the code) begins with this preface, which applies to all members. The term member, when used in part 1 of the code, applies to and means a member in public practice; when used in part 2 of the code, applies to and means a member in business; and when used in part 3 of the code, applies to and means all other members, such as those members who are retired or unemployed.

**§0.300.030 The Public Interest**

.01 The public interest principle. Members should accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate a commitment to professionalism.

.02 A distinguishing mark of a profession is acceptance of its responsibility to the public. The accounting profession's public consists of clients, credit grantors, governments, employers, investors, the business and financial community, and others who rely on the objectivity and integrity of members to maintain the orderly functioning of commerce. This reliance imposes a public interest responsibility on members. The public interest is defined as the collective well-being of the community of people and institutions that the profession serves.

**§20.010.06 Conceptual Framework Approach, Members in Business**





*.06 Under the conceptual framework approach, members should identify threats to compliance with the rules and evaluate the significance of those threats. Members should evaluate identified threats both individually and in the aggregate because threats can have a cumulative effect on a member's compliance with the rules. Members should perform three main steps in applying the conceptual framework approach:*

*a. Identify threats. The relationships or circumstances that a member encounters in various engagements and work assignments or positions will often create different threats to complying with the rules. When a member encounters a relationship or circumstance that is not specifically addressed by a rule or an interpretation, under this approach, the member should determine whether the relationship or circumstance creates one or more threats, such as those identified in paragraphs .09–.14 that follow. The existence of a threat does not mean that the member is in violation of the rules; however, the member should evaluate the significance of the threat.*

*b. Evaluate the significance of a threat. In evaluating the significance of an identified threat, the member should determine whether a threat is at an acceptable level. A threat is at an acceptable level when a reasonable and informed third party who is aware of the relevant information would be expected to conclude that the threat would not compromise the member's compliance with the rules. Members should consider both qualitative and quantitative factors when evaluating the significance of a threat, including the extent to which existing safeguards already reduce the threat to an acceptable level. If the member evaluates the threat and concludes that a reasonable and informed third party who is aware of the relevant information would be expected to conclude that the threat does not compromise a member's compliance with the rules, the threat is at an acceptable level and the member is not required to evaluate the threat any further under this conceptual framework approach.*

*c. Identify and apply safeguards. If, in evaluating the significance of an identified threat, the member concludes that the threat is not at an acceptable level, the member should apply safeguards to eliminate the threat or reduce it to an acceptable level. The member should apply judgment in determining the nature of the safeguards to be applied because the effectiveness of safeguards will vary depending on the circumstances. When identifying appropriate safeguards to apply, one safeguard may eliminate or reduce multiple threats. In some cases, the member should apply multiple safeguards to eliminate or reduce one threat to an acceptable level. In other cases, an identified threat may be so significant that no safeguards will eliminate the threat or reduce it to an acceptable level, or the member will be unable to implement effective safeguards. Under such circumstances, providing the specific professional services would compromise the member's compliance with the rules, and the member should determine whether to decline or discontinue the professional services or resign from the employing organization.*





*.14 Undue influence threat. The threat that a member will subordinate his or her judgment to that of an individual associated with the employing organization or any relevant third party due to that individual's position, reputation or expertise, aggressive or dominant personality, or attempts to coerce or exercise excessive influence over the member. Examples of undue influence threats include the following:*

- a. A member is pressured to become associated with misleading information.*
- b. A member is pressured to deviate from a company policy.*
- c. A member is pressured to change a conclusion regarding an accounting or a tax position.*
- d. A member is pressured to hire an unqualified individual.*

#### *§2.130.020 Subordination of Judgment*

*.05 If the member concludes that threats are at an acceptable level, the member should discuss his or her conclusions with the person taking the position. No further action would be needed under this interpretation.*

*.06 If the member concludes that the position results in a material misrepresentation of fact or a violation of applicable laws or regulations, then threats would not be at an acceptable level. In such circumstances, the member should discuss his or her concerns with the supervisor.*

*.07 If the difference of opinion is not resolved after discussing the concerns with the supervisor, the member should discuss his or her concerns with the appropriate higher level(s) of management within the member's organization (for example, the supervisor's immediate superior, senior management, and those charged with governance).*

*.08 If after discussing the concerns with the supervisor and appropriate higher level(s) of management within the member's organization, the member concludes that appropriate action was not taken, then the member should consider, in no specific order, the following safeguards to ensure that threats to the member's compliance with the "Integrity and Objectivity Rule" [2.1001] are eliminated or reduced to an acceptable level:*

- a. Determine whether the organization's internal policies and procedures have any additional requirements for reporting differences of opinion.*
- b. Determine whether he or she is responsible for communicating to third parties, such as regulatory authorities or the organization's (former organization's) external accountant. In considering such communications, the member should be cognizant of his or her obligations under the "Confidential Information Obtained From Employment or Volunteer Activities" interpretation [2.400.070] of the "Acts Discreditable Rule" [2.4001] and the "Obligation of a Member to His or Her Employer's External Accountant" interpretation [2.130.030] of the "Integrity and Objectivity Rule" [2.1001].*
- c. Consult with his or her legal counsel regarding his or her responsibilities.*





*d. Document his or her understanding of the facts, the accounting principles, auditing standards, or other relevant Code of Professional Conduct involved or applicable laws or regulations and the conversations and parties with whom these matters were discussed.*

*.09 If the member concludes that no safeguards can eliminate or reduce the threats to an acceptable level or if the member concludes that appropriate action was not taken, then he or she should consider the continuing relationship with the member's organization and take appropriate steps to eliminate his or her exposure to subordination of judgment.*

*.10 Nothing in this interpretation precludes a member from resigning from the organization at any time. However, resignation may not relieve the member of responsibilities in the situation, including any responsibility to disclose concerns to third parties, such as regulatory authorities or the employer's (former employer's) external accountant.*

*.11 A member should use professional judgment and apply similar safeguards, as appropriate, to other situations involving a difference of opinion as described in this interpretation so that the member does not subordinate his or her judgment. [Prior reference: paragraph .05 of ET section 102]*

#### *2.130.030 Obligation of a Member to His or Her Employer's External Accountant*

*.01 The "Integrity and Objectivity Rule" [2.1001] requires a member to maintain objectivity and integrity in the performance of a professional service. When dealing with an employer's external accountant, a member must be candid and not knowingly misrepresent facts or knowingly fail to disclose material facts. This would include, for example, responding to specific inquiries for which the employer's external accountant requests written representation . [Prior reference: paragraph .04 of ET section 102]*

### **Technical notes**

Our opinions are related solely to the issues as discussed above, as revealed through our interviews, observations, and analysis; no legal conclusions are either offered or intended. Our work is not a "financial statement audit" and should not be relied on for such purposes. We did not conduct any review of financial statements, as the term "review" is defined in accounting professional standards. We also offer no "assurance", as that term is defined in accounting professional standards, as to any financial reporting of the Spaceport Authority in general. This engagement was performed under the AICPA Standards for Consulting Services No. 1, and/or its Statement on Standards for Forensic Services No. 1.

In conducting this investigation, The McHard Firm obtained or was provided with documents by the State of New Mexico, Spaceport Authority, Department of Economic Development, Department of Finance and Administration, and others. We relied on these documents during this engagement, as well as interviews we conducted, in forming our opinions as to this matter. If documents or other information later becomes available which supersede, update, or correct the documents and information we relied on, we reserve the right to





Brian S. Colón, Esq, CFE, State Auditor  
Alicia J. Keyes, Cabinet Secretary  
Re: Spaceport Authority Investigation of Complaint  
*Provided to OSA on October 14, 2020; Finalized on November 6, 2020*  
Page 39 of 39

examine the new documentation and information to inform and potentially revise relevant facts and our opinions as stated here.

Our curriculums vitae are attached to this letter. Please see **Attachments A and B**.

We appreciate the opportunity to assist State Auditor Colón, Office of the State Auditor, Cabinet Secretary Keyes, the Department of Economic Development, and the New Mexico Spaceport Authority with this matter. Please do not hesitate to contact us if you have any questions, or if we can be of additional assistance in this matter.

Sincerely,



Janet M. McHard, CPA, CFE, MAFF, CFF  
Founding Partner



Beth A. Mohr, CFE, CAMS, CCCI  
Managing Partner

Attachments – CVs for McHard and Mohr  
Exhibits as stated





# ATTACHMENT A





## The McHard Firm

933 San Mateo Blvd NE, Suite 500-151, Albuquerque, NM 87108  
1220 Rosecrans St, Suite 102, San Diego, CA 92106  
505/554-2968 NM 619/764-6144 CA 877/279-2942 Fax

**JANET M. McHARD, MBA, CPA, CFE, MAFF, CFF, CGMA, PI**

### **EDUCATION:**

Bachelor of Arts - December 1994  
University of New Mexico

Master of Business Administration - August 1997  
Robert O. Anderson Graduate School of Management  
University of New Mexico

### **PROFESSIONAL DESIGNATIONS:**

Certified Public Accountant  
State of New Mexico - August 1998  
State of Arizona - June 2013  
State of California - December 2015

Certified Fraud Examiner - December 1999  
Association of Certified Fraud Examiners

Master Analyst in Financial Forensics, as of April 2013, formerly known  
as Certified Forensic Financial Analyst as of March 2007, originally  
awarded as Certified in Fraud Deterrence in January 2004  
National Association of Certified Valuation Analysts

Certified in Financial Forensics - November 2008  
American Institute of Certified Public Accountants

Private Investigator  
State of New Mexico - Firm - License 2878  
State of Arizona - Associate - License 1639940  
State of California - President - License 29074

Chartered Global Management Accountant - August 2014  
American Institute of Certified Public Accountants

### **PROFESSIONAL EMPLOYMENT:**

McHard Accounting Consulting, LLC - July 2009 to present  
Founding Partner  
Albuquerque, New Mexico



Association of Certified Fraud Examiners - October 2003 to present  
Faculty  
Austin, Texas

City of Albuquerque - February 2010 to September 2010  
Inspector General  
Albuquerque, New Mexico

Meyners + Company, LLC - November 2000 to July 2009  
Senior Manager, Business and Tax Services  
Albuquerque, New Mexico

Meyners + Company, LLC - August 1998 to November 2000  
Senior, Audit Department  
Albuquerque, New Mexico

Arthur Andersen LLP - August 1997 to August 1998  
Staff Accountant, Economic and Financial Services  
Albuquerque, New Mexico

Law Offices of E. Justin Pennington - July 1994 to January 1997  
Legal Secretary and Paralegal  
Albuquerque, New Mexico

John M. H. Allen, M.B., B.S., F.R.C.S.  
Orthopaedic Surgeon - January 1988 to July 1994  
Business Manager  
Albuquerque, New Mexico

**PROFESSIONAL ASSOCIATIONS:**

American Institute of Certified Public Accountants

New Mexico Society of Certified Public Accountants

Association of Certified Fraud Examiners  
Past Treasurer, NM Chapter Assoc. of Certified Fraud Examiners  
Past President, NM Chapter Assoc. of Certified Fraud Examiners

National Association of Certified Valuation Analysts

San Diego County Bar Association, non-lawyer member

Association of Government Accountants (National and New Mexico) -  
past

Institute of Internal Auditors (National and New Mexico) - past





## **PROFESSIONAL COMMITTEES:**

Association of Certified Fraud Examiners, Board of Regents Advisory Working Group, member

San Diego County Bar Association, Audit Committee

New Mexico Bar Association, Tax Section Committee, Past CPA Liaison

Association of Certified Fraud Examiners, Professional Development Committee, past member

## **PUBLICATIONS:**

Mohr, Beth Anne, Layne, Anne M. & McHard, Janet M., *April 2020*. The Expert: Faker or Fabulous. *Defense News: The Legal News Journal for New Mexico Civil Defense Lawyers*.

Mohr, Beth Anne, & McHard, Janet M. *Jan/Feb 2020*. A Primer on Financial Records in Economic Crime Cases. *The Champion*. NACDL.

McHard, Janet M. & Mohr, Beth Anne. *September/October 2012*. Career Connection: Hanging out your Shingle, Part 2. *Fraud Magazine*.

McHard, Janet M. & Mohr, Beth Anne. *Vol 27, No. 4, July/August 2012*. Career Connection: Hanging out your Shingle, Part 1. *Fraud Magazine*.

McHard, Janet M. & Mohr, Beth A. *Vol. 26, No. 4, July/August 2011*. Hotlines for Heroes: Making a Fraud Hotline Accessible and Successful. *Fraud Magazine*.

McHard, Janet M. (2007). They Didn't Know Jack. In J. T. Wells (Ed.), *Fraud Casebook: Lessons from the Bad Side of Business* (pp. 137-144). Hoboken, NJ: John Wiley & Sons.

## **HONORS:**

2017 James Baker Award – Speaker of the Year at 28<sup>th</sup> Annual Global Association of Certified Fraud Examiners Conference

2016 Woman to Watch – Experienced Leader, New Mexico Society of Certified Public Accountants.

2016 Inductee to the University of New Mexico Anderson Schools of Management Hall of Fame.





**PROFESSIONAL SPEAKING:**

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Don't Let Your Tongue Trip You Up: Dealing with Hypotheticals During Expert Testimony  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Enterprise University – Enterprise University  
**Topic:** Fraud: The Monster Under the Bed  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics, How Do You Know If You Have Them?  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Interpreting Financial Documents  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – El Paso Chapter  
**Topic:** Fraud in our Current Health Crisis  
**Location:** Via webinar

**Date:** August 2020  
**Group:** New Mexico State Bar Foundation  
**Topic:** The Intersection of Accounting and Litigation: How to Explain a Financial Story to a Judge and Jury  
**Location:** Via webinar

**Date:** August 2020  
**Group:** Office of the State Auditor and Inspector  
**Topic:** Contract & Regulatory Compliance: Procurement requirements and weaknesses  
**Location:** Via webinar





**Date:** June 2020  
**Group:** 31<sup>st</sup> Annual Global Association of Certified Fraud Examiners Conference  
**Topic:** The latest Updates: SAS 134 and Changes to AU-C 240 "Consideration of Fraud in a Financial Statement Audit"  
**Location:** Via webinar

**Date:** May 2020  
**Group:** Enterprise Bank  
**Topic:** The Rise of Fraud During Our Current Health Crisis  
**Location:** Via webinar

**Date:** January 2020  
**Group:** New Mexico Tribal Gaming Symposium  
**Topic:** Anatomy of Fraud: Insight from Real Cases  
**Location:** Santa Ana, New Mexico

**Date:** October 2019  
**Group:** Association of Certified Fraud Examiners – San Diego Chapter  
**Topic:** Fraud in Governmental Entities and ACFE Ethics  
**Location:** San Diego, California

**Date:** September 2019  
**Group:** Escrow Institute of California  
**Topic:** Red Flags of Fraud and Psychology of Fraud  
**Location:** Irvine, California

**Date:** September 2019  
**Group:** Association of Certified Fraud Examiners – Greater Toronto Area Chapter  
**Topic:** Understanding and Investigating Management Fraud  
**Location:** Toronto, Ontario, Canada

**Date:** August 2019  
**Group:** Association of Certified Fraud Examiners  
**Topic:** How to Testify – Custom Course  
**Location:** Washington, District of Columbia

**Date:** August 2019  
**Group:** Office of the State Auditor and Inspector  
**Topic:** Stupid Fraud: Too Dumb to Get Caught & Professional Ethics  
**Location:** Oklahoma City, Oklahoma

**Date:** July/August 2019  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Denver, Colorado





**Date:** June 2019  
**Group:** 30<sup>th</sup> Annual Global Association of Certified Fraud Examiners Conference  
**Topic:** Panelist - Audit Panel: Challenges of Auditing for Fraud in 2019  
**Location:** Austin, Texas

**Date:** May 2019  
**Group:** New Mexico Society of Certified Public Accountancy and New Mexico Office of the State Auditor  
**Topic:** Preventing and Detecting Fraud in Government Agencies  
**Location:** Albuquerque, New Mexico

**Date:** April 2019  
**Group:** New Mexico State Bar Foundation  
**Topic:** Moderator: Surviving White Collar Cases  
**Location:** Albuquerque, New Mexico

**Date:** April 2019  
**Group:** Association of Certified Fraud Examiners – Las Vegas Chapter  
**Topic:** Anatomy of Fraud  
**Location:** Las Vegas, Nevada

**Date:** April 2019  
**Group:** New Mexico State Bar Foundation  
**Topic:** Surviving White Collar Cases - moderator  
**Location:** Albuquerque, New Mexico

**Date:** April 2019  
**Group:** National Association of Criminal Defense Lawyers  
**Topic:** Forensic Accounting 101  
**Location:** Las Vegas, Nevada

**Date:** February 2019  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud  
**Location:** San Francisco, California

**Date:** February 2019  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** San Diego, California

**Date:** December 2018  
**Group:** New Mexico Government Finance Officers Association  
**Topic:** Fraud Prevention Strategies: Beyond Internal Controls  
**Location:** Albuquerque, New Mexico





**Date:** November 2018  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course for USAA  
**Location:** San Antonio, Texas

**Date:** October 2018  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Auditing for Internal Fraud – Custom Course  
**Location:** Sacramento, California

**Date:** October 2018  
**Group:** Association of Certified Fraud Examiners – San Diego Chapter  
**Topic:** Fraud and Ethics Half-Day Seminar  
**Location:** San Diego, California

**Date:** August 2018  
**Group:** Office of the State Auditor and Inspector  
**Topic:** Fraudsters and Fraud Victims: Case Studies into the Psychology of Both  
**Location:** Oklahoma City, Oklahoma

**Date:** July 2018  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course for Fannie Mae  
**Location:** Plano, Texas

**Date:** June 2018  
**Group:** 29<sup>th</sup> Annual Global Association of Certified Fraud Examiners Annual Conference  
**Topic:** The New Revenue Recognition Standards: How Might Fraud Be Hidden Now?  
**Location:** Las Vegas, Nevada

**Date:** May 2018  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Using Data Analytics to Detect Fraud and Professional Interviewing Skills – Custom Course  
**Location:** Cheyenne, Wyoming

**Date:** April 2018  
**Group:** Auburn University Harbert College of Business School of Accountancy – 2018 Accounting & Auditing Summit: Understanding Fraud  
**Topic:** Bad Accounting or Criminal Act: The Challenge of Proving Intent  
**Location:** Auburn, Alabama





**Date:** April 2018  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud  
**Location:** San Diego, California

**Date:** December 2017  
**Group:** American Bar Association: 34<sup>th</sup> Annual National Institute on Criminal Tax Fraud and the 7<sup>th</sup> Annual Institute on Tax Controversy  
**Topic:** Tools and Toys: How an Internal Investigator Can Help  
**Location:** Las Vegas, Nevada

**Date:** November 2017  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Auditing for Internal Fraud – custom course  
**Location:** San Diego, California

**Date:** October 2017  
**Group:** Hawaii Chapter of Association of Certified Fraud Examiners  
**Topic:** Fraud Case Studies and Ethical Considerations in Fraud Examinations  
**Location:** Honolulu, Hawaii

**Date:** September 2017  
**Group:** Association of Certified Fraud Examiners – Greater Kansas City Chapter  
**Topic:** Ethical Considerations, Case Studies and Expert Witness Seminar  
**Location:** Kansas City, Kansas

**Date:** September 2017  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Interviewing for the facts: Getting from “Yes” to “No” to Resolution and Beyond  
**Location:** Albuquerque, New Mexico

**Date:** August 2017  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud  
**Location:** Las Vegas, Nevada

**Date:** August 2017  
**Group:** Oklahoma State Auditors  
**Topic:** Anatomy of Fraud: Insights from Real Cases  
**Location:** Oklahoma City, Oklahoma





**Date:** June 2017  
**Group:** 28<sup>th</sup> Annual Global Association of Certified Fraud Examiners Annual Conference  
**Topic:** Auditing/Investigating Fraud Seminar  
**Location:** Nashville, Tennessee

**Date:** June 2017  
**Group:** 28<sup>th</sup> Annual Global Association of Certified Fraud Examiners Annual Conference  
**Topic:** Bad Accounting or Criminal Act: The Challenge of Proving Intent  
**Location:** Nashville, Tennessee

**Date:** May 2017  
**Group:** Keshet Center for the Arts - KIIC  
**Topic:** Accounting for Artists  
**Location:** Albuquerque, New Mexico

**Date:** May 2017  
**Group:** Association of Certified Fraud Examiners – Knoxville Chapter  
**Topic:** Detecting Fraud through Vendor Audits  
**Location:** Knoxville, Tennessee

**Date:** April 2017  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Austin, Texas

**Date:** January 2017  
**Group:** Association of Certified Fraud Examiners – Ottawa (Ontario, Canada) Chapter  
**Topic:** Conducting Internal Investigations and Auditing for Internal Fraud  
**Location:** Ottawa, Ontario, Canada

**Date:** December 2016  
**Group:** American Bar Association: 33<sup>rd</sup> Annual National Institute on Criminal Tax Fraud and the 6<sup>th</sup> Annual Institute on Tax Controversy  
**Topic:** Addressing Employment Tax Issues in Sensitive Examinations  
**Location:** Las Vegas, Nevada

**Date:** October 2016  
**Group:** Embry-Riddle Aeronautical University  
**Topic:** Fraud Examinations: Methodology, Interviews & Case Studies  
**Location:** Prescott, Arizona



**Date:** September 2016  
**Group:** Paralegal Division – New Mexico State Bar  
**Topic:** Financial Discovery: Dealing with what you do and don't have  
**Location:** Albuquerque, New Mexico

**Date:** September 2016  
**Group:** First National Rio Grande and First National Santa Fe  
**Topic:** Red Flags of Fraud: What to look for and how to control fraud in your business  
**Location:** Albuquerque and Santa Fe, New Mexico

**Date:** June 2016  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Panel Participant: Expert (and Fact) Witness Seminar  
**Location:** Albuquerque, New Mexico

**Date:** June 2016  
**Group:** Association of Certified Fraud Examiners Annual Conference  
**Topic:** Chapter Leaders' Meeting: Success Begins at the Top: Creating Leaders in Your Chapter – Beyond the "Strategy of Hope"  
**Location:** Las Vegas, Nevada

**Date:** May 2016  
**Group:** Association of Certified Fraud Examiners – El Paso (Texas) Chapter  
**Topic:** Ethical Considerations in Fraud Examinations & Fraud in Governmental Entities: Case Studies and Other Fun Stories  
**Location:** El Paso, Texas

**Date:** May 2016  
**Group:** Administrative Office of the U.S. Courts Defender Services Office, Training Division, Federal Defender Investigator and Paralegal Seminar  
**Topic:** Forensic Accounting Part I: Dealing With What You Don't Have  
**Location:** Chicago, Illinois

**Date:** May 2016  
**Group:** Administrative Office of the U.S. Courts Defender Services Office, Training Division, Federal Defender Investigator and Paralegal Seminar  
**Topic:** Forensic Accounting Part II: Dealing With What You Do Have  
**Location:** Chicago, Illinois





**Date:** March 2016  
**Group:** The Conference That Counts!  
**Topic:** Ethical Considerations in Fraud Examinations & Fraud in Governmental Entities: Case Studies and Other Fun Stories  
**Location:** Albany, New York

**Date:** January 2016  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud – International Financial Reporting Standards Version  
**Location:** Vancouver, British Columbia, Canada

**Date:** December 2015  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Specialized Knowledge Course  
**Location:** Washington, District of Columbia

**Date:** December 2015  
**Group:** American Bar Association: 32<sup>nd</sup> Annual National Institute on Criminal Tax Fraud and the 5<sup>th</sup> Annual Institute on Tax Controversy  
**Topic:** When the Past Isn't the Past: How To Correct Past Wrongdoing  
**Location:** Las Vegas, Nevada

**Date:** November 2015  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Panel Participant: The Witness Stand  
**Location:** Albuquerque, New Mexico

**Date:** November 2015  
**Group:** Association of Certified Fraud Examiners – Raleigh Chapter of the ACFE  
**Topic:** Investigating Conflicts of Interest  
**Location:** Raleigh, North Carolina

**Date:** October 2015  
**Group:** New York Chapter of the Association of Certified Fraud Examiners – Investigations 2015  
**Topic:** Case Study: Ethical Obligations in Examinations  
**Location:** New York, New York

**Date:** August 2015  
**Group:** New Mexico State Bar, 2015 Tax Seminar  
**Topic:** Kovel Accounting  
**Location:** Albuquerque, New Mexico



**Date:** June 2015  
**Group:** Association of Certified Fraud Examiners Annual Conference  
**Topic:** Using Tax Returns in Investigations  
**Location:** Baltimore, Maryland

**Date:** April 2015  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud – International Financial Reporting Standards Version  
**Location:** Toronto, Ontario, Canada

**Date:** March and April 2015 (various dates)  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Via Webinar

**Date:** March 2015  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Case Study: Ethical Obligations in Examinations  
**Location:** Albuquerque, New Mexico

**Date:** March 2015  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Using Tax Returns in Examinations  
**Location:** Via Webinar

**Date:** February 2015  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Las Vegas, Nevada

**Date:** February 2015  
**Group:** Wells Fargo Specialty Markets Group  
**Topic:** Anatomy of Theft & Personality of a Thief  
**Location:** Albuquerque, New Mexico

**Date:** February 2015  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Fraud Risk Management  
**Location:** New Orleans, Louisiana

**Date:** January 2015  
**Group:** United Way of Central New Mexico – Center for Nonprofit Excellence  
**Topic:** Red Flags of Fraud for Nonprofit Organizations  
**Location:** Albuquerque, New Mexico





**Date:** January 2015  
**Group:** New Mexico Criminal Defense Lawyers Association  
**Topic:** Gaining Trust in Your Trust Account; Ethical and Practical Issues of Accepting and Accounting for Client Funds, Co-Speaker and Panelist  
**Location:** Albuquerque, New Mexico

**Date:** January 2015  
**Group:** Association of Governmental Accountants – Albuquerque Chapter  
**Topic:** An Update on AU-C 240: Today’s Name for Consideration of Fraud in a Financial Statement Audit  
**Location:** Albuquerque, New Mexico

**Date:** December 2014  
**Group:** American Bar Association: 31<sup>st</sup> Annual National Institute on Criminal Tax Fraud and the 4<sup>th</sup> Annual Institute on Tax Controversy  
**Topic:** Eggshell Audits in a Comprehensive Tax Enforcement Environment  
**Location:** Las Vegas, Nevada

**Date:** November 2014  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** San Antonio, Texas

**Date:** November 2014  
**Group:** Central Carolina Chapter of Certified Fraud Examiners  
**Topic:** Effective Report Writing for Fraud Examiners  
**Location:** Raleigh, North Carolina

**Date:** October 2014  
**Group:** San Juan Basin Chapter, New Mexico Society of Certified Public Accountants  
**Topic:** Red Flags of Fraud  
**Location:** Farmington, New Mexico

**Date:** October 2014  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Fraud Risk Management  
**Location:** Seattle, Washington

**Date:** September 2014  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Effective Report Writing for Fraud Examiners  
**Location:** Las Vegas, Nevada



**Date:** September 2014  
**Group:** 2014 Santa Fe County and Rio Arriba County Treasurer's Affiliate Summer Conference  
**Topic:** Fraud Prevention Case Study  
**Location:** Santa Fe, New Mexico

**Date:** August 2014  
**Group:** New Mexico Defense Lawyers Association – Women in the Courtroom V  
**Topic:** Are You Smarter Than An Expert Witness? Mounting and Defending a *Daubert* Challenge  
**Location:** Albuquerque, New Mexico

**Date:** July 2014  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Conducting Internal Investigations – State Fund of California  
**Location:** Vacaville, California

**Date:** July 2014  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Financial Statement Fraud  
**Location:** San Francisco, California

**Date:** June 2014  
**Group:** Association of Certified Fraud Examiners Annual Conference  
**Topic:** Selling Your Services: Marketing Tips for CFEs  
**Location:** San Antonio, Texas

**Date:** June 2014  
**Group:** New Mexico Gaming Control Board  
**Topic:** Understanding Financial Statements and Financial Statement Fraud, Interactive Case Studies, Conducting Investigative Interviews and Admission Seeking Interviews. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*  
**Location:** Albuquerque, New Mexico

**Date:** May 2014  
**Group:** New Mexico Gaming Control Board  
**Topic:** Fraud Basics, Basic Financial Investigations with Case Studies, Using Tax Returns in Financial Investigations, Casino Compliance, the Bank Secrecy Act and Anti-Money Laundering. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*  
**Location:** Albuquerque, New Mexico





**Date:** May 2014  
**Group:** Association of Certified Fraud Examiners – NM Chapter  
**Topic:** ACFE Professional Standards – “Don’t Let Your Tongue Trip You Up”  
**Location:** Albuquerque, New Mexico

**Date:** April 2014  
**Group:** New Mexico Regulation – Securities Division  
**Topic:** Interviewing and Interrogation  
**Location:** Santa Fe, New Mexico

**Date:** March 2014  
**Group:** The Conference That Counts!  
**Topic:** Why Fraud Happens, Fraud Prevention and Interactive Fraud Case Studies  
**Location:** Albany, New York

**Date:** December 2013  
**Group:** New Mexico Government Finance Officers Association  
**Topic:** Fraud Prevention through Process Improvement  
**Location:** Albuquerque, New Mexico

**Date:** October 2013  
**Group:** McHard Accounting Consulting and Don Rabon  
**Topic:** Contemporary Interviewing Dynamics  
**Location:** Albuquerque, New Mexico

**Date:** October 2013  
**Group:** Institute of Internal Auditors – El Paso Chapter  
**Topic:** Fraud Seminar: Case Studies  
**Location:** El Paso, Texas

**Date:** July 2013  
**Group:** DOE Contractors Internal Audit Directors  
**Topic:** Fraud Prevention: Tone at the Top  
**Location:** Albuquerque, New Mexico

**Date:** June 2013  
**Group:** Association of Certified Fraud Examiners – New Mexico Taxation and Revenue Dept., Tax Fraud Investigations Division  
**Topic:** Conducting Internal Investigations  
**Location:** Albuquerque, New Mexico

**Date:** May 2013  
**Group:** New Mexico Chapter International Association of Special Investigations Units  
**Topic:** Forensic Accountants: An Aid to Claims Investigations  
**Location:** Albuquerque, New Mexico



**Date:** January 2013  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Las Vegas, Nevada

**Date:** November 2012  
**Group:** Association of Certified Fraud Examiners – Sandia National Laboratory  
**Topic:** Legal Elements of Fraud and Professional Interviewing Skills for Fraud Examiners  
**Location:** Albuquerque, New Mexico

**Date:** October 2012  
**Group:** Association of Certified Fraud Examiners – NM Chapter  
**Topic:** Fraud Examination: Case Studies in Government  
**Location:** Albuquerque, New Mexico

**Date:** October 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Using Data Analytics to Detect Fraud  
**Location:** Los Angeles, California

**Date:** October 2012  
**Group:** United Way of Central New Mexico – Center for Non-Profit Excellence  
**Topic:** Red Flags of Fraud for Non-Profit Organizations  
**Location:** Albuquerque, New Mexico

**Date:** September 2012  
**Group:** New Mexico Criminal Defense Lawyers Association  
**Topic:** White Collar Crime Symposium: Thoughtcrime: Defending on the Battlefield of Intent – Panel Member  
**Location:** Albuquerque, New Mexico

**Date:** September 2012  
**Group:** Association of Certified Fraud Examiners – Indiana Gaming Commission  
**Topic:** Custom two-day course  
**Location:** Indianapolis, Indiana

**Date:** August 2012  
**Group:** Association of Certified Fraud Examiners – Oklahoma State Auditor Training  
**Topic:** Investigating Conflicts of Interest  
**Location:** Oklahoma City, Oklahoma





**Date:** August 2012  
**Group:** Association of Certified Fraud Examiners – Jefferson County Public Schools  
**Topic:** Conducting Internal Investigations  
**Location:** Louisville, Kentucky

**Date:** July 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Conducting Internal Investigations  
**Location:** Washington, District of Columbia

**Date:** June 2012  
**Group:** Association of Certified Fraud Examiners Annual Conference  
**Topic:** Fraud Analytics: Taking Data Analysis to the Next Level  
**Location:** Orlando, Florida

**Date:** June 2012  
**Group:** Association of Certified Fraud Examiners Annual Conference  
**Topic:** Hanging Out Your Shingle Without Messing Up  
**Location:** Orlando, Florida

**Date:** June 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Chapter Representatives Meeting - Facilitator  
**Location:** Orlando, Florida

**Date:** June 2012  
**Group:** Association of Certified Fraud Examiners – DCAA Custom Course  
**Topic:** Using Data Analytics to Detect Fraud  
**Location:** Denver, Colorado

**Date:** April 2012  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics for Fraud Examiners: Professional Standards and Conflicts of Interest, Part II  
**Location:** Albuquerque, New Mexico

**Date:** April 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Las Vegas, Nevada

**Date:** April 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Auditing for Internal Fraud – Custom Course  
**Location:** Las Vegas, Nevada



**Date:** March 2012  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics for Fraud Examiners: Professional Standards and Conflicts of Interest, Part I  
**Location:** Albuquerque, New Mexico

**Date:** January 2012  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Investigating Conflicts of Interest  
**Location:** Los Angeles, California

**Date:** August 2011  
**Group:** Association of Governmental Accountants – El Paso Chapter, Professional Development Conference  
**Topic:** Hotlines for Heroes  
**Location:** El Paso, Texas

**Date:** July 2011  
**Group:** Association of Certified Fraud Examiners – Habif, Arogeti & Wynne, LLP  
**Topic:** Specialized Knowledge  
**Location:** Atlanta, Georgia

**Date:** June 2011  
**Group:** Association of Certified Fraud Examiners, Annual Conference  
**Topic:** Member - Audit Panel: Increasing Audit Effectiveness in Deterring and Detecting Fraud  
**Location:** San Diego, California

**Date:** June 2011  
**Group:** Association of Certified Fraud Examiners, Annual Conference  
**Topic:** Member - Fraud Risk Assessment Panel: Actions Speak Louder Than Words  
**Location:** San Diego, California

**Date:** May 2011  
**Group:** United Way of Central New Mexico – Center for Non-Profit Excellence  
**Topic:** Red Flags of Fraud for Non-Profit Organizations  
**Location:** Albuquerque, New Mexico

**Date:** May 2011  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Conducting Internal Investigations  
**Location:** San Antonio, Texas





**Date:** April 2011  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Financial Statement Fraud  
**Location:** Albuquerque, New Mexico

**Date:** April 2011  
**Group:** Association of Governmental Accountants  
**Topic:** Government Fraud Case Studies – NM PDC  
**Location:** Albuquerque, New Mexico

**Date:** March 2011  
**Group:** Association of Certified Fraud Examiners  
**Topic:** CFE Exam Prep Course  
**Location:** Providence, Rhode Island

**Date:** January 2011  
**Group:** New Mexico Criminal Defense Lawyers Association  
**Topic:** Ring Out the Old, Ring in the New: Law Practice Management 2011 – Fraud Basics  
**Location:** Albuquerque, New Mexico

**Date:** December 2010  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Auditing for Internal Fraud and Investigating Conflicts of Interest  
**Location:** Plano, Texas

**Date:** November 2010  
**Group:** University of New Mexico School of Law  
**Topic:** Use of Experts in Litigated Matters  
**Location:** Albuquerque, New Mexico

**Date:** November 2010  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Investigating Conflicts of Interest  
**Location:** Orlando, Florida

**Date:** November 2010  
**Group:** Association of Certified Fraud Examiners – KMJ Corbin and Company, LLP  
**Topic:** Auditing for Internal Fraud  
**Location:** Costa Mesa, California

**CIVIC AND VOLUNTEER POSITIONS:**

Commissioner, Vice-Chairperson, Past Chairperson  
Board of Commissioners  
Albuquerque Housing Authority  
Albuquerque, New Mexico



Commissioner, Vice-Chairperson, Past Chairperson  
Board of Commissioners  
Albuquerque Housing Authority Housing Development Corporation  
Albuquerque, New Mexico

Member, National Board of Advisors  
Past Member, Past President, Board of Directors  
Past Member, Finance Committee  
Keshet Dance Company  
Albuquerque, New Mexico

Alexis de Tocqueville Society, Member  
Women in Philanthropy, Past Volunteer and Mentor  
United Way of Central New Mexico  
Albuquerque, New Mexico

Past Treasurer, Past President  
New Mexico Chapter  
Association of Certified Fraud Examiners  
Albuquerque, New Mexico

Past Member  
Board of Directors  
WildEarth Guardians  
Santa Fe, New Mexico

Past Treasurer  
Committee to Keep Judge Gerard Lavelle  
Albuquerque, New Mexico

Past Volunteer Mediator  
Settlement Week  
Court Alternatives  
Second Judicial District Court  
Albuquerque, New Mexico

Past Member, Board of Directors  
Albuquerque Softball/Baseball Hall of Fame  
Albuquerque, New Mexico





# ATTACHMENT B



## The McHard Firm

933 San Mateo Blvd NE, Suite 500-151, Albuquerque, NM 87108  
1220 Rosecrans St, Suite 102, San Diego, CA 92106  
505/554-2968 NM 619/764-6144 CA 877/279-2942 Fax

**BETH A. MOHR, CFE, CAMS, CCCI, MPA, PI**

### **EDUCATION:**

Master of Public Administration – December 2007  
School of Public Administration  
University of New Mexico

Bachelor of Science – February 1995  
Administration of Justice  
Pacific Western University

### **PROFESSIONAL DESIGNATIONS:**

Certified Cyber Crimes Investigator (CCCI) – September 2015  
International Association of Financial Crimes Investigators (IAFCI)

Certified Anti-Money Laundering Specialist (CAMS) – June 2013  
Association of Certified Anti-Money Laundering Specialists (ACAMS)

Certified Fraud Examiner (CFE) – April 2011  
Association of Certified Fraud Examiners

Licensed Private Investigator  
State of New Mexico, License #2503  
Expires 12/31/2021

Licensed Private Investigator  
State of Arizona, License #1639941  
Expires 6/20/2021

Licensed Private Investigator  
State of California, License #28441  
Expires 9/30/2021

New Mexico Department of Public Safety  
Certified Law Enforcement Instructor #NM14-63M

Certified Police Officer - December 1990  
Intermediate P.O.S.T. Certification  
Police Officer Standards & Training  
State of California



Certified Police Officer - February 1985  
Basic P.O.S.T. Certification  
Police Officer Standards & Training  
State of California

**PROFESSIONAL EMPLOYMENT:**

McHard Accounting Consulting, LLC – July 2010 to present  
Managing Partner as of January 2011  
Albuquerque, New Mexico

Mohr Investigations LLC – December 2010 to December 2014  
NM Firm PI License #2505  
Albuquerque, New Mexico

City of Albuquerque – July 2006 to December 2011  
Performance Improvement Manager  
Albuquerque, New Mexico

City of Albuquerque – September 2001 to July 2006  
Independent Review Investigator  
Independent Review Office of the Police Oversight Commission  
Albuquerque, New Mexico

Protection & Advocacy Systems – February 1997 to July 2002  
Fair Housing & Investigative Trainer  
Albuquerque, New Mexico

ArcA Inc. - March 1997 to September 2001  
Housing & Transportation Manager  
Albuquerque, New Mexico

Legal Aid Society of Albuquerque – March 1997 to March 1998  
Investigator & Testing Coordinator – Fair Housing Project  
Albuquerque, New Mexico

Whatcom County Public Defender - January 1993 to February 1997  
Criminal Investigator  
Bellingham, Washington

San Diego Police Department – October 1984 to February 1992  
Senior Police Officer & Investigator  
San Diego, California



**PROFESSIONAL ASSOCIATIONS:**

Association of Certified Fraud Examiners (ACFE)  
Association of Certified Anti-Money Laundering Specialists (ACAMS)  
San Diego & Baja California ACAMS Chapter  
International Association of Financial Crimes Investigators (IAFCI)  
Association of Certified Financial Crimes Specialists (ACFCS)  
California Association of Licensed Investigators (CALI)  
Association of Former Intelligence Officers (AFIO)  
New Mexico Chapter, Association of Certified Fraud Examiners  
Arizona/New Mexico Chapter, International Association of Financial  
Crimes Investigators (IAFCI)  
National Association for Civilian Oversight of Law Enforcement  
(NACOLE)  
International City/County Management Association, Past Member  
American Society of Public Administration, Past Member  
St. Joseph's Hospital/Ardent Central Institutional Review Board  
Past Member, IRB/Ethics Board

**PROFESSIONAL COMMITTEES:**

Diverse Leaders 2017 Selection Committee  
Albuquerque Business First, Business Journal  
  
Police Oversight Board, Past Chair  
City of Albuquerque, New Mexico  
Appointed February 2015  
Chair February 2016-January 2017  
  
Association of Certified Fraud Examiners, New Mexico Chapter  
Past President  
Past Director of Education  
  
Association of Certified Fraud Examiners  
ACFE Advisory Council, Member  
  
California Bureau of Security and Investigative Services (BSIS)  
Designated Subject Matter Expert, Investigations





National Association for Schools of Public Affairs & Administration  
Commission on Peer Review and Accreditation (NASPAA-COPRA)  
Site visit team – 2015: John Jay College of Criminal Justice, CUNY

Advisory Board on Graduate Education  
International City/County Management Association  
Past Board Member

University-Profession Connections Committee  
International City/County Management Association  
Past Committee Member

## **PUBLICATIONS:**

Mohr, Beth Anne, Layne, Anne M. & McHard, Janet M. *April 2020*. The Expert: Faker or Fabulous. *Defense News: The Legal News Journal for New Mexico Civil Defense Lawyers*.

Mohr, Beth Anne, & McHard, Janet M. *Jan/Feb 2020*. A Primer on Financial Records in Economic Crime Cases. *The Champion*. NACDL.

Mohr, Beth Anne. *January 2018*. Retaining the expert witness: Begin with the end in mind. *Defense News: The Legal News Journal for New Mexico Civil Defense Lawyers*.

Mohr, Beth Anne. *June 2017*. Expert Briefing: Bitcoin Basics. *Financier Worldwide Magazine*

Mohr, Beth Anne. *Summer 2015*. What Defense Attorneys need to know about Bitcoin, *For the Defense*, publication of the New Mexico Criminal Defense Lawyers Association Vol XIX, Issue 2

Mohr, Beth Anne. *July 2015*. What Private Investigators need to know about Bitcoin- Part 2, *The California Investigator Magazine*

Mohr, Beth Anne. *April 2015*. What Private Investigators need to know about Bitcoin- Part 1, *The California Investigator Magazine*

Mohr, Beth Anne. *March/April 2014*. Don't let your tongue trip you up: As an expert witness, avoid implicating in hypothetical situations, *Fraud Magazine*

Mohr, Beth Anne. *July/August 2013*. CFEs Investigate This: Are you required to be licensed as a Private Investigator? *Fraud Magazine*

McHard, Janet M. & Mohr, Beth Anne. *September/October 2012*. Career Connection: Hanging out your Shingle, Part 2. *Fraud Magazine*



McHard, Janet M. & Mohr, Beth Anne. *July/August 2012*. Career Connection: Hanging out your Shingle, Part 1. *Fraud Magazine*

Mohr, Beth. Winter 2011. Leveraging the Expert: How Soon is too Soon? *For the Defense*, publication of the New Mexico Criminal Defense Lawyers Association. Vol XV, Issue 4.  
McHard, Janet M. & Mohr, Beth Anne. *July/August 2011*. Hotlines for Heroes: Making a Fraud Hotline Accessible and Successful. *Fraud Magazine*

Mohr, Beth Anne. 2009. Feeling Blue in the South Valley: A case study of nitrate contamination in Albuquerque's South Valley. *Bulletin of Science, Technology & Society* 29 (5):408-420. (Peer Reviewed Journal)

Mohr, Beth Anne. 2007. The Use of Performance Measurement in Civilian Oversight of Law Enforcement, School of Public Administration, University of New Mexico, Albuquerque.

#### PROFESSIONAL SPEAKING:

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Don't Let Your Tongue Trip You Up: Dealing with Hypotheticals During Expert Testimony  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** The Do's & Do Not's of Report Writing  
**Location:** Via webinar

**Date:** September 2020  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics, How Do You Know If You Have Them?  
**Location:** Via webinar

**Date:** August 2020  
**Group:** Association of Certified Fraud Examiners – El Paso Chapter  
**Topic:** Evidence Collection for CFEs, CPAs, Auditors & Investigators  
**Location:** Via webinar





**Date:** January 2020  
**Group:** New Mexico Tribal Gaming Symposium  
**Topic:** Money Laundering in Casinos  
**Location:** Santa Ana, New Mexico

**Date:** January 2020  
**Group:** New Mexico Tribal Gaming Symposium  
**Topic:** Anatomy of Fraud: Insight from Real Cases  
**Location:** Santa Ana, New Mexico

**Date:** October 2019  
**Group:** Association of Certified Fraud Examiners – San Diego Chapter  
**Topic:** Fraud in Governmental Entities and ACFE Ethics  
**Location:** San Diego, California

**Date:** September 2019  
**Group:** Escrow Institute of California  
**Topic:** Red Flags of Fraud and Psychology of Fraud  
**Location:** Irvine, California

**Date:** September 2019  
**Group:** Association of Certified Fraud Examiners – Greater Toronto Area Chapter  
**Topic:** Understanding and Investigating Management Fraud  
**Location:** Toronto, Ontario, Canada

**Date:** August 2019  
**Group:** Office of the State Auditor and Inspector  
**Topic:** Stupid Fraud: Too Dumb to Get Caught & Professional Ethics  
**Location:** Oklahoma City, Oklahoma

**Date:** June 2019  
**Group:** 30<sup>th</sup> Annual Global Association of Certified Fraud Examiners Conference  
**Topic:** Evidence Collection for CFEs and Auditors  
**Location:** Austin, TX

**Date:** April 2019  
**Group:** Association of Certified Fraud Examiners – Las Vegas Chapter  
**Topic:** Anatomy of Fraud  
**Location:** Las Vegas, Nevada



**Date:** April 2019  
**Group:** New Mexico State Bar Foundation  
**Topic:** Surviving White Collar Cases – Just the Facts Ma’am: The Challenge of Proving Intent – Dumb or Diabolical Accounting?  
**Location:** Albuquerque, New Mexico

**Date:** April 2019  
**Group:** National Association of Criminal Defense Lawyers  
**Topic:** Forensic Accounting 101  
**Location:** Las Vegas, Nevada

**Date:** March 2019  
**Group:** TCTC – New York State Auditors  
**Topic:** Psychology of Fraud & Case Studies, Bitcoin Basics, Hotlines for Heroes  
**Location:** Albany, NY

**Date:** October 2018  
**Group:** ACFE –San Diego Chapter & IIA San Diego Chapter  
**Topic:** Fraud & Ethics – Half-day Seminar  
**Location:** San Diego, CA

**Date:** August 2018  
**Group:** Office of the State Auditor & Inspector  
**Topic:** Fraudsters & Fraud Victims: Case Studies into the Psychology of Both  
**Location:** Oklahoma City, OK

**Date:** October 2017  
**Group:** Association of Certified Fraud Examiners – Hawaii Chapter  
**Topic:** Ethical Considerations for Fraud Investigations, Fraud Case Studies  
**Location:** Honolulu, Hawaii

**Date:** September 2017  
**Group:** Association of Certified Fraud Examiners – Greater Kansas City Chapter  
**Topic:** Ethical Considerations, Case Studies and Expert Witness Seminar  
**Location:** Kansas City, Kansas

**Date:** September 2017  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Interviewing for the facts: Getting from “Yes” to “No” to Resolution and Beyond  
**Location:** Albuquerque, New Mexico





**Date:** August 2017  
**Group:** Oklahoma State Auditors  
**Topic:** Anatomy of Fraud: Insights from Real Cases  
**Location:** Oklahoma City, Oklahoma

**Date:** July 2017  
**Group:** Century Bank Business Connector Group  
**Topic:** Red Flags of Fraud & Employee Investigations  
**Location:** Albuquerque, New Mexico

**Date:** March 2017  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics – The Game Show  
**Location:** Albuquerque, New Mexico

**Date:** February 2017  
**Group:** Virginia Banker Association  
**Topic:** The Personality of the Fraudster  
**Location:** Charlottesville, VA

**Date:** January 2017  
**Group:** Institute of Managerial Accountants  
**Topic:** Bitcoin Basics: What you need to know  
**Location:** Albuquerque, New Mexico

**Date:** October 2016  
**Group:** Embry-Riddle Aeronautical University  
**Topic:** Fraud Examinations: Methodology, Interviews & Case Studies  
**Location:** Prescott, Arizona

**Date:** August 2016  
**Group:** Financial Investigations  
**Topic:** Bitcoin Basics: What investigators need to know  
*Course Certified for Law Enforcement credit by the NM Department of Public Safety*  
**Location:** Albuquerque, New Mexico

**Date:** May 2016  
**Group:** Nusenda Credit Union  
**Topic:** Bitcoin Basics: What CFEs need to know  
**Location:** Albuquerque, New Mexico

**Date:** May 2016  
**Group:** ACFE-El Paso (Texas) Chapter  
**Topic:** Fraud in Governmental Entities: Case Studies and Other Fun Stories, Bitcoin Basics  
**Location:** El Paso, Texas



**Date:** February 2016  
**Group:** ACFE-New Mexico Chapter  
**Topic:** Bitcoin Basics: What CFEs need to know  
**Location:** Albuquerque, New Mexico

**Date:** August 2015  
**Group:** New Mexico State Bar, 2015 Tax Seminar CLE  
**Topic:** Money Laundering  
**Location:** Albuquerque, New Mexico

**Date:** July 2015  
**Group:** AGA Albuquerque Chapter  
**Topic:** Interviewing Techniques  
**Location:** Albuquerque, New Mexico

**Date:** February 2015  
**Group:** Wells Fargo Specialty Markets Group  
**Topic:** Anatomy of Theft & Personality of a Thief  
**Location:** Albuquerque, New Mexico

**Date:** January 2015  
**Group:** New Mexico Criminal Defense Lawyers Association  
**Topic:** Practice Management  
**Location:** Albuquerque, New Mexico

**Date:** October 2014  
**Group:** San Juan Basin Chapter, New Mexico Society of Certified Public Accountants  
**Topic:** Red Flags of Fraud  
**Location:** Farmington, New Mexico

**Date:** August 2014  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Ethics: New ACFE Professional Guidance – “The Ethics Game Show”  
**Location:** Albuquerque, New Mexico

**Date:** June 2014  
**Group:** New Mexico Gaming Control Board  
**Topic:** Understanding Financial Statements and Financial Statement Fraud, Interactive Case Studies, Conducting Investigative Interviews and Admission Seeking Interviews. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*  
**Location :** Albuquerque, New Mexico





**Date:** May 2014  
**Group:** New Mexico Gaming Control Board  
**Topic:** Fraud Basics, Basic Financial Investigations with Case Studies, Using Tax Returns in Financial Investigations, Casino Compliance, the Bank Secrecy Act and Anti-Money Laundering. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*  
**Location :** Albuquerque, New Mexico

**Date:** May 2014  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** ACFE Professional Standards – “Don’t Let Your Tongue Trip You Up”  
**Location :** Albuquerque, New Mexico

**Date:** April 2014  
**Group:** Virginia Bankers Association  
**Topic:** Interviewing & Interrogation Basics  
**Location :** Charlottesville, Virginia

**Date:** April 2014  
**Group:** New Mexico Regulation – Securities Division  
**Topic:** Interviewing & Interrogation  
**Location:** Santa Fe, New Mexico

**Date:** December 2013  
**Group:** New Mexico Government Finance Officers Association  
**Topic:** Fraud Prevention through Process Improvement  
**Location:** Albuquerque, New Mexico

**Date:** October 2013  
**Group:** McHard Accounting Consulting & Don Rabon  
**Topic:** Contemporary Interviewing Dynamics  
**Location:** Albuquerque, New Mexico

**Date:** September 2013  
**Group:** Institute of Internal Auditors – El Paso Chapter  
**Topic:** Fraud Seminar: Case Studies  
**Location:** Albuquerque, New Mexico

**Date:** September 2013  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** NM Private Investigations License – Who needs one?  
**Location:** Albuquerque, New Mexico



**Date:** May 2013  
**Group:** International Association of Special Investigation Units  
**Topic:** Forensic Accounting: An Aid to Claims Investigations  
**Location:** Albuquerque, New Mexico

**Date:** April 2013  
**Group:** Admiral Beverage Corporation  
**Topic:** Red Flags of Fraud  
**Location:** Albuquerque, New Mexico

**Date:** October 2012  
**Group:** Institute of Internal Auditors – El Paso Chapter  
**Topic:** Interview Techniques for the Auditor  
**Location:** El Paso, Texas

**Date:** July 2012  
**Group:** Association of Certified Fraud Examiners – New Mexico Chapter  
**Topic:** Essential Interview Secrets for the CFE  
**Location:** Albuquerque, New Mexico

**Date:** May 2012  
**Group:** City of Albuquerque, Family & Community Services  
**Topic:** 2012 Management Retreat: Leveraging FCS Services  
**Location:** Albuquerque, New Mexico

**Date:** February 2011  
**Group:** Association of Certified Fraud Examiners  
**Topic:** Hotlines for Heroes: Creating an Approachable Fraud Reporting Hotline  
**Location:** Webinar; Albuquerque, New Mexico

#### **AWARDS:**

Albuquerque Business First Diverse Business Leader 2016  
Albuquerque Business First, Business Journal

Phi Kappa Phi, December 2007  
National Graduate Honor Society of Public Administration

Pi Alpha Alpha, May 2007  
National Honor Society for Public Administration

Commanding Officer's Citation, July 1990  
San Diego Police Department  
Development of training program for SDPD





Commanding Officer's Citation, April 1987  
San Diego Police Department  
Investigation/arrests of serial burglary ring

Commanding Officer's Citation, June 1986  
San Diego Police Department  
Investigation/arrests of white-collar crime syndicate

**ACTIVITIES:**

ACLU of New Mexico  
Board of Directors, Member  
ACLU-NM Foundation, Treasurer

Alexis de Tocqueville Society, Member  
United Way of Central New Mexico  
Albuquerque, New Mexico

Operation from the Heart  
Volunteer Agent  
Albuquerque, New Mexico



# EXHIBIT 1



## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Sunday, July 21, 2019 5:10 PM  
**To:** Force, Melissa, NMSA; Gutman, Bill, NMSA; DeGregorio, Zach, NMSA; Lopez, Chris, NMSA; Blacker, Guillermo, NMSA; Barker, Karen, NMSA  
**Subject:** last weeks highlights

Hello Team,

I just got back today from a week of travel supporting the 50<sup>th</sup> Apollo Anniversary. Highlight was yesterday at Kennedy Space Center with Vice Pres Pence and the National Space Council (see agenda below). Pretty historic speech from the VP. Highlight was making connections with several legislatures and NASA's Chief of Staff Janet Karika – she's committed to bringing Administrator Jim Bridenstine to the Spaceport – sometime soon.

Thursday I presented at the Aerospace States Association annual meeting in Huntsville AL. Meeting highlight was making connection with the Colorado Lt Gov Dianne Primavera – she and her staff will be key as we grow partnerships within Colorado for booster drop zones/landing sites from NM launches.

Wednesday I was keynote speaker at Denver's Wing over the Rockies ApolloPaloosa celebration in honor of the Apollo moon landing. Visit highlight was connecting with Alan Lockheed Jr (son of the Lockheed Corp) – he requested my support to initiate a spaceport compact for connecting some specific spaceports. His intent is do something similar that his dad did in the 1930's/40's with airports.

I hope everybody had a great weekend. Looking forward to seeing everybody tomorrow.

Best Always,

Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office +1 575 267 8599  
Mobile +1 575 520 6208



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**  
4065 Research Park Circle  
Las Cruces, NM 88001

**From:** Hicks, Daniel, NMSA  
**Sent:** Friday, July 19, 2019 12:47 PM  
**To:** Force, Melissa, NMSA <Melissa.Force2@spaceportamerica.com>; Gutman, Bill, NMSA

<bill.gutman@spaceportamerica.com>; DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>; Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>; Blacker, Guillermo, NMSA <Guillermo.Blacker@spaceportamerica.com>

**Subject:** Fwd: Apollo 11: 50th Anniversary Celebration

Hello Team,

The agenda below shows the event for Saturday. It is an honor to represent the incredible Spaceport America team at this event tomorrow. I wish you were with me - I'll be thinking of you on this historic day. Thank you for all that each of you do for our Nation and the Space Industry!

Best Always

Dan

(Please extend my gratitude to the rest of our team - thanks)

Get [Outlook for Android](#)

---

**From:** Hicks, Daniel, NMSA

**Sent:** Thursday, July 18, 2019 11:55:24 PM

**To:** Beauregard, Chris C. EOP/WHO <[John.C.Beauregard@who.eop.gov](mailto:John.C.Beauregard@who.eop.gov)>

**Subject:** Re: Apollo 11: 50th Anniversary Celebration

Sounds good Chris,

Look forward to seeing you on the next trip to DC.

Best Always

Dan

Get [Outlook for Android](#)

---

**From:** Beauregard, Chris C. EOP/WHO <[John.C.Beauregard@who.eop.gov](mailto:John.C.Beauregard@who.eop.gov)>

**Sent:** Thursday, July 18, 2019 1:11:54 PM

**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Subject:** [EXT] RE: Apollo 11: 50th Anniversary Celebration

Hey Dan,

Thanks for the note. I won't make the trip, but will certainly be celebrating in DC. Feel free to give me a shout when you're in town next and we can catch up.

Enjoy the show!

Chris

---

**From:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Sent:** Thursday, July 18, 2019 11:31 AM

**To:** Beauregard, Chris C. EOP/WHO <[John.C.Beauregard@who.eop.gov](mailto:John.C.Beauregard@who.eop.gov)>

**Subject:** [EXTERNAL] RE: Apollo 11: 50th Anniversary Celebration

Hello Chris,

Thanks so much for the update. I look forward to seeing you Saturday. Hopefully we'll have a few moments to visit.



Best Always,  
Dan

**Daniel Hicks**

Chief Executive Officer

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

Office +1 575 267 8599

Mobile +1 575 520 6208



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**

4065 Research Park Circle

Las Cruces, NM 88001

**From:** Beauregard, Chris C. EOP/WHO <[John.C.Beauregard@who.eop.gov](mailto:John.C.Beauregard@who.eop.gov)>

**Sent:** Thursday, July 18, 2019 8:16 AM

**Subject:** [EXT] Apollo 11: 50th Anniversary Celebration



Distinguished guests,

On behalf of the National Space Council and its Chair, Vice President Mike Pence, we are pleased that you are able to join us for a Celebration of the 50<sup>th</sup> Anniversary of the Apollo 11 Moon Landing at the John F. Kennedy Space Center on Saturday, July 20, 2019.

Guests should arrive at 100 Boeing Way, Titusville, FL 32780 between 9:30 and 10:00am, and bring a government-issued photo identification. At this site, guests will be name checked, provided a credential, and will board shuttles to the Armstrong Operations and Checkout Building. The last shuttle will depart at 10:30am. All non-essential items should be left in vehicles. A list of explicitly prohibited items can be found below.

Prohibited items:

- Any weapons, mace, knives, etc...
- Aerosol Spray
- Selfie sticks
- Large bags or backpacks
- Outside food or beverages (specifically packaged goods)
- Any other items deemed prohibited by Secret Service

Upon arrival at the Armstrong Operations and Checkout Building, guests will proceed through Secret Service security screening and will then be escorted to the welcome reception. Requested attire for the event is business or military equivalent. A full agenda is provided below for your reference.

10:00am: Arrive at 100 Boeing Way, Titusville, FL 32780  
10:30am: Shuttle to Neil Armstrong Operations and Checkout Building  
11:00am: Reception with light refreshments  
12:00pm: Guests escorted to seats  
12:30pm: Speaking Program  
2:00pm: Event conclusion and return shuttle

If you have any questions or concerns, I can be reached via email or by calling (202) 881-9464.

Very respectfully,  
Chris Beauregard  
National Space Council



# EXHIBIT 2

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Sunday, October 6, 2019 6:11 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** Blacker, Guillermo, NMSA  
**Subject:** weekly status update

Here is my status from the week:

- This is my 14<sup>th</sup> straight day of work.
- NMFA hearing. The NMFA hearing was on Friday. Dan Hicks gave a Spaceport Overview and there was good discussion with a number of legislators.
- LFC meeting. Jacque Martinez from LFC visited Spaceport this week, but I did not get a chance to meet with her. Dan Hicks gave her a briefing.
- Capital Outlay slides. Revised the capital outlay slides prepared by Guillermo and sent the final presentation to the Capital Outlay Bureau for my presentation on Oct 17.
- HR actions. I sent in an updated budget to DFA for review of the pending HR actions. We are waiting on the response. DFA just needs to say they approve. The budget files show we expect to run out of funds, but this is consistent with our supplemental request for FY20.
- Rick Crawley Training. Rick is the new hire by Fiore under the Construction Accounting Services contract. He is Bill Miera's solution to all the problems we have been having under the contract since Jia-Sheng Cai left. His primary responsibility is to track the construction bond invoices for me. However, given his background in construction, he could provide agency more support on the construction projects. Rick met with most of the project managers while he was here.
- Meeting with HUD team. This was Ty Petty and Lawrence Reyes. They head up the Federal initiative for what is called "Economic Opportunity Zones." This is essentially a tax credit for people to issue bonds for construction projects at super low interest rates. Spaceport America is located in the middle of an opportunity zone. I met with them at Spaceport with the goal of getting Spaceport America included in Federal economic development plans. I am trying to set up a follow up meeting with the team of economic advisors for the White House.
- Financial Statements. Received back comments from the audit team and made corrections to the financial statements. There were no major errors but the audit is still ongoing. The exit conference must occur before the end of the month. I am trying to schedule board member times for Mon Oct 28
- Economic Study. The Moss Adams team is starting to feel the pressure and difficulty of the project. They have had difficulty setting up meetings, and customers have not provided much financial data. I have discussed the issues with John Tysseling and explained that it is his responsibility to make the data gathering happen. The agency cannot provide that data for him. That is what we hired them for. I am helping him set up meetings as much as I can.
- GSD contracting. A new piece of legislation went into effect starting on July 1. This increases restrictions around all service contracts, especially Sole Source and Emergency contracts. Even with my new approach to distance the agency from GSD, we still have to follow these new regulations. This is a significant increase in workload for Belinda, as it involves uploading all contracts to a new website portal. My main concern is it is going to slow down the Sole Source contracts we are trying to process for Sierra Nevada and Rocket Labs.
- Firefighter sleeping quarters. We received the three quotes from Fiore from three different companies. We are still reviewing these options.
- Supplemental Request. This is due Oct 18. I will complete the paperwork next week.



- Pcard. All agency pcards were frozen this week. It turned out DFA did not pay our bill last month. This was due to an error in the financial system. I have adjusted our procedures to look for this error going forward. The payment has now gone out and we should have our pcards turned back on next week.
- PPF. Held contracting meetings with Chaz Miller on moving forward the Payload Processing Facility Design. After the Thursday call with BRPH, we are waiting to receive their comments, and will have another conference call about the contract next Friday.
- Becky Dean reporting. Becky has been developing new Excel reports to track customer payments. A new aging report is now complete, and I will review the first version next week. This report will roll into the budgeting and cash flow reports.
- RFPs. Due to uncertainty around the RFPs, we may not issue all three by Friday as originally planned. I think I will adjust the plan to only issue two: the HVAC and Electrical. I have reviewed these documents and we are still making final revisions.
- Fuel Farm change order. Although the last change order was signed. There is disagreement on the dollar amount of the change order (because of freight charges). I am waiting on agreement on the dollar amount to adjust the PO and issue the next set of payments.
- SA Cup Financials. I received the draft statements last week and have not had time to review them yet.
- IPRA – Sent in IPRA request to Ron Fenn
- Paid bills, made purchases, processed travel.
- Meetings: Manager sync meeting, Becky Dean Excel reporting meeting, PPF review meeting, BRPH conference call, Fiore accounting training, HUD zone tour at Spaceport, NMFA hearing

**Zach De Gragorio, CPA**

Chief Financial Officer

[zach.degragorio@spaceportamerica.com](mailto:zach.degragorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**

4605 Research Park Circle Suite A

Las Cruces, NM 88001

[SpaceportAmerica.com](http://SpaceportAmerica.com)

*Please help to save paper and consider the environment before printing this email.*

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 This communication and any attachments may contain confidential and/or privileged information belonging to the New Mexico Spaceport Authority (NMSA). If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and destroy this communication and any attachments. Any unauthorized copying, disclosure or distribution of the material in this communication or any attachments is strictly forbidden and may be unlawful. If you are a party to a written Non-Disclosure Agreement (NDA) with NMSA or the State of New Mexico, you should maintain the contents of this communication and any attachments in confidence to the full extent specified in the NDA.

# EXHIBIT 3



## Beth Mohr

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, September 20, 2017 2:47 PM  
**To:** Piatek, Nicholas, GOV  
**Cc:** Hicks, Daniel, NMSA; Lucero, Fran, GOV; Hatch, Loren, GOV; Gardner, Keith, GOV  
**Subject:** RE: Purposes of International Travel

Thank you Nick,

I really apologize for messing up the process on this. It won't happen again!

I totally understand your guidance below and will comply!

Best Always,  
Dan

*Sent from my Verizon Motorola Smartphone*

On Sep 20, 2017 12:09 PM, "Piatek, Nicholas, GOV" <Nicholas.Piatek@state.nm.us> wrote:

Dan,  
Understanding that there was a confusion of travel approval authority and given the fact that we are so close to a travel date with no ability to recoup the funds already expended, I will approve. The approval, however, is a forced one and I would not under normal circumstances approve this travel.

The travel approval policy is as follows: your out of state and international travel is approved by me; international travel of any employee is approved by me. Your in-state travel is at your discretion. Domestic out of state travel and in-state travel of your employees are approved at your level. That authority is granted to agencies by the Governor's Office and can be revoked if there are questions about the approvals being given. Any travel, whether approved by the agency or the Governor's Office, is approved only after a diligent evaluation such that taxpayer dollars are protected and their expense is only made with a reasonable expectation that knowledge, opportunity, and/or direct revenue will be brought back to the state as a result.

Thanks,  
Nick

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, September 19, 2017 9:04 AM  
**To:** Piatek, Nicholas, GOV <Nicholas.Piatek@state.nm.us>; Gardner, Keith, GOV <Keith.Gardner@state.nm.us>  
**Cc:** Lucero, Fran, GOV <Fran.Lucero@state.nm.us>  
**Subject:** Fwd: Purposes of International Travel

Morning Kieth, Nick.

I believe I screwed up and ask for your forgiveness. I thought I had travel authority for my staff. but was informed by Loren/Steven yesterday that it only applies to conus.

I had planned for Melissa to attend this critical space conference from the beginning due to the incredible return on taxpayer dollars - as you can see in the description below. I should have asked for your okay. but honestly thought I had that authority for everyone except for my travel - which I know you approve Nick!

I tried calling yesterday but couldn't get through. i'll try again today to discuss in more detail. From an international/national commercial space perspective - I'm in between a a rock and a hard place and respectfully request your approval?

I look forward to seeing you both soon.

Best Always,

Dan

*Sent from my Verizon Motorola Smartphone*

----- Forwarded message -----

From: "Force, Melissa, NMSA" <[melissa.force@spaceportamerica.com](mailto:melissa.force@spaceportamerica.com)>

Date: Sep 18, 2017 4:07 PM

Subject: Purposes of International Travel

To: "Hatch, Loren, GOV" <[Loren.Hatch@state.nm.us](mailto:Loren.Hatch@state.nm.us)>

Cc: "Clampett, Stephen, GOV" <[Stephen.Clampett@state.nm.us](mailto:Stephen.Clampett@state.nm.us)>,"Hicks, Daniel, NMSA" <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

Hi Loren, Dan asked me to give you a short summary of the purpose of my trip to Australia, which has been carefully planned the past 6 months. The largest and most prestigious international space conference every year is the IAC – the International Astronautical Congress. Every space agency in the world, every commercial space actor in the world and every space launcher in the world has a presence of some kind at this event. Almost always the heads of NASA, JAXA Roscosmos, ESA, Brazil Space Agency hold plenaries there. I was invited to present a paper at the Colloquium, and the following link shows the schedule of speakers. <https://iafastronauticaldirector.org/browse-IAC-67-175> As you will see, I am among presenters from NASA, Secure World Foundation (both of which are sponsors of the moot court also), the space agencies for Japan and Brazil, the Space Policy Institute in DC, Boeing, and world class space policy universities in Beijing, McGill and Hong Kong. My powerpoint prominently displays the Spaceport America logo and my entire talk is about spaceports, during which I discuss Spaceport America specifically. After our session ends, Elon Musk will speak.

In addition, I am the co-chairman of the Manfred Lachs Space Law Moot Court Competition, which has been a keynote of the space law symposium put on by the International Institute for Space Law (of which I am an elected member) since 1992. It is a highly acclaimed and prestigious international competition that takes place all year round in four regional competitions in North America, Africa, Asia Pacific and Europe, culminating in the world finals (this year in Australia), held in conjunction with the annual IISL Colloquium. From a field of 74 teams the semi-finalists will compete in the Semi-Finals on Tuesday, September 26 and ultimately after the rounds are completed, two winners then progress to the finals on Thursday, September 28 at the Federal Court of Australia, to argue before judges of the International Court of Justice in The Hague (ours is the only international moot court competition that has this distinction). ~~Attached to this email is our program~~ which tells about the competition, shows my position as co-chair of the committee.

I am the emcee, the presenter and the sole organizer on the ground in Adelaide. [As an aside, my co-chair's wife has been hospitalized in a series of surgeries this year and cannot attend.] As you can imagine, anyone and everyone even remotely connected with law and policy of outer space is involved in one way or another with this competition and they all know of my affiliation with Spaceport America, which is prominently identified in every communication of mine. It's an extremely high profile position and there is little doubt that my activities in the IISL and the moot court are all strongly linked with awareness of Spaceport America, something that was certainly not the case this time last year. My participation in the IAC, which goes beyond even my duties in the IISL and my presentation, is an advertisement for Spaceport America. And although all the other spaceports will also attend – as they do every year – this year Spaceport America is the only spaceport who was granted a presentation at the event.

I hope this provides you with a better idea of what I propose to do in Australia and how it serves the overall purposes of the New Mexico Spaceport Authority. I would estimate the cost of the trip to be under \$5000 and Sandra can provide you with all the travel requests if you need them. If I can provide additional information, please do not hesitate to ask. Thanks, Melissa

~~Melissa R. Force~~



**General Counsel**

[mellisa.force@spaceportnm.gov](mailto:mellisa.force@spaceportnm.gov)

Office [+1 575 267 8558](tel:+15752678558)

Mobile [+1 575 915 4470](tel:+15759154470)



New Mexico Spaceport Authority  
901 E. University Ave. Suite 965L  
Las Cruces, NM 88001

# EXHIBIT 4





STATE OF NEW MEXICO  
 SPACEPORT AUTHORITY  
 4605 Research Park Circle Suite A  
 Las Cruces, NM 88001

ACH Remittance Advice

**State of New Mexico**  
 Department of Finance & Administration

HICKS, DANIEL C  
 NM SPACEPORT AUTHORITY  
 901 E UNIVERSITY AVENUE, SUITE 965L  
 LAS CRUCES, NM 88001-0000  
 United States

Date	Payment Amount	Reference
Scp/24/2019	\$5,494.55	3000844914

DFI ID:107006813 Bank Account: \*\*\*\*\*8410

**NON-NEGOTIABLE**

Business Unit : 49500 Payment Date: 09/24/2019 Reference: 3000844914

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discounts	Late Charges	Paid Amount
20190716 100% Travel	Jul/30/2019	00007930	3,138.78	0.00	0.00	3,138.78
20190818 100% Travel	Aug/29/2019	00007949	1,952.88	0.00	0.00	1,952.88
20190822 100% Travel	Aug/29/2019	00007950	402.89	0.00	0.00	402.89

*Handwritten signature and date: Paid 9/24/19*

Supplier Number	Name	Bank Charge	Transfer Cost Cd		
0000128967	HICKS, DANIEL C	\$0.00			
Reference	Date	Total Gross Amt	Total Discounts	Total Late Charges	Total Paid Amt
3000844914	Scp/24/2019	\$5,494.55	\$0.00	\$0.00	\$5,494.55

ISSUED BY THE DEPARTMENT OF FINANCE & ADMINISTRATION EFFECTIVE JULY 1, 2019			STATE OF NEW MEXICO ITEMIZED SCHEDULE OF TRAVEL EXPENSES		PAGE	1 <th>DATE</th> <td>7/30/2019</td>	DATE	7/30/2019	
AGENCY NAME	NEW MEXICO SPACE AUTHORITY		BUSINESS UNIT	495 <th>VOUCHER NUMBER</th> <td colspan="3">D0007930</td>	VOUCHER NUMBER	D0007930			
SUPPLIER NAME	DAN HICKS	CAR LICENSE NUMBER	389TGN	POST OF DUTY	LAS CRUCES			PREPAID VOUCHER	<input type="checkbox"/>
SUPPLIER ID	128967	MODEL	FORD F 150	RESIDENCE	LAS CRUCES			FINAL VOUCHER	<input checked="" type="checkbox"/>
NORMAL WORK DAY	Monday - Friday	YEAR	2019						
DATE	TIME AM OR PM	NATURE OF EXPENSE	ODOMETER READINGS	AMOUNTS (ENTER AMOUNTS IN BLUE COLUMN)					
ITEMIZED COSTS (BY DAY)	DEPARTURE	ARRIVAL	START AND FINISH	NO. OF MILES	MEAL	PER DIEM	OTHER	TOTALS	
7/16/2019	10:00 am	<b>Travel from Las Cruces to Denver, Huntsville and Kennedy Space Center, FL, to attend Apollo 11 50th Anniversary Celebrations</b>  Round Trip, Las Cruces/El Paso International Airport Airfare ELP / DEN, American Airlines (Lodging provided by Apollo Event Organizers) Meals (Pers 32.49)  Airfare DEN / HSV, United Airlines (Travelocity) Baggage Fee, DEN / HSV, United Airlines Meals (20.25 + 2.37) Tips (4.00) Lodging, Westin Huntsville Lodging, Westin Huntsville Airfare HSV / MCO, American Airlines  Rental Car, Alamo Gas, Rental Car Lodging, Fairfield by Marriott, Kennedy Space Center Hotel Parking Meals Orlando, Kennedy Space Center (Private Lodging, no charge) Rental Car, Avis Airfare, MCO / ELP, American Airlines Parking, El Paso International Airport Partial Per Diem	Rand McNally	104	45.76	24.75		45.76	
7/16/2019						314.00		314.00	
7/17/2019						603.30		603.30	
						30.03		30.00	
							22.62	22.62	
							4.00	4.00	
7/19/2019							161.85	161.85	
							161.85	161.85	
7/19/2019						482.50		482.50	
						173.55		173.53	
						12.49		12.49	
							265.77	265.77	
						4.67		4.67	
							12.79	12.79	
7/20/2019									
7/21/2019					149.90		149.90		
					573.00		573.00		
					76.00		76.00		
	4:00pm					20.00	20.00		
						12.00	12.00		
PER DIEM BASED ON (CHECK ONE)			TOTALS	104.00	2,165.16	673.63	2,438.52		
ACTUAL	<input checked="" type="checkbox"/>	Cover \$215 Lodging Approval	ADVANCE AMOUNT @ 80%			073.63	3176.78		
APPROVED RATES	<input type="checkbox"/>	Agency Head Signature	ADJUSTED REIMBURSEMENT		2,405.15	073.63	3,185.78		
<input checked="" type="checkbox"/> Check here if this claim is in compliance with the non-fee assignment provisions of the DFA regulations governing the Per Diem and Mileage Act.			I, (Traveler's Name) <u>Dan Hicks</u> DO SOLEMNLY SWEAR THAT THE ABOVE CLAIM FOR REIMBURSEMENT IS ACCURATE AND TRUE IN ALL RESPECTS AND COMPLIES WITH THE DFA REGULATIONS GOVERNING PER DIEM AND MILEAGE ACT AND THAT NO OTHER EXPENSES WILL BE REQUESTED FOR THIS INDIVIDUAL TRAVEL. PAYEE SIGN HERE <u>Daniel C. Hicks</u> DATE _____						



**D I V I S I O N   R E Q U I R E M E N T S**

**TYPE OF TRAVEL:**

In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

DAN HICKS 118483 495P770  
 Name of Traveler Vendor Number Cost Center

Destination Albuquerque, NM Departure Date July 15, 2019 Time 6:00 AM Return Date July 21, 2019 Time 1:00 PM  
Denver, CO  
Huntsville, AL  
Orlando, FL

Purpose and Benefit of Travel Attend various Apollo 11 Anniversary Events - Apollo-Palooza (Denver), Aerospace States Assoc (Huntsville), Kennedy Space Center

**E M P L O Y E E   R E Q U I R E M E N T S**

<p><b>A.</b></p> <p>Round Trip Mileage <u>100 @ .43 per mile</u> \$ <u>46.00</u></p> <p>Tips _____</p> <p>Taxi _____</p> <p>Car Rental (justification required) _____ (Estimated) \$ <u>500.00</u></p> <p>Parking _____</p> <p>Airfare _____ (Estimated) \$ <u>2,000.00</u></p> <p>Registration _____ \$ _____</p> <p>Other _____</p> <p><b>TOTAL</b> ..... \$ <u>2,546.00</u></p> <p><b>VEHICLE USED:</b></p> <p>State <input type="checkbox"/> Personal <input checked="" type="checkbox"/></p> <p>Justification for Personal Vehicle: _____</p> <p>_____</p> <p>_____</p> <p><b>GRAND TOTAL A &amp; B</b> ..... \$ <u>3,866.00</u></p>	<p><b>B. ACTUAL</b></p> <p>Meals @ \$30.00 per day. I/S ..... \$ _____</p> <p>Meals @ \$45.00 per day. O/S ..... \$ <u>360.00</u></p> <p>Lodging <u>6 nights @ 160.00</u> \$ <u>960.00</u></p> <p>(If lodging exceeds \$215/night, it requires written approval from agency head (DFA Rule 92-4))</p> <p>Partial Day Per-Diem .....</p> <p><b>TOTAL</b> ..... \$ <u>1,320.00</u></p> <p><b>B. APPROVED RATES</b></p> <p>@ \$135.00 Per Night .....</p> <p>(\$85; \$115; or \$135) (DFA Rule)</p> <p>Partial Day Per-Diem (\$12,\$20,\$30) .....</p> <p><b>TOTAL</b> ..... \$ _____</p> <p><b>B. BOARD MEMBERS</b></p> <p><b>TOTAL</b> ..... \$ _____</p> <p>(\$95.00 per meeting)</p>	<p><b>C.</b></p> <p>HOTEL: _____</p> <p>Hotel Phone _____</p> <p>Cellular Phone _____</p> <p>Other Phone _____</p> <p>AGENDA _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Comments: \_\_\_\_\_

Employee Signature: *Daniel G. Hicks* Date: 12-Jul-19

Division Director's Signature: \_\_\_\_\_ Date: 7/12/19

**A D M I N I S T R A T I V E   S E R V I C E S   U S E   O N L Y**

Purchase Document # \_\_\_\_\_

REGIS. FEE: Vendor \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_

Purchasing Approval \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_



**MEMO**

To: Donna Trujillo  
From: Zach De Gregorio  
Date: September 04, 2019  
Subject: Airfare Purchase

Dan Hicks from the NM Spaceport Authority purchased airfare to travel from 07/16/2019 to 07/21/2019. Typically the agency purchases plane tickets. In this case, Dan Hicks agreed to purchase the plane ticket on his personal credit card and get reimbursed. The trip was for a public benefit and purpose consistent with the related appropriation, and the trip was necessary to carry out the statutory mission of the state agency.

The three airfare purchases are as follows:

- ELP/DEN \$314.00
- DEN/HSV \$603.30
- HSV/MCO \$482.50
- MCO/ELP \$573.00

The ticket from DEN/HSV for \$603.30 was purchased from Travelocity. Travelocity does not produce receipts showing the transaction date or method of payment. Dan Hicks has provided a copy of his credit card statement showing the transaction.

On the flight from DEN/HSV, Dan Hicks was required to check a bag, resulting in an additional \$30.00 baggage fee. The backup includes the receipt from United.

Please contact me with any questions. Thank you.

  
Zach DeGregorio  
Chief Financial Officer



Dear Dan:

Thank you so much for being a part of Wings Over the Rockies Apollopalooza! To confirm, your event information is as below:

**Presenter(s) with salutation (Dr, Hon, Sen, etc): Dan Hicks**

**Affiliation: Spaceport America CEO**

**Date: Wednesday, July 17, 2019**

**Time: 1:00 pm - 2:00 pm**

**Location: Lowry Floor**

**Length of Presentation: 60 mins**

**If this information is not correct or has changed in a way you cannot accommodate, call Jessica Castellano immediately at: (office) 303.360.5360 x116, or email at: [JCastellano@WingsMuseum.org](mailto:JCastellano@WingsMuseum.org)**

Wings Over the Rockies Apollopalooza is a one-of-a-kind event, for a one-of-a-kind anniversary. We are thrilled to be able to share our passion with an anticipated 10,000+ guests on-site, and hundreds of thousands more through our NASA TV Live Remote Broadcast!

This event has a lot of logistics involved, and we want to make certain that you are comfortable and well prepared for your participation.

This package will provide information on:

- Schedule & presentation location(s)
- Contact information for all Apollopalooza leadership personnel
- Travel, parking, hotel options and museum location (inc'l dashboard parking permit)
- Your rest & preparation space(s)
- Museum Floor rules
- AV support & equipment availability (we will strive to provide as much as we can, but cannot guarantee every request will be met)
- How to request staff and/or volunteer support
- How to request your product/publication be featured in our Museum Store
- How to request a table for book signing
- How to request guest passes
- How to promote your Apollopalooza appearance!

This package also contains:

- Photo & Video Release
- Agreement to Present

**PLEASE FILL OUT ALL FORMS ATTACHED AND RETURN TO: [JCastellano@WingsMuseum.org](mailto:JCastellano@WingsMuseum.org) BY JUNE 1**





**07** **SAVE** **15**  
**THE**  
**DATE**

**VIP & PRESENTER RECEPTION**

**WHERE:**

**Top Golf**

10601 E Easter Ave. Centennial, CO 80112

**WHEN:**

**11:00 AM - 4:00 PM**

**RSVP:**

Jessica Castellano

Email: JCastellano@WingsMuseum.org

Phone: 303.3605360 ext 116

WINGS OVER THE ROCKIES AIR & SPACE MUSEUM  
PRESENTS

★ **APOLLO** ★  
**PALOOZA**

Join Wings Over the Rockies  
for a VIP & Presenter Reception, golf  
game, lunch and cocktails. Mingle with  
fellow Apollopalooza panelists, thought  
leaders and VIPs at Top Golf in  
Centennial, Colorado.



**WINGSMUSEUM.ORG/APOLLO**



**PARKING PASS**

**PRESENTER/PARTICIPANT**

**Blacker, Guillermo, NMSA**

---

**From:** Monica Hecker <hecker@aerostates.org>  
**Sent:** Tuesday, July 2, 2019 12:04 PM  
**To:** Blacker, Guillermo, NMSA  
**Cc:** Ross Garelick Bell; Hicks, Daniel, NMSA  
**Subject:** [EXT] Daniel Hicks Registration Confirmation #2689687363 - ASA Annual Meeting and State Aerospace Policy Summit

Dear Mr. Guillermo Blacker,

Thank you for registering Mr. Daniel Hicks. We have received his registration and I have attached a copy below. His Registration Confirmation# is 2689687363. There will be an ASA Badge and Dinner Ticket Pick-up Desk in the lobby of the Westin Huntsville on Tuesday July 16th from 3:00 -6:00pm. If Mr. Hicks will be arriving at a later date or time, his badge and dinner ticket will be held at the front desk.

We are very appreciative of Mr. Hicks participation on the policy panel *Spaceports: The Next Hub in Transportation Networking Systems*. The Panel begins at **2:15 – 3:30 PM** in the Mediterranean Room of the Westin Huntsville on July 18th.

Best Regards,

Monica Hecker  
Deputy Executive Director  
Aerospace States Association  
480-329-3459  
[www.aerostates.org](http://www.aerostates.org)



<p><b>First Name:</b> DANIEL <b>Last Name:</b> HICKS <b>Organization/ Company Name:</b> SPACEPORT AMERICA <b>Official Title:</b></p>
--



## Blacker, Guillermo, NMSA

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Sunday, July 21, 2019 5:10 PM  
**To:** Force, Melissa, NMSA; Gutman, Bill, NMSA; DeGregorio, Zach, NMSA; Lopez, Chris, NMSA; Blacker, Guillermo, NMSA; Barker, Karen, NMSA  
**Subject:** last weeks highlights

Hello Team,

I just got back today from a week of travel supporting the 50<sup>th</sup> Apollo Anniversary. Highlight was yesterday at Kennedy Space Center with Vice Pres Pence and the National Space Council (see agenda below). Pretty historic speech from the VP. Highlight was making connections with several legislatures and NASA's Chief of Staff Janet Karika – she's committed to bringing Administrator Jim Bridenstine to the Spaceport – sometime soon.

Thursday I presented at the Aerospace States Association annual meeting in Huntsville AL. Meeting highlight was making connection with the Colorado Lt Gov Dianne Primavera – she and her staff will be key as we grow partnerships within Colorado for booster drop zones/landing sites from NM launches.

Wednesday I was keynote speaker at Denver's Wing over the Rockies ApolloPalooza celebration in honor of the Apollo moon landing. Visit highlight was connecting with Alan Lockheed Jr (son of the Lockheed Corp) – he requested my support to initiate a spaceport compact for connecting some specific spaceports. His intent is do something similar that his dad did in the 1930's/40's with airports.

I hope everybody had a great weekend. Looking forward to seeing everybody tomorrow.

Best Always,

Dan

**Daniel Hicks**  
Chief Executive Officer  
[dan.hicks@spaceportamerica.com](mailto:dan.hicks@spaceportamerica.com)  
Office +1 575 267 8599  
Mobile +1 575 520 6208



**SPACEPORT** AMERICA

New Mexico Spaceport Authority  
4065 Research Park Circle  
Las Cruces, NM 88001

**From:** Hicks, Daniel, NMSA  
**Sent:** Friday, July 19, 2019 12:47 PM  
**To:** Force, Melissa, NMSA <Melissa.Force2@spaceportamerica.com>; Gutman, Bill, NMSA

Best Always,  
Dan

**Daniel Hicks**  
Chief Executive Officer

[daniel.hicks@spaceportlmc.com](mailto:daniel.hicks@spaceportlmc.com)

Office +1 575 267 8599

Mobile +1 575 520 6201



**SPACEPORT**

New Mexico Spaceport  
4065 Research Park Circle  
Las Cruces, NM 88001

**From:** Beauregard, Chris C. EOP/WHO <[John.C.Beauregard@who.eop.gov](mailto:John.C.Beauregard@who.eop.gov)>

**Sent:** Thursday, July 18, 2019 8:16 AM

**Subject:** [EXT] Apollo 11: 50th Anniversary Celebration



Distinguished guests,

On behalf of the National Space Council and its Chair, Vice President Mike Pence, we are pleased that you are able to join us for a Celebration of the 50<sup>th</sup> Anniversary of the Apollo 11 Moon Landing at the John F. Kennedy Space Center on Saturday, July 20, 2019.

Guests should arrive at 100 Boeing Way, Titusville, FL 32780 between 9:30 and 10:00am, and bring a government-issued photo identification. At this site, guests will be name checked, provided a credential, and will board shuttles to the Armstrong Operations and Checkout Building. The last shuttle will depart at 10:30am. All non-essential items should be left in vehicles. A list of explicitly prohibited items can be found below.

Prohibited items:

- Any weapons, mace, knives, etc...
- Aerosol Spray
- Selfie sticks
- Large bags or backpacks
- Outside food or beverages (specifically packaged goods)
- Any other items deemed prohibited by Secret Service

Upon arrival at the Armstrong Operations and Checkout Building, guests will proceed through Secret Service security screening and will then be escorted to the welcome reception. Requested attire for the event is business or military equivalent. A full agenda is provided below for your reference.



10:00am: Arrive at 100 Boeing Way, Titusville, FL 32780  
10:30am: Shuttle to Neil Armstrong Operations and Checkout Building  
11:00am: Reception with light refreshments  
12:00pm: Guests escorted to seats  
12:30pm: Speaking Program  
2:00pm: Event conclusion and return shuttle

If you have any questions or concerns, I can be reached via email or by calling (202) 881-9464.

Very respectfully,  
Chris Beauregard  
National Space Council



Fairfield by Marriott® Titusville Kennedy Space Center  
4735 Helen Hauser Blvd, Titusville FL 32780 P 321.385.1818  
Fairfield.Marriott.com

D. Hicks

Room: 101  
Room Type: KING  
Number of Guests: 1  
Rate: \$237.00  
Clerk:

Arrive: 19Jul19      Time: 07:31PM      Depart: 20Jul19      Time:      Folio Number: 74144

DATE	DESCRIPTION	CHARGES	CREDITS
19Jul19	Room Charge	237.00	
19Jul19	State Occupancy Tax	16.59	
19Jul19	County Tax	11.85	
19Jul19	Daily Parking	4.67	
19Jul19	Sales Tax	0.33	
20Jul19	Master Card		270.44
		<i>Card #: MCXXXXXXXXXXXX0881XXXX Amount: 270.44 Auth: 88870Z Signature on File This card was electronically swiped on 19Jul19</i>	
		<b>BALANCE:</b>	<b>0.00</b>

Marriott Bonvoy Account # XXXXX1309. Your Marriott Bonvoy points/miles earned on your eligible earnings will be credited to your account. Check your Marriott Bonvoy account statement or your online statement for updated activity.

See our "Privacy & Cookie Statement" on Marriott.com.

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**MEMO**


To: Mark Melhoff  
From: Rick Holdridge  
Date: August 10, 2019  
Subject: Lodging Expense in Excess of \$215 per night

On July 19, 2019 Dan Hicks traveled to Titusville, FL and stayed at a hotel room greater than \$215.00 per night. The hotel room was \$270.44 per night for one day. The purpose of this trip was attend meetings at Kennedy Space Center. This is an important event to pursue Business Development opportunities for Spaceport America. Lodging expenses greater than \$215.00 per night require signature of the agency head or chairperson of the board prior to encumbering the expenditure [NMAC 2.42.2.9 B(1)].

I approve this travel expense to be reimbursed. This was the lowest available rate that will meet the requirements to participate in these meetings.

Please contact me if you have any questions or need any additional information.

Sincerely,



Rick Holdridge  
NMSA Board Chair



# EXHIBIT 5



**Franco, Sandra, NMSA**

---

**From:** Bill Sidman <bill@aquilatrans.com>  
**Sent:** Monday, June 19, 2017 1:44 PM  
**To:** Franco, Sandra, NMSA  
**Subject:** Hicks for your approval

SALES PERSON: 27            ITINERARY            DATE: 19 JUN 17  
CUSTOMER NBR: 012160000            YZROSS            PAGE: 01

TO: NM SPACEPORT AUTHORITY    AQUILA TRAVEL  
901 E UNIVERSITY AVE SUITE 98415 WASHINGTON PL NE  
LAS CRUCES NM 88001    ALBUQUERQUE NM 87113

FOR: HICKS/DANIEL C

ALL TICKETS ISSUED BY AQUILA TRAVEL MUST HAVE  
LEGAL NAME AND DATE OF BIRTH

26 JUN 17 - MONDAY

AIR AMERICAN AIRLINES FLT:6062 ECONOMY    FOOD FOR PURCHASE  
OPERATED BY COMPASS AIRLINES AS AMERICAN EAGLE  
LV EL PASO            528P            EQP: E75

02HR 17MIN

AR LOS ANGELES            645P            NON-STOP

REF: YZROSS

HICKS/DANIEL C SEAT-8F AA-074FA58

AIR AMERICAN AIRLINES FLT:6014 ECONOMY  
OPERATED BY COMPASS AIRLINES AS AMERICAN EAGLE  
LV LOS ANGELES            800P            EQP: E75

01HR 28MIN

AR SAN FRANCISCO            928P            NON-STOP

ARRIVE: TERMINAL 2            REF: YZROSS

HICKS/DANIEL C SEAT-8A AA-074FA58

29 JUN 17 - THURSDAY

AIR AMERICAN AIRLINES FLT:545 ECONOMY  
LV SAN FRANCISCO            345P            EQP: AIRBUS A321  
DEPART: TERMINAL 2            01HR 59MIN

AR PHOENIX            544P            NON-STOP

ARRIVE: TERMINAL 4            REF: YZROSS

HICKS/DANIEL C SEAT-22C AA-074FA58

AIR AMERICAN AIRLINES FLT:5938 ECONOMY  
OPERATED BY MESA AIRLINES AS AMERICAN EAGLE

LV PHOENIX 643P EQP: CR9  
DEPART: TERMINAL 4 01HR 16MIN  
AR EL PASO 859P NON-STOP  
REF: YZROSS  
HICKS/DANIEL C SEAT-6C AA-074FA58

VENDOR #  
50413

16 MAY 18 - WEDNESDAY  
OTHER SKED CHG - TCC  
THANK YOU FOR CHOOSING AQUILA TRAVEL \*\*BILL\*\*

CONTINUED ON PAGE 2  
SALES PERSON: 27 ITINERARY DATE: 19 JUN 17  
CUSTOMER NBR: 0121600000 YZROSS PAGE: 02

TO: NM SPACEPORT AUTHORITY AQUILA TRAVEL  
901 E UNIVERSITY AVE SUITE 98415 WASHINGTON PL NE  
LAS CRUCES NM 88001 ALBUQUERQUE NM 87113

FOR: HICKS/DANIEL C

ALL AIRFARES SUBJECT TO CHANGE UNTIL TICKETED .  
FEDERAL LAW FORBIDS THE CARRIAGE OF CERTAIN HAZARDOUS MATERIALS SUCH AS AEROSOLS, FIREWORKS, AND  
FLAMMABLE LIQUIDS ABOARD THE AIRCRAFT. IF YOU DO NOT UNDERSTAND THESE RESTRICTIONS CONTACT YOUR  
AIRLINE OR GO TO [WWW.FAA.GOV/ABOUT/INITIATIVES/HAZMATUNDERSCORESAFETY](http://WWW.FAA.GOV/ABOUT/INITIATIVES/HAZMATUNDERSCORESAFETY)

FAILURE TO CANCEL YOUR TICKETED ITINERARY AT LEAST  
15 MINUTES PRIOR TO FLIGHT DEPARTURE MAY RESULT IN THE FORFEITURE OF ALL TRAVEL FUNDS ASSOCIATED WITH  
THIS RESERVATION.

VIEW YOUR CONFIRMED ITINERARY AT [WWW.TRIPCASE.COM](http://WWW.TRIPCASE.COM) .....  
AQUILA TRAVEL IS OPEN MON-FRI 8AM - 530PM MST PH 505-828-9113 TOLL FREE 1-800-595-6257

EMERGENCY AFTER HOURS ASSISTANCE AVAILABLE PLEASE CALL 1-800-823-3372 ID CODE C7Q2 - AGENT 24 CALLS  
MAY RESULT IN A CHARGE OF 25.00 PER CALL .....

ALL AIRLINES HAVE NEW GUIDELINES FOR CHECKED BAGGAGE FOR MORE INFORMATION CONTACT YOUR AQUILA  
TRAVEL AGENT .....

NONREF FARE 644.60  
FARE EXPIRES TODAY

Bill Sidman - Ext 110

*Handwritten notes and signatures in blue ink:*  
A large circle containing the text "2018 2/1/3".  
A signature above the circle.  
A signature to the right of the circle.

*Handwritten calculations in blue ink:*  
619.60  
25.00  
644.60



**DIVISION REQUIREMENTS**

TYPE OF TRAVEL:

In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks Name of Traveler 00000128967 Vendor Number 495-770-0000 Cost Center

Destination San Francisco Departure Date June 26, 2017 Time 800am Return Date June 28, 2017 Time 10:00pm

Purpose and Benefit of Travel Attend New Space Conference

**EMPLOYEE REQUIREMENTS**

A.	B. ACTUAL	C.
Round Trip Mileage <u>89.6 @ .43 per mile</u> \$ <u>38.53</u>	Meals @ \$30.00 per day. I/S .....	HOTEL:
Tips .....	Meals @ \$45.00 per day.O/S. .... \$ <u>90.00</u>	Hotel Phone
Taxi ..... \$ <u>100.00</u>	Lodging <u>2 nights @ 450.00</u> \$ <u>900.00</u>	Cellular Phone
Car Rental (justification required) .....	(If lodging exceeds \$215/night, it requires written approval from agency head (DFA Rule 92-4))	Other Phone
Parking .....	Partial Day Per-Diem ..... \$ <u>30.00</u>	AGENDA:
Airfare ..... PO#2113 AQUILA \$ <u>644.60</u>	TOTAL ..... \$ <u>1,020.00</u>	<u>Attend New Space Conference in</u>
Registration ..... \$ <u>1,299.00</u>	<b>B. APPROVED RATES</b>	<u>Fransisco-Business Development</u>
Other .....	@ \$85.00 Per Night .....	
TOTAL ..... \$ <u>2,082.13</u>	(\$85; \$115; or \$135) (DFA Rule)	
<b>VEHICLE USED:</b>	Partial Day Per-Diem (\$12,\$20,\$30) .....	
State <input type="checkbox"/> Personal <input checked="" type="checkbox"/>	TOTAL ..... \$ <u>-</u>	
Justification for Personal Vehicle:	<b>B. BOARD MEMBERS</b>	
State Vehicle not available	TOTAL .....	
Round Trip travel LC/EL Paso Int'l Airport		
GRAND TOTAL A & B ..... \$ <u>3,102.13</u>	TOTAL .....	
	(\$95.00 per meeting)	

Comments:

Employee Signature: \_\_\_\_\_ Date: 6/25/17  
 Division Director's Signature: [Signature] Date: 6/25/17

**ADMINISTRATIVE SERVICES USE ONLY**

Purchase Document # \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 REGIS. FEE: Vendor \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_



Citi® / AAdvantage® Platinum Select® World Elite™  
Mastercard®-7234

CERTIFICATION

I, Rich DeLeon hereby certify that  
the items listed on the attached invoice were received  
and accepted by this agency on or before June 30, 2017.  
I also certify that adequate cash and budget existed.

Signed: [Signature]  
CHIEF FINANCIAL OFFICER

Date: 7-17-17

Transaction Details

Date	Description	Amount
Jun. 28, 2017	AMERICAN0012135931956 SAN FRANCISCO CA	\$ 332.01
	<b>Additional Details</b>	
Transaction Type:	Purchases	
Posted Date:	Jun. 28, 2017	
Category:	Air Travel - AMERICAN AIRLINES	
Reference Number:	PZY0SXB	
Merchant Country:	United States	

ADDITIONAL AIRFARE DUE TO  
CHANGE OF FLIGHT! FROM 29TH TO 28TH,  
(CAME HOME LATE WED NIGHT TO SIGN  
CONTRACTS ON 29 THU IN THE OFFICE!)

LIVE CHAT

17 PASSENGER TICKET AND BAGGAGE CHECK  
SUBJECT TO CONDITIONS OF CONTRACT

\*\*\* ELECTRONIC TICKET \*\*\*

PASSENGER RECEIPT 10F 001

NAME OF PASSENGER (NOT TRANSFERABLE)

ISS. AGENT ID

28 JUN 17

US

NAME OF PASSENGER

HICKS/DANIEL C

HICKS/DANIEL C

\*\*\*NOT VALID FOR\*\*\* RETAIN THIS RECEIPT \*\*\*

TRANSPORTATION THROUGHOUT YOUR JOURNEY

0 495000000002113/USD266.98 NONREFUNDABLE NONREF / S

CGHGPLUSFAREDIF/CXL BY CAT

0019630933580

0019630933580

.P AA X/LAX AA SFC266.98V7AHZNN1 AA X/LAX AA ELP389.77M0AHZRN USD656.75END ZPELPLAX

OLAX XT11.20AY18.00XFELP4.5LAX4.5SFO4.5LAX4.5

FARE 656.75

TAX/FEES CHARGE 49.26

TAX/FEES CHARGE 16.40

TOTAL

00123722752550

FORM OF PAYMENT

FP HECK

352.01 REC.

SAN FRANCISCO

AA 6024 M 28 JUN M0AHZRN

LOS ANGELES

AA 6039 M 28 JUN M0AHZRN

EL PASO

\*\*\*\*\*

\*\*\*\*\*

NOT VALID FOR TRAVEL



STATE OF NEW MEXICO  
ITEMIZED SCHEDULE  
OF TRAVEL EXPENSES

PAGE \_\_\_\_\_ DATE 6/30/2017  
BUSINESS UNIT 495 VOUCHER NUMBER 00006363

AGENCY NAME New Mexico Spaceport Authority

VENDOR NAME	Dan Hicks	CAR LICENSE NUMBER		POST OF DUTY	Las Cruces	PROPOSED ADVANCE VOUCHER	<input type="checkbox"/>
VENDOR ID	128967	MODEL	FORD F150	RESIDENCE	Las Cruces	ACTUAL RECOUPMENT	<input checked="" type="checkbox"/>
NORMAL WORK DAY	Mon-Fri 8am-5pm	YEAR	2016			VOUCHER	

DATE	TIME: SHOW AM OR PM		CHARACTER OF EXPENSE ENTER DESTINATION, NATURE OF OFFICIAL BUSINESS, PARTY CONTACTED AND MISCELLANEOUS	ODOMETER READINGS		AMOUNTS			
	DEPARTURE	ARRIVAL		ENTER START AND FINISH	NO OF MILES	MILEAGE	PER DIEM	MISCELLANEOUS	TOTALS
6/26/17 6/28/17	8:00am	11:00 pm	Travel to San Francisco to attend New Space Conference Round Trip LC/EI Paso Int'l Airport  American Airlines Airfare  6/26/17 Lodging Westin 6/27/17 Lodging Westin  6/27/17 BREAKFAST  Taxi Taxi Parking EI Paso Int'l Airport Conference Registration Fee  PO# 2113 paid to Aquila Travel	Rand McNally	89.6	38.53 332.01	30.00	521.48 521.48 41.66	68.53 332.01 521.48 521.48 41.66 57.00 57.33 38.00 1,299.00
PER DIEM BASED ON (CHECK ONE)				TOTALS	89.60	522.87	2,413.62	-	2,936.49
ACTUAL <input checked="" type="checkbox"/>				ADVANCE AMOUNT @60%					
APPROVED RATES <input type="checkbox"/>				ADJUSTED REIMBURSEMENT					

Check here if this claim is in compliance with the Non-routine Reassignment provisions of the DFA Regulations Governing the Per Diem and Mileage Act.

Dan Hicks  
DO SOLEMNLY SWEAR THAT THE ABOVE CLAIM FOR REIMBURSEMENT IS JUST AND TRUE IN ALL RESPECTS AND COMPLIES WITH THE DFA REGULATIONS GOVERNING THEIR PER DIEM AND MILEAGE ACT  
PAYEE SIGN HERE Dan Hicks DATE 6/30/17



SPACEPORT AUTHORITY  
 901 E. University, Suite 965L  
 Las Cruces, NM 88001

Advice

**State of New Mexico**  
 Department of Finance & Administration

HICKS, DANIEL C  
 NM SPACEPORT AUTHORITY  
 901 E UNIVERSITY AVENUE, SUITE 965L  
 LAS CRUCES, NM 88001-0000

Date	Payment Amount	Reference
Jul/21/2017	\$2,936.49	3000522634

269038410

NON-NEGOTIABLE

Payment Date: 7/21/2017

Reference: 3000522634

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discounts	Late Charges	Paid Amount
6.26.17-SAN FRANCISCO	Jun/26/2017	00006363	2,936.49	0.00	0.00	2,936.49

*[Handwritten signature]*

Vendor Number	Name	Bank Charge	Transfer Cost Cd		
0000128967	HICKS, DANIEL C	\$0.00			
Reference	Date	Total Gross Amt	Total Discounts	Total Late Charges	Total Paid Amt
3000522634	Jul/21/2017	\$2,936.49	\$0.00	\$0.00	\$2,936.49



# EXHIBIT 6

## Franco, Sandra, NMSA

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Monday, February 12, 2018 10:36 AM  
**To:** Piatek, Nicholas, GOV  
**Cc:** Gardner, Keith, GOV; Lucero, Fran, GOV; Franco, Sandra, NMSA  
**Subject:** National Space Council invitation

Nick,

I was invited by the office of Vice President Mike Pence to attend the second National Space Council meeting in Kennedy Space Center next week on 21 Feb. I'll get my travel request to Fran asap.

Best Always,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



**SPACEPORT** AMERICA

New Mexico Spaceport Authority  
901 E. University Ave. Suite 965L  
Las Cruces, NM 88001



## Franco, Sandra, NMSA

---

**From:** Hatch, Loren, GOV  
**Sent:** Monday, February 26, 2018 4:26 PM  
**To:** Franco, Sandra, NMSA  
**Cc:** Lucero, Fran, GOV; Cason, Pamela, GOV  
**Subject:** RE: Dan Hicks travel to FL 2.20.18-2.23.18

I understand that Nick verbally approved this travel before it occurred. I am ratifying his approval in writing. Please let me know if you need anything else.

LM

**From:** Lucero, Fran, GOV  
**Sent:** Monday, February 26, 2018 2:33 PM  
**To:** Franco, Sandra, NMSA <sandra.franco@spaceportamerica.com>; Hatch, Loren, GOV <Loren.Hatch@state.nm.us>  
**Subject:** RE: Dan Hicks travel to FL 2.20.18-2.23.18

I'm waiting for approval.

**From:** Franco, Sandra, NMSA  
**Sent:** Monday, February 26, 2018 2:30 PM  
**To:** Lucero, Fran, GOV  
**Subject:** FW: Dan Hicks travel to FL 2.20.18-2.23.18

Hi Fran,

Please review, approve attached Travel Request.  
Thank you.

Thank you,  
Sandra Franco  
Department of Finance and Administration  
[sandra.franco@spaceportamerica.com](mailto:sandra.franco@spaceportamerica.com)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave. Suite 965L  
Las Cruces, NM 88001  
O (575) 267-8500  
M (575) 640-1771  
[www.SpaceportAmerica.com](http://www.SpaceportAmerica.com)

## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, February 13, 2018 10:58 AM  
**To:** DeGregorio, Zach, NMSA  
**Cc:** Hicks, Daniel, NMSA  
**Subject:** Re: Please approve

Approved - thanks Zach

*Sent from my Verizon Motorola Smartphone*

On Feb 13, 2018 10:47 AM, "DeGregorio, Zach, NMSA" <zach.degregorio@spaceportamerica.com> wrote:

Hi to Dan,

Please approve the \$5,000.00 sponsorship for ESF for Florida National Space Council reception

Thanks

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6721](tel:+15753866721)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001  
[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

*Please help to save paper and consider the environment before printing this email.*

---  
This communication and any attachments may contain confidential and/or privileged information belonging to the New Mexico Spaceport Authority (NMSA). If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and destroy this communication and any attachments. Any unauthorized copying, disclosure or distribution of the material in this communication or any attachments is strictly forbidden and may be unlawful. If you are a party to a written Non-Disclosure Agreement (NDA) with NMSA or the State of New Mexico, you should maintain the contents of this communication and any attachments in confidence to the full extent specified in the NDA.

**From:** Barker, Karen, NMSA  
**Sent:** Tuesday, February 13, 2018 10:36 AM  
**To:** DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>; Raitt, Susan, NMSA <Susan.Raitt@spaceportamerica.com>  
**Subject:** FW: Update on Project  
**Importance:** High

Susan

Please do the PS for Zach for this and Zach. I have already spoken with ESF concerning this and approve with their concurrence. Thanks, Karen



**From:** Barker, Karen, NMSA  
**Sent:** Monday, February 12, 2018 7:04 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** FW: Update on Project  
**Importance:** High

Dan: this is the request we got from CSF to help sponsor the MSC event at Cape Kennedy

Should I have Susan do a PR for this for Zach?

Best, Karen

**From:** Jane Kinney [<mailto:jane@commercialspaceflight.org>]  
**Sent:** Wednesday, February 7, 2018 6:53 AM  
**To:** Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
**Cc:** Eric Stallmer <[eric\\_stallmer@commercialspaceflight.org](mailto:eric_stallmer@commercialspaceflight.org)>; Alexandra Johnson <[alexandra@commercialspaceflight.org](mailto:alexandra@commercialspaceflight.org)>  
**Subject:** Re: Update on Project

Karen,

The meeting this morning is for all members. but seeing as you were at the board meeting yesterday you do not need to attend this morning.

Attached is the draft sponsorship note that you requested. Please let me know if I can help in any other way.

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
727 15th Street NW,  
Suite 800  
Washington DC. 20005

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

(469) 879 - 9503 (Cell)

On Tue, Feb 6, 2018 at 7:49 PM, Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)> wrote:  
Thanks, Jane. I'll pass tonite. Is the meeting in the morning for Board members?

Best, Karen

----- Original message -----

From: Jane Kinney <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: 2/6/18 5:56 PM (GMT-05:00)  
To: "Barker, Karen, NMSA" <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
Subject: Re: Update on Project

No but I can put one together?

Just a description of what the funding is for on official letter head?

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
[727 15th Street NW](#)  
[Suite 800](#)  
[Washington, DC, 20005](#)

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

[460.870.0411](tel:460.870.0411) (Cell)

On Tue, Feb 6, 2018 at 5:53 PM, Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)> wrote:  
Do you have a request for sponsorship I can present for write in?

Remove this message and all attachments from your inbox

----- Original message -----

From: Jane Kinney <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: 2/6/18 5:46 PM (GMT-05:00)  
To: "Barker, Karen, NMSA" <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
Subject: Re: Update on Project

Karen,

You and he are already on the list!

He will be on the list for the meeting as well.

Thanks so much on working on the sponsorship.

**Jane Kinney**  
Assistant Director



Commercial Spaceflight Federation

[727 15th Street NW](#)  
[Suite 800](#)  
[Washington DC, 20005](#)

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

[202-870-4503](tel:202-870-4503) (Cell)

On Tue, Feb 6, 2018 at 5:43 PM, Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)> wrote:

Jane,

Put Spaceport CEO Dan Hicks on the invitation list. Also, i am working to free up another 5k for sponsorship.

Thanks. Karen

[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)

----- Original message -----

From: Jane Kinney <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: 2/1/18 12:40 PM (GMT-05:00)  
To: "Barker, Karen, NMSA" <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
Subject: Re: Update on Project

Karen,

The package does not come with another but I would be happy to throw an extra in for you guys no problem :)

Just let me know

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
[727 15th Street NW](#)  
[Suite 800](#)  
[Washington DC, 20005](#)

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

[202-870-4503](tel:202-870-4503) (Cell)

On Thu, Feb 1, 2018 at 12:25 PM, Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)> wrote:  
Yes for me...is there another just in case someone comes in from New Mexico. Thanks, Karen

----- Forwarded message -----

----- Original message -----

From: Jane Kinney <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: 2/1/18 10:52 AM (GMT-05:00)  
To: "Barker, Karen, NMSA" <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
Subject: Re: Update on Project

Will the registration be for you? If so I will get you set up. If not, let me know the name of the attendee and I will register them.

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
[www.csfed.org](http://www.csfed.org)  
Suite 800  
Washington DC, 20007

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

[202 878-1913](tel:2028781913) (Cell)

On Wed, Jan 31, 2018 at 9:26 PM, Barker, Karen, NMSA <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)> wrote:  
Jane, greatly appreciated.

How do I register for the conference at no charge? Dan does not intend to speak this time. Best, Karen

----- Forwarded message -----

----- Original message -----

From: Jane Kinney <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: 1/31/18 2:04 PM (GMT-05:00)  
To: "Barker, Karen, NMSA" <[Karen.Barker@spaceportamerica.com](mailto:Karen.Barker@spaceportamerica.com)>  
Subject: Fwd: Update on Project



Karen.

Attached is the board meeting agenda for next week as well as the research doc we drafted for Chris in the fall. I have included my correspondence with him below for your reference.

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
[2715 15th Street NW](#)  
[Suite 500](#)  
[Washington DC 20004](#)

Email address: [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)

[202-571-4517](tel:2025714517) (Cell)

----- Forwarded message -----

From: **Jane Kinney** <[jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org)>  
Date: Mon, Oct 23, 2017 at 9:35 PM  
Subject: Re: Update on Project  
To: "Lopez, Chris, NMSA" <[chris.lopez@spaceportamerica.com](mailto:chris.lopez@spaceportamerica.com)>  
Cc: Alexandra Johnson <[alexandra@commercialspaceflight.org](mailto:alexandra@commercialspaceflight.org)>

Chris.

I have finally finished the research relevant to this project. I have attached a document detailing the financial growth aspects of the industry, especially where it pertains to New Mexico and NMSA. There are multiple links included for further information.

We originally spoke about just a few pages and this is already bordering on six. Because of that, I have not included some of the "wishy washier" things we spoke about

1. Global relevance - "Making the World a Better Place"
  - Images of illegal fishing boats that helped to rescue over 2,000 people from slavery
  - Images of remote villages in Africa that are used to distribute polio vaccines
2. Weather and Emergency Services
  - Images of Houston and Florida post hurricanes that FEMA and other emergency responders used to help save the lives of those in danger and also to evacuate those in the path of the storm
3. Inspiration
  - As Americans fall behind in math and science, inspiration such as launching rockets and space travel is an excellent motivator to inspire the young (and older) to commit to a STEM education)

That being said, I have tons of background on all of that stuff and can easily add it in.

As far as next steps:

1. Give me honest feedback on the contents. I am happy to revise, or just send you a bunch of more background materials if I am not hitting the mark.
2. If you like the current information, Alexandra can put it into a more professional format. She has great graphic design skills and can throw something together as quickly as tomorrow. I just wanted to check and make sure you actually like the content before she took that step.

I really hope some of this is helpful but am totally happy to continue working until we hit the head on the nail.

**Jane Kinney**

Assistant Director  
Commercial Spaceflight Federation

[700 15th Street, NW](#)  
[Suite 800](#)  
[Washington DC 20005](#)

Email address: [jane@commercial-spaceflight.org](mailto:jane@commercial-spaceflight.org)

[202-462-5528](tel:202-462-5528) (Cell)

On Fri, Oct 20, 2017 at 5:25 PM, Lopez, Chris, NMSA <[chris.lopez@spaceportamerica.com](mailto:chris.lopez@spaceportamerica.com)> wrote:

Your ears must have been burning! Ha!

Thank you much for the update, Have a Great Weekend!

Chris L.

**From:** Jane Kinney <[jane@commercial-spaceflight.org](mailto:jane@commercial-spaceflight.org)>  
**Date:** Friday, October 20, 2017 at 12:40 PM  
**To:** "Lopez, Chris, NMSA" <[chris.lopez@spaceportamerica.com](mailto:chris.lopez@spaceportamerica.com)>  
**Subject:** Update on Project

Chris,

Just wanted to let you know that we are working on the finishing touches for the document we spoke about and I will send it your way early next week.

Happy Friday!

**Jane Kinney**

Assistant Director  
Commercial Spaceflight Federation

[700 15th Street, NW](#)  
[Suite 800](#)  
[Washington DC 20005](#)

Email address: [jane@commercial-spaceflight.org](mailto:jane@commercial-spaceflight.org)

[202-462-5528](tel:202-462-5528) (Cell)





February 7th, 2018

Spaceport America Team,

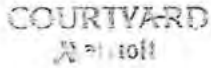
We are working on putting together an evening reception in conjunction with the next meeting of the National Space Council. The reception will be in Florida at the Atlantis Hall at the Kennedy Space Visitors Center. If Spaceport America would like to join as a sponsor, we request a \$5,000 commitment. This will help to defer costs associated with the event.

Thanks in advance and we look forward to having you attend the event either way!

Jane Kinney  
Assistant Director, Commercial Spaceflight Federation







Courtyard Cocoa Beach, FL

3435 N Atlantic Ave.  
Cocoa Beach FL 32931  
T 321.784.4800

Danie/Mr Hicks  
2941 Lookout Ridge Dr # 9651  
Las Cruces NM 88011-1627  
Space Board America

Room, 353  
Room Type QSOF  
Number of Guests: 1  
Rate: \$255.00 Clerk, CST

Arrive: 19Feb18 Time: 10:54PM Depart: 22Feb18 Time: 06:12AM Folic Number: 56574

Date	Description	Charges	Credits
19Feb18	Room Charge	240.00	
19Feb18	Room Tax	16.80	
19Feb18	Occupancy Tax	12.00	
19Feb18	Daily Parking	5.99	
19Feb18	Parking Tax	0.42	cash
20Feb18	Room Charge	255.00	
20Feb18	Room Tax	17.85	
20Feb18	Occupancy Tax	12.75	
20Feb18	Daily Parking	5.99	
20Feb18	Parking Tax	0.42	cash
21Feb18	Room Charge	255.00	
21Feb18	Room Tax	17.85	
21Feb18	Occupancy Tax	12.75	
21Feb18	Daily Parking	5.99	cash
21Feb18	Parking Tax	0.42	
22Feb18	Master Card		859.23
	Card #: MCXXXXXXXXXXXX0512XXXX		
	Amount: 859.23 Auth: 68219P Signature on File		
	This card was electronically swiped on 19Feb18		
	Balance:	0.00	

Handwritten notes: 859.23, 240.00, 16.80, 12.00, 5.99, 0.42

Rewards Account # XXXXX1726. Your Rewards points/miles earned on your eligible earnings will be credited to your account. Check your Rewards Account Statement or your online Statement for updated activity.

We hope you enjoyed your stay with us. Upon your departure the entire staff of the Courtyard by Marriott, Cocoa Beach would like to say "Thank you" for choosing our hotel to be your home away from home. Our goal is to make every guest experience as comfortable and enjoyable as possible. If for any reason we did not live up to your expectations, please contact us prior to your check out so that we may have the opportunity to resolve any concerns or problems that you may have experienced.

See our "Privacy & Cookie Statement" on Marriott.com.





**MEMO**

To: Ron Spilman  
From: Dan Hicks  
Date: February 26, 2018  
Subject: Lodging Expense in Excess of \$215 per night

On February 19-21, 2018, Dan Hicks traveled to Cape Canaveral, FL and stayed at a hotel room greater than \$215.00 per night. The hotel room was \$280.00 per night. The purpose of this trip was to attend the National Space Council Meeting. Lodging expenses greater than \$215.00 per night require signature of the agency head or chairperson of the board prior to encumbering the expenditure [NMAC 2.42.2.9 B(1)].

I approve this travel expense to be reimbursed. This was the lowest available rate that will meet the requirements to participate in these meetings.

Please contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Holdridge".

Rick Holdridge  
Board Chairman

**D I V I S I O N R E Q U I R E M E N T S**

**TYPE OF TRAVEL:**

In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks 00000128967 495-770-0000  
 Name of Traveler Vendor Number Cost Center

Destination Cape Canaveral, FL Departure Date February 20, 2018 Time 8:00AM Return Date February 23, 2018 Time 11:00PM

Purpose and Benefit of Travel National Space Council Meeting

**E M P L O Y E E R E Q U I R E M E N T S**

A.	B. ACTUAL	C.
Round Trip Mileage <u>89.5 mi @ 43 per mile</u> \$ <u>38.53</u>	Meals @ \$30.00 per day, I/S .....	HOTEL:
Tips .....	Meals @ \$45.00 per day, O/S .....	Hotel Phone
Taxi .....	Lodging <u>3 nights @ 240.00+tax</u> \$ <u>720.00</u>	Cellular Phone
Car Rental (justification required) .....	(If lodging exceeds 3215 night, it requires written approval	Other Phone
Parking .....	from agency head (DFA Rule 92-4)	AGENDA:
Airfare ... Aqila PO#49500-0000002226 <u>561.01</u>	Partial Day Per-Diem .....	
Registration .....	TOTAL .....	
Other .....	\$ <u>885.00</u>	
TOTAL .....	<b>B. APPROVED RATES</b>	
<u>594.54</u>	@ <u>\$85.00</u> Per Night .....	
<b>VEHICLE USED:</b>	(\$85; \$115; or \$135) (DFA Rule)	
State <input type="checkbox"/> Personal <input checked="" type="checkbox"/>	Partial Day Per-Diem (\$12,\$20,\$30) .....	
Justification for Personal Vehicle:	TOTAL .....	
Round trip travel Las Cruces/El Paso Int'l Airport	\$ -	
	<b>B. BOARD MEMBERS</b>	
	TOTAL .....	
GRAND TOTAL A & B .....	(\$95.00 per meeting)	
<u>1484.54</u>		

Comments: \_\_\_\_\_  
 Employee Signature: [Signature] Date: 12 FEB 18  
 Division Director's Signature: [Signature] Date: 2-12-18

**A D M I N I S T R A T I V E S E R V I C E S U S E O N L Y**

Purchase Document # \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 REGIS FEE: Vendor \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_



STATE OF NEW MEXICO  
ITEMIZED SCHEDULE  
OF TRAVEL EXPENSES

PAGE \_\_\_\_\_ DATE 2/23/2018  
BUSINESS UNIT 495 VOUCHER NUMBER 00006801

AGENCY NAME New Mexico Spaceport Authority

VENDOR NAME	Dan Hicks	388TGN	POST OF DUTY	Las Cruces	PROPOSED ADVANCE VOUCHER <input type="checkbox"/>
VENDOR ID	128967	MODEL FORD F150	RESIDENCE	Las Cruces	ACTUAL RECOUPMENT <input checked="" type="checkbox"/>
NORMAL WORK DAY	Mon-Fri 8am-5pm	YEAR 2016			VOUCHER

DATE	TIME SHOW AM OR PM		CHARACTER OF EXPENSE ENTER DESTINATION, NATURE OF OFFICIAL BUSINESS, PARTY CONTACTED AND MISCELLANEOUS	ODOMETER READINGS		AMOUNTS			
	DEPARTURE	ARRIVAL		ENTER START AND FINISH	NO OF MILES	MILEAGE	PER DIEM	MISCELLANEOUS	TOTALS
2/19/18	7:00am		Travel from Las Cruces to Cape Caneveral Florida to attend National Space Council Meeting						
2/22/18		8:00pm	Round trip Las Cruces/EL Paso Airport	Rand McNally	89.6	38.53	30.00		30.00
			2/19/18 Lodging Marriott				268.00		268.00
			2/20/18 Lodging Marriott				260.00		260.00
			2/21/18 Lodging Marriott				289.00		289.00
			Hotel Parking			19.23			19.23
			2/19/18 Meals Exceed 45.00 allowable receipts attached				45.00		45.00
			2/20/18 Breakfast				9.42		9.42
			2/20/18 Lunch				11.77		11.77
			2/21/18 Lunch				10.69		10.69
			2/21/18 Dinner				25.45		25.45
			Airport Parking			51.00			51.00
			Car Rental			214.71			214.71
			Flight Aquila PO#49500-000000226						
PER DIEM BASED ON (CHECK ONE)				TOTALS	69.60	323.47	972.33		1,295.80
ACTUAL <input checked="" type="checkbox"/>				ADVANCE AMOUNT @80%					
APPROVED RATES <input type="checkbox"/>				ADJUSTED					
				REIMBURSEMENT					

Check here if this claim is in compliance with the Non-routine Reassignment provisions of the DFA Regulations (covering the Per Diem and Mileage Act)

Dan Hicks  
I DO SOLEMNLY SWEAR THAT THE AMOUNTS FOR REIMBURSEMENT ARE TRUE AND CORRECT IN ALL RESPECTS AND COMPLY WITH THE DFA REGULATIONS GOVERNING TRIP PER DIEM AND MILEAGE ACT.  
PAYEE SIGN HERE *Daniel Hicks* DATE 26 FEB 2018



# Travel Request Checklist



## On the Travel Request Form

- Is travel request form signed by employee and CFO?
- Is travel request form dated before the trip?
- Does international travel (or CEO out-of-state travel) have approval from the Governor's office?
- Does actual lodging expenditures exceed \$215/night?

## On the Reimbursement Request

- Is request signed by the employee?
- Is mileage calculated using the current FY rate? (\$0.43/mi for Calendar Year 2018)
- Is the mileage calculated using mileage table (in-state), Rand McNally (out-of-state), or actual mileage?
- If approved rates are used, is per diem calculated using the correct rate?
  - \$85/in state
  - \$115/out of state
  - \$135/Santa Fe
- Is partial per diem calculated correctly using a rolling 24hr window?
  - <2hrs. None
  - 2<x<6. \$12
  - 6<x<12. \$20
  - 12<x<24. \$30
- Is the person requesting travel on the approval letter to exceed \$1,500/year?
- Does actual meal reimbursements exceed \$30/day in-state and \$45/day out-of-state?
- Are all receipts present and taped on all four sides?
- Is the vehicle info included? Is there a memo for any rental car expense?
- Are tips 20% and recorded in the Misc column?

Signature

V6801



# EXHIBIT 7

## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, April 23, 2019 9:32 AM  
**To:** Franco, Sandra, NMSA  
**Cc:** DeGregorio, Zach, NMSA; Force, Melissa, NMSA; Gutman, Bill, NMSA; Barker, Karen, NMSA; Lopez, Chris, NMSA  
**Subject:** FW: Invitation: Spaceport Roundtable Forum  
**Attachments:** FAA Reauth\_Spaceports.docx

Morning Sandra

I have already purchased my airline tickets. Just need to get a travel request complete. Thank you for helping with this.

Depart 24 April and return Friday 26 April. two nights.

Below is detail justification for the meeting.

Best Always,

Dan

**Daniel Hicks**

Chief Executive Officer

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

Office +1 575 267 8599

Mobile +1 575 520 6208



**SPACEPORT AMERICA**

New Mexico Spaceport Authority

901 E. University Ave, Suite 985L

Las Cruces, NM 88001

**From:** ravi.chaudhary@faa.gov [mailto:ravi.chaudhary@faa.gov]

**Sent:** Friday, April 12, 2019 2:18 PM

**To:** mark.lester@akaerospace.com; Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>;

Bill.Khourie@okspaceport.state.ok.us; dale.nash@vaspace.org; dan.gillen@calspace.com; scott.place@calspace.com;

karina@mojaveairport.com; todd.linder@cecilairport.com; todd.linder@cecilairport.com; jkuzma@spaceflorida.gov;

jruff@midlandtexas.gov; arturo.machuca@houston.tx.gov

**Cc:** Glenn.H.Rizner@faa.gov

**Subject:** [EXT] Invitation: Spaceport Roundtable Forum

U.S. Spaceport Leadership,

Greetings to you, my name is Ravi Chaudhary. As you may know, I was recently designated by FAA Associate Administrator, Wayne Monteith, as the Acting Director of the newly formed Office of Spaceports. As the Acting Director, my first order of business is to deliver a report to Congress focusing on critical areas concerning U.S. spaceports. We are preparing a draft for completion by Jun 1, 2019.

In order to promote transparency, on April 25th, I will be hosting a round table for Spaceport Directors in Washington to garner your feedback and perspectives on the challenges and opportunities facing the U.S. Spaceport Enterprise. The event is by invitation only, to ensure you have a dedicated opportunity to provide feedback on the issues that matter to you.

In order to maximize our time, I am requesting written feedback in the form of a **2-5 page white paper** outlining challenges and opportunities faced by the U.S. spaceport enterprise. More specifically, I would like to hear your recommendations on reforms that are needed to ensure sustainability, growth, and competitiveness of the U.S. spaceport enterprise. Topics may include, but are not limited to regulatory reforms, licensing, compliance, grants & funding programs, barriers to entry, economic reforms, state and local government issues, and any other areas you feel are important to include. You will have the opportunity to submit and present the paper at the forum.

For your planning purposes, I have included the details of the event below. An agenda will follow.

My role is to ensure you have a voice in Washington on issues related to Spaceports—this is a tremendous opportunity provide feedback to Congress on the key issues you face, and make recommendations on the path forward. Of course, I offer you a direct line to me if you need to reach out on any issue. I look forward to your RSVP, and hope to see you soon in Washington!

Sincerely  
Ravi

Event Particulars:

Date: 25 April, 2019

Time: 8:30am

Location: Tetra Tech, 1515 Wilson Blvd, Overland Rm

RSVP by 17 April at: [scott.wagner@faa.gov](mailto:scott.wagner@faa.gov), CC: [ravi.chaudhary@faa.gov](mailto:ravi.chaudhary@faa.gov)

Dr. Ravi Chaudhary  
Director, Advanced Programs and Innovation  
& Acting Director, Office of Spaceports,  
Office of Commercial Space  
Federal Aviation Administration  
800 Independence Ave SW, Rm 331  
Washington, DC 20591  
Work: 202/267-8675  
[Ravi.Chaudhary@faa.gov](mailto:Ravi.Chaudhary@faa.gov)



**Franco, Sandra, NMSA**

From: americanairlines@aa.com  
 Sent: Tuesday, April 23, 2019 1:12 PM  
 To: Franco, Sandra, NMSA  
 Subject: [EXT] Daniel Hicks 04/24/2019 trip details



[Reservations](#) | [AA Advantage Account](#) | [Fare Rules & Offers](#)

AA Record Locator: **FZNGMN**

Status: **Ticketed** - Apr 22, 2019

**Your Itinerary**

Carrier	Flight Number	Departing City	Date & Time	Arriving City	Time	Booking Code	Meals
AMERICAN AIRLINES OPERATED BY MESA AIRLINES AS AMERICAN EAGLE	5728	ELP El Paso	Apr 24 2019 08:53 AM	DFW Dallas/ Fort Worth	Apr 24 2019 11:35 AM	M	N/A
AMERICAN AIRLINES	2463	DFW Dallas/ Fort Worth	Apr 24 2019 01:25 PM	DCA Washington	Apr 24 2019 05:14 PM	M	Food and Beverage for Purchase
AMERICAN AIRLINES	1839	DCA Washington	Apr 26 2019 08:59 AM	DFW Dallas/ Fort Worth	Apr 26 2019 09:37 AM	M	Food and Beverage for Purchase
AMERICAN AIRLINES	2767	DFW Dallas/ Fort Worth	Apr 26 2019 10:25 AM	ELP El Paso	Apr 26 2019 11:07 AM	M	N/A

**Traveler Information**

Passenger	Class	Seat Assignment
DANIEL HICKS	Economy	13C
DANIEL HICKS	Economy	13B
DANIEL HICKS	Economy	23E
DANIEL HICKS	Economy	15F

Traveling passengers may check in and obtain boarding passes for U.S. domestic electronic tickets within 24 hours of the flight time online at [AA.com](#) by using [www.aa.com/checkin](#) or at a Self-Service Check-In machine at the airport. Check-in options may be found at [www.aa.com/options](#). For information regarding American Airlines checked baggage policies, please visit <https://clicktime.symantec.com/3LrTKAMBLFGYBmf3kZFdEu7Vc?u=www.aa.com%2Fbaggageinfo>

Travelers must present a government-issue photo ID with either a boarding pass or a priority verification card at the security screening checkpoint.

Please remember flight details are subject to change. In order to check a flight's status, gate, or departure and arrival time, go to <https://clicktime.symantec.com/379Bz1Gy9rCyAbPgWGEY2YE7Vc?u=www.aa.com> and enter the flight information in the Gates and Times search area. In order to receive automatic notifications of flight changes, click on the Flight Status Notifications section on the

**D I V I S I O N   R E Q U I R E M E N T S**

TYPE OF TRAVEL:

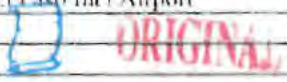
In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks 00000128967 495-770-0000  
 Name of Traveler Vendor Number Cost Center

Destination Washington DC Departure Date April 24, 2019 Time 8:00AM Return Date April 26, 2019 Time 11:00PM

Purpose and Benefit of Travel FAA Spaceport Roundtable meeting

**E M P L O Y E E   R E Q U I R E M E N T S**

A.	B. ACTUAL	C.
Round Trip Mileage <u>89.6</u> @ <u>44 per mile</u> \$ <u>39.42</u>	Meals @ \$30.00 per day, I.S. ....	HO111
Tips .....	Meals @ \$45.00 per day, O.S. .... \$ <u>90.00</u>	
Taxi .....	Lodging <u>2 nights @ 215.00</u> \$ <u>430.00</u>	Hotel Phone
Car Rental (justification required) .....	(If lodging exceeds \$215/night, it requires written approval	Cellular Phone
Parking .....	from agency head (DEA Rule 92.4)	Other Phone
Airfare ..... \$ <u>1,600.00</u>	Partial Day Per-Diem ..... \$ <u>30.00</u>	
Registration .....	TOTAL ..... \$ <u>550.00</u>	
Other .....		
TOTAL ..... \$ <u>1,639.42</u>	<b>B. APPROVED RATES</b>	WG8DA
VEHICLE USED:	@ \$85.00 Per Night .....	
State <input type="checkbox"/> Personal <input checked="" type="checkbox"/>	(\$85, \$115, or \$135) (DEA Rule)	
Justification for Personal Vehicle:	Partial Day Per-Diem (\$12, \$20, \$30) .....	
Round trip travel Las Cruces/El Paso Int'l Airport	TOTAL ..... \$	
	<b>B. BOARD MEMBERS</b>	
GRAND TOTAL A & B ..... \$ <u>2,189.42</u>	TOTAL ..... \$	
	(S95.00 per meeting)	

Comments:

Employee Signature: Daniel G. Hicks Date: 4/22/19  
 Division Director's Signature: [Signature] Date: 4/22/19

**A D M I N I S T R A T I V E   S E R V I C E S   U S E   O N L Y**

Purchase Document # \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 REGS. REP. Vendor \_\_\_\_\_ Date \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_



SPACEPORT AMERICA

New Mexico Spaceport Authority

MEMO

To: Belinda Benavidez  
From: Zach De Gregorio  
Date: June 06, 2019  
Subject: Airfare Purchase

Dan Hicks from the NM Spaceport Authority purchased airfare to travel from 04/24/2019 to 04/26/2019. Typically the agency purchases plane tickets. In this case, travel plans were made with short notice, and there was not time to purchase with the Agency pcard. Dan Hicks agreed to purchase the plane ticket on his personal credit card and get reimbursed. The trip was for a public benefit and purpose consistent with the related appropriation, and the trip was necessary to carry out the statutory mission of the state agency.

Please contact me with any questions. Thank you!

A handwritten signature in blue ink, appearing to read "Zach De Gregorio".

Zach De Gregorio  
Chief Financial Officer

ORIGINAL







SPACEPORTAMERICA

New Mexico Spaceport Authority

MEMO

To: Mark Melhoff  
From: Rick Holdridge  
Date: June 6, 2019  
Subject: Lodging Expense in Excess of \$215 per night

On April 24-26, 2019 Dan Hicks traveled to Washington DC and stayed at a hotel room greater than \$215.00 per night. The hotel room was \$284.26 per night for two days. The purpose of this trip is to attend the FAA Spaceport Roundtable Meeting. This is an important event to pursue Business Development opportunities for Spaceport America. Lodging expenses greater than \$215.00 per night require signature of the agency head or chairperson of the board prior to encumbering the expenditure [NMAC 2.42.2.9 B(1)].

I approve this travel expense to be reimbursed. This was the lowest available rate that will meet the requirements to participate in these meetings.

Please contact me if you have any questions or need any additional information.

Sincerely,

Rick Holdridge  
NMSA Board Chair



ORIGINAL





# EXHIBIT 8



STATE OF NEW MEXICO  
ITEMIZED SCHEDULES  
OF TRAVEL EXPENSES

PAGE 1

DATE

356 9/25/2017

AGENCY NAME  
New Mexico Spaceport Authority

BUSINESS UNIT  
495

VOUCHER NUMBER

00007489 SF

VENDOR NAME	Dan Hicks	CAR LICENSE NUMBER	7D1512	POST OF DUTY	Las Cruces	PROPOSED ADVANCE VOUCHER	<input type="checkbox"/>
VENDOR ID	128967	MODEL	CHEVY	RESIDENCE	Las Cruces	ACTUAL RECOUPMENT	<input checked="" type="checkbox"/>
NORMAL WORK DAY	Mon-Fri 8am-5pm	YEAR	2016			VOUCHER	

DATE	TIME SHOW AM OR PM		CHARACTER OF EXPENSE ENTER DESTINATION, NATURE OF OFFICIAL BUSINESS, PARTY CONTACTED AND MISCELLANEOUS	ODOMETER READINGS		AMOUNTS			
	DEPARTURE	ARRIVAL		ENTER START AND FINISH	NO OF MILES	MILEAGE	PER DIEM	MISCELLANEOUS	TOTALS
9/18/17	8:00am		Travel to Tucson to attend Commercial Spaceflight Federation Board Meeting						
9/20/17		11:00pm					30.00		30.00
			9/18/17 Lodging Double Tree				137.34		137.34
			9/19/17 Lodging Double Tree				137.34		137.34
Traveled in car rental no mileage reimbursement requested									

ORIGINAL

PER DIEM BASED ON (CHECK ONE)	ACTUAL	<input checked="" type="checkbox"/>	TOTALS			304.68	304.68
	APPROVED RATES	<input type="checkbox"/>	ADVANCE AMOUNT @90%				
			ADJUSTED REIMBURSEMENT				

Check here if this claim is in compliance with the Non-routine Reassignment provisions of the DFA Regulations Governing the Per Diem and Mileage Act

Dan Hicks  
 DO SOLEMNLY SWEAR THAT THE ABOVE CLAIM FOR REIMBURSEMENT IS JUST AND TRUE IN ALL RESPECTS AND COMPLIES WITH THE DFA REGULATIONS GOVERNING THEIR PER DIEM AND MILEAGE ACT.  
 PAYEE SIGN HERE Dan Hicks DATE 30 SEP 2017



DIVISION REQUIREMENTS

TYPE OF TRAVEL:


In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks \_\_\_\_\_ 00000128967 \_\_\_\_\_ 495-770-0000  
 Name of Traveler Vendor Number Cost Center

Destination Tuscon AZ Departure Date September 18, 2017 Time 8:00am Return Date September 20, 2017 Time 11:00pm

Purpose and Benefit of Travel Attend Commercial Spaceflight Federation Board Meeting

EMPLOYEE REQUIREMENTS

A.	B. ACTUAL	C.
Round Trip Mileage _____ @ 43 per mile	Meals @ \$30.00 per day, I/S .....	HOTEL _____
Tips .....	Meals @ \$45.00 per day, O/S ..... \$ 90.00	Hotel Phone _____
Taxi .....	Lodging 2 nights @ 110.00 \$ 220.00	Cellular Phone _____
Car Rental (justification required) .....	(If lodging c from agency head (DFA Rule 92-4)	Other Phone _____
Parking .....	Partial Day Per-Diem ..... \$ 30.00	AGENDA _____
Airfare .....	TOTAL ..... \$ 340.00	_____
Registration .....		_____
Other .....		_____
TOTAL .....		_____
VEHICLE USED:		_____
State <input checked="" type="checkbox"/> Personal <input type="checkbox"/>	@ \$85.00 Per Night .....	_____
Justification for Personal Vehicle:	(\$85, \$115, or \$135) (DFA Rule)	_____
	Partial Day Per-Diem (\$12, \$20, \$30) .....	_____
	TOTAL ..... \$ -	_____
		_____
		_____
GRAND TOTAL A & B .....		_____
	B. BOARD MEMBERS	_____
	TOTAL .....	_____
	(\$95.00 per meeting)	_____

Comments: \_\_\_\_\_  
 Employee Signature: \_\_\_\_\_ Date: 9/14/17  
 Division Director's Signature: \_\_\_\_\_ Date: 9/14/17

ADMINISTRATIVE SERVICES USE ONLY

Purchase Document # \_\_\_\_\_  
 REGIS FEE: Vendor \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive Officer  
daniel.fuchs@spacelinks.com  
Office +1 575 267 8599  
Mobile +1 575 520 6208

AGENDA



**SPACEPORT**

901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

From: Jane Kinney [mailto:[jane@commercialspacelight.org](mailto:jane@commercialspacelight.org)]  
Sent: Monday, August 7, 2017 11:14 AM  
To: Alexandra Johnson <[alexandra@commercialspacelight.org](mailto:alexandra@commercialspacelight.org)>  
Subject: RSVP Now for CSF Board and Members Meeting in Tucson

Dear CSF Executive Members,

If you are receiving this email we have not yet received your RSVP for the meeting in Tucson.

Please [use this link to submit your RSVP](#).

We look forward to seeing you at the next Board and Members Meetings on **Tuesday and Wednesday, September 19th and 20th** in Tucson.

**Due to space restrictions as well as requests from various members, we are trying to limit attendance to one representative per company at the board meeting. Other representatives are welcome to join any of the other events throughout the week.** Please contact Jane Kinney at [jane@commercialspacelight.org](mailto:jane@commercialspacelight.org) for any inquiries about exceptions on space limitations.

Thank you

## Schedule of Events

\*\* All of the events will take place at WorldView Headquarters unless otherwise noted. \*\*

### Monday:

- 6 - 9 PM: Board Members Welcome Reception (at the home of Jane and Taber)

### Tuesday:

- 8:30 AM - 3:00 PM: Board Meeting
- 3:00 - 4:00 PM: Executive Member Tour
- 4 - 6 PM: Member Reception

### Wednesday:

- 8:30 - 9:30 AM: Tour of WV HQ
- 9:30 AM - 3:30 PM: Member and Committee Meetings
- 2:00 - 3:30 PM: Committee Meetings
- 3:30 PM: Leave for Kitt Peak National Observatory
  - (pick ups at the hotel and World View)
- 5 - 9 PM: Tour of Kitt Peak National Observatory\*\*
- 9 PM: Depart for the Hotel

ORIGINAL

**Thursday:**

- 7:30 AM - Depart for Tour of Biosphere 2
- 9:00 - 10:30 AM: Tour of Biosphere 2
- 10:30 AM: Depart Biosphere 2 (arriving at airport by noon)

**\*\*If you wish to go on the Kitt Peak tour, it is very important that you RSVP. Space is limited and will not be guaranteed without an RSVP.**

**Jane Kinney**  
Assistant Director  
Commercial Spaceflight Federation  
727 15th Street NW.  
Suite 800  
Washington DC, 20005

Email address: [jane@csff.org](mailto:jane@csff.org)

(469) 879 - 9503 (Cell)

 ORIGINAL



**Franco, Sandra, NMSA**

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**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, September 06, 2017 12:09 PM  
**To:** Franco, Sandra, NMSA  
**Subject:** FW: RSVP Now for CSF Board and Members Meeting in Tucson

Sandra,

Here is info on the CSF Board mtg in Tucson AZ Sep 18-21. I will need a hotel (I now have a recommended hotel for Monday and Tuesday night). I will plan on driving a rental vehicle to Tucson Monday and then come back after the board meeting on Wednesday night.

Will you please get me up with hotel/rental?

As my wife initiates to the team - I want Zach, Chris, Jill to decide which any of them will attend on Tuesday.

Thank you,  
Dan

**Daniel Hicks**  
**Chief Executive Officer**  
[Daniel.Hicks@spaceportamerica.com](mailto:Daniel.Hicks@spaceportamerica.com)  
Office +1 575 267 8599  
Mobile +1 575 520 6208



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave. Suite 965L  
Las Cruces, NM 88001

**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, September 6, 2017 11:57 AM  
**To:** Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>; Gutman, Bill, NMSA <bill.gutman@spaceportamerica.com>; Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>; Force, Melissa, NMSA <melissa.force@spaceportamerica.com>  
**Cc:** Raitt, Susan, NMSA <Susan.Raitt@state.nm.us>; Banuelos, Rosa I, NMSA <rosa\_banuelos@spaceportamerica.com>  
**Subject:** FW: RSVP Now for CSF Board and Members Meeting in Tucson

Team,  
see below - we need to confirm who should attend the reception/open meeting (1 hrs) evening Wednesday. Let's discuss next Monday.

Best,  
Dan

**Daniel Hicks**

Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office +1 575 267 8599  
Mobile +1 375 520 6208



**SPACEPORT** AMERICA

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

From: Jane Kinney [<mailto:jane@commercialspaceflight.org>]  
Sent: Monday, August 7, 2017 11:14 AM  
To: Alexandra Johnson <[alexandra@commercialspaceflight.org](mailto:alexandra@commercialspaceflight.org)>  
Subject: RSVP Now for CSF Board and Members Meeting in Tucson

Dear CSF Executive Members,

If you are receiving this email we have not yet received your RSVP for the meeting in Tucson.

Please [use this link to submit your RSVP.](#)

We look forward to seeing you at the next Board and Members Meetings on **Tuesday and Wednesday, September 19th and 20th** in Tucson.

Due to space restrictions as well as requests from various members, we are trying to limit attendance to one representative per company at the board meeting. Other representatives are welcome to join any of the other events throughout the week. Please contact Jane Kinney at [jane@commercialspaceflight.org](mailto:jane@commercialspaceflight.org) for any inquiries about exceptions on space limitations.

Thank you

## Schedule of Events

\*\* All of the events will take place at WorldView Headquarters unless otherwise noted. \*\*

### Monday:

- 6 - 9 PM: Board Members Welcome Reception (at the home of Jane and Taber)

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### Wednesday:

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- 2:00 - 3:30 PM: Committee Meetings
- 3:30 PM: Leave for Kitt Peak National Observatory
  - (pick ups at the hotel and World View)
- 5 - 9 PM: Tour of Kitt Peak National Observatory\*\*
- 9 PM: Depart for the Hotel

**Franco, Sandra, NMSA**

---

**From:** DoubleTree by Hilton <prearrival@h2.hilton.com>  
**Sent:** Monday, September 11, 2017 12:05 PM  
**To:** Franco, Sandra, NMSA  
**Subject:** Your Upcoming 18 Sep 2017 Stay at DoubleTree Suites by Hilton Hotel Tucson Airport



DoubleTree Suites by Hilton Hotel Tucson  
Airport  
7051 South Tucson Blvd., Tucson, AZ 85756  
T: 1-520-225-0800

18, Sep. 2017 – 20, Sep. 2017  
Confirmation: 87053859



*Daniel Hicks,*  
*we look forward to seeing you!*



 <b>FIND US</b> <i>Maps &amp; Directions</i>	 <b>DIG INTO</b> <i>Dining</i>	 <b>EXPLORE</b> <i>Neighborhood</i>
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# EXHIBIT 9

## Franco, Sandra, NMSA

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**From:** Hicks, Daniel, NMSA  
**Sent:** Friday, February 23, 2018 3:32 PM  
**To:** Franco, Sandra, NMSA  
**Cc:** Lucero, Fran, GOV  
**Subject:** FW: ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee  
**Attachments:** Spaceport Categorization ARC Charter (FINAL).pdf

Sandra,

Please start a visit request for Fran/Keith's approval. I will leave for DC on Tuesday and come back Thursday. This is a critical committee to help the space industry initiated by the FAA/AST leadership.

Best,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office +1 575 267 8599  
Mobile +1 575 520 6208



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** Thuy.Cooper@faa.gov [mailto:Thuy.Cooper@faa.gov]  
**Sent:** Thursday, February 8, 2018 7:47 PM  
**To:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>  
**Subject:** ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee

Good evening:

Please accept this as your invitation to participate in the Federal Aviation Administration's Spaceport Categorization Aviation Rulemaking Committee (see letter below). You will also receive a signed letter via USPS.

Regards,

**Ms. Thuy H. Cooper**  
Senior Rulemaking Analyst  
Aircraft and Airport Rules Division - ARM 200  
Office of Rulemaking  
Federal Aviation Administration  
Telephone: 202-267-4715  
[thuy.cooper@faa.gov](mailto:thuy.cooper@faa.gov)

\*\*\*\*\*

February 8, 2018

Mr. Dan Hicks  
Spaceport CEO  
New Mexico Spaceport Authority  
901 E. University Avenue, Suite 965L  
Las Cruces, NM 88001

Dear Mr. Hicks:

On behalf of the Administrator of the Federal Aviation Administration (FAA), I would like to invite you to participate in the newly established Spaceport Categorization Aviation Rulemaking Committee (SC ARC). The first meeting of the SC ARC is planned for February 28, 2018, and will be hosted at the Airlines for America office in Washington, DC. I would also note that this kickoff meeting is in conjunction with the Airspace Access Priorities ARC.

In establishing this committee, the FAA intends to obtain critical input from the industry as we develop a spaceport categorization framework that we hope will better enable space and aviation stakeholders to plan for and potentially develop enhanced capabilities and infrastructure. We believe your organization will provide critical expertise to meet the Committee's objective. I have attached a copy of the signed charter for your reference. I will serve as the FAA Co-chair for this ARC.

**We appreciate your consideration of this important activity and ask that you advise regarding your participation not later than February 16.** If you are unable to participate, please propose an individual with commensurate background and authority to speak on behalf of your organization. Please provide this information to Thuy H. Cooper at [thuy.cooper@faa.gov](mailto:thuy.cooper@faa.gov) and Stacy Zee at [stacy.zee@faa.gov](mailto:stacy.zee@faa.gov). We will provide additional meeting logistics pending your response.



If you have any questions, please feel free to contact me at (202) 267-7635 or at [Dorothy.reimold@faa.gov](mailto:Dorothy.reimold@faa.gov).  
Thank you in advance and I hope to see you on February 28.

Sincerely,

Dorothy Reimold  
FAA Co-chair, SC ARC

**Franco, Sandra, NMSA**

---

**From:** Hatch, Loren, GOV  
**Sent:** Monday, February 26, 2018 4:23 PM  
**To:** Franco, Sandra, NMSA  
**Cc:** Lucero, Fran, GOV; Cason, Pamela, GOV  
**Subject:** RE: ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee

Approved for tomorrow. I know this is a crazy time of year but a bit more lead-time would be appreciated.

LDH

**From:** Lucero, Fran, GOV  
**Sent:** Monday, February 26, 2018 10:13 AM  
**To:** Hatch, Loren, GOV <Loren.Hatch@state.nm.us>; Cason, Pamela, GOV <Pamela.Cason@state.nm.us>  
**Subject:** FW: ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee

Can I get approval for this trip.

**From:** Franco, Sandra, NMSA  
**Sent:** Monday, February 26, 2018 10:12 AM  
**To:** Lucero, Fran, GOV  
**Subject:** RE: ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee

Hello Fran,

Please review/approve Dan's Travel Request the space industry initiated by the FAA/AST leadership meeting in Washington DC.

Thank you  
Sandra

**From:** Hicks, Daniel, NMSA  
**Sent:** Friday, February 23, 2018 3:32 PM  
**To:** Franco, Sandra, NMSA <[sandra.franco@spaceportamerica.com](mailto:sandra.franco@spaceportamerica.com)>  
**Cc:** Lucero, Fran, GOV <[Fran.Lucero@state.nm.us](mailto:Fran.Lucero@state.nm.us)>  
**Subject:** FW: ACTION/INVITATION: FAA Spaceport Categorization Aviation Rulemaking Committee

Sandra,

Please start a visit request for Fran/Keith's approval. I will leave for DC on Tuesday and come back Thursday. This is a critical committee to help the space industry initiated by the FAA/AST leadership.

Best,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

**DIVISION REQUIREMENTS**

TYPE OF TRAVEL:

In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks \_\_\_\_\_ 00000128967 \_\_\_\_\_ 495-770-0000  
 Name of Traveler Vendor Number Cost Center

Destination Washington DC Departure Date February 27, 2018 Time 6:00am Return Date March 1, 2018 Time 10:00pm

Purpose and Benefit of Travel Federal Aviation Administration Spaceport Categorization Aviation Rulemaking Committee

**EMPLOYEE REQUIREMENTS**

<p><b>A.</b>                  Round Trip Mileage _____ (at .43 per mile)                  Tips _____                  Taxi _____                  Car Rental (justification required) _____                  Parking _____                  Airfare <u>AQUILA</u> <u>1009.00</u>                  Registration _____                  Other _____                  TOTAL ..... \$ -</p> <p><b>VEHICLE USED:</b>  <input type="checkbox"/> Personal <input type="checkbox"/>                  Justification for Personal Vehicle:                  _____                  _____                  _____                  GRAND TOTAL A &amp; B .....</p>	<p><b>B. ACTUAL</b>                  Meals @ \$30.00 per day. I/S .....                  Meals @ \$45.00 per day. O/S. .... \$ 90.00                  Lodging <u>2 nights @ 215.00</u> \$ 430.00                  (If lodging exceeds \$215/night, it requires written approval                  from agency head (DFA Rule 92-4)                  Partial Day Per-Diem ..... \$ 30.00                  TOTAL ..... \$ 550.00</p> <p><b>B. APPROVED RATES</b>                  @ \$85.00 Per Night .....                  (\$85; \$115; or \$135) (DFA Rule)                  Partial Day Per-Diem (\$12,\$20,\$30) .....                  TOTAL ..... \$ -</p> <p><b>B. BOARD MEMBERS</b>                  TOTAL .....                  (\$95.00 per meeting)</p>	<p><b>C.</b>                  HOTEL: _____                  Hotel Phone _____                  Cellular Phone _____                  Other Phone _____                  AGENDA:                  _____                  _____                  _____                  _____                  _____                  _____                  _____</p>
--	--	--

Comments: \_\_\_\_\_  
 Employee Signature: Daniel G. Hicks Date: 2/26/18  
 Division Director's Signature: \_\_\_\_\_ Date: 2/26/18

**ADMINISTRATIVE SERVICES USE ONLY**

Purchase Document # \_\_\_\_\_ REGIS. FEE: Vendor \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_



**Franco, Sandra, NMSA**

**From:** Roxanne Garcia <roxanne@aquilatravel.com>  
**Sent:** Monday, February 26, 2018 2:19 PM  
**To:** Franco, Sandra, NMSA  
**Subject:** E-tkt for Daniel Hicks 27Feb - 02Mar

SALES PERSON: SA ITINERARY/INVOICE NO: 4157141 DATE: 26 FEB 18  
 CUSTOMER REF: 412160000 HTNNLS PAGE: 01

111 BY SPACEPORT AUTHORITY AQUILA TRAVEL  
 191 E UNIVERSITY AVE SUITE 18410 WASHINGTON DC 20004  
 126 CRUCEZ DR #8071 ARLINGTON VA 22201

REF: HICKS/DANIEL C REF: PU 43074000002140

ALL TICKETS ISSUED BY AQUILA TRAVEL MUST HAVE  
 LEGAL NAME AND DATE OF BIRTH

**ELECTRONIC CONFIRMATION \*\* HTNNLS \*\***

27 FEB 17 TUESDAY  
 AIR AMERICAN AIRLINES FLT:2578 ECONOMY  
 LV EL PASO 1040A  
 AA DALLAS FT WORTH 1125  
 HICKS/DANIEL C SEAT 108 AA 074PASA  
 AIR AMERICAN AIRLINES FLT:2578 ECONOMY  
 LV DALLAS FT WORTH 1155  
 AA WASHINGTON REAGAN 1200  
 ARRIVE: TERMINAL C  
 HICKS/DANIEL C SEAT 180 AA 074PASA  
 02 MAR 18 FRIDAY  
 AIR AMERICAN AIRLINES FLT:1766 ECONOMY  
 LV WASHINGTON REAGAN 655A  
 DEPART: TERMINAL C  
 AA DALLAS FT WORTH 845A  
 HICKS/DANIEL C SEAT 170 AA 074PASA  
 AIR AMERICAN AIRLINES FLT:1766 ECONOMY  
 LV DALLAS FT WORTH 1107A  
 AA EL PASO 1148A  
 HICKS/DANIEL C SEAT 90 AA 074PASA  
 05 FEB 18 SUNDAY  
 OTHER ALBUQUERQUE ALBUQUERQUE  
 THANK YOU FOR CHOOSING AQUILA TRAVEL. REF  
 WTC 43074000002140 21.00  
 AIR TICKET 8A705118850 HICKS/DANIEL 484.00  
 ALB: 787

CONTINUED ON PAGE 1

SALES PERSON: SA ITINERARY/INVOICE NO: 4157141 DATE: 26 FEB 18  
 CUSTOMER REF: 412160000 HTNNLS PAGE: 02



State Plaza Hotel

2117 E Street N.W. Washington, DC 20037  
202.861.8200 \* 800.424.2859

Hicks, Daniel

Las Cruces, 88011  
US

Arrival Date: 02/27/18 No In Party: 2  
Departure Date: 03/01/18 Folio Number: 66Z370 727

Date	Transaction	Description	Charges	Payment
02/27/18	ROOM 1	ROOM REVENUE	-- 229.00	262.89
02/27/18	TX1 1	ROOM SALES TAX	-- 33.89	
02/28/18	ROOM 1	ROOM REVENUE	-- 229.00	262.89
02/28/18	TX1 1	ROOM SALES TAX	-- 33.89	
03/01/18	MC 1	XXXX0512	AA	525.78
Subtotals			\$ 525.78	525.78

PAID IN FULL --- THANK YOU!

ORIGINAL



SPACEPORT AMERICA

New Mexico Spaceport Authority

**MEMO**

To: Ron Spilman  
From: Dan Hicks  
Date: March 15, 2018  
Subject: Lodging Expense in Excess of \$215 per night

On February 27, 2018 - March 1, 2018, Dan Hicks traveled to Washington DC and stayed at a hotel room greater than \$215.00 per night. The hotel room was \$262.89 per night. The purpose of this trip was to attend the FAA Spaceport Categorization Aviation Rulemaking Committee Meeting. Lodging expenses greater than \$215.00 per night require signature of the agency head or chairperson of the board prior to encumbering the expenditure [NMAC 2.42.2.9 B(1)].

I approve this travel expense to be reimbursed. This was the lowest available rate that will meet the requirements to participate in these meetings.

Please contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "RHoldridge".

Rick Holdridge  
Board Chairman







STATE OF NEW MEXICO  
 SPACEPORT AUTHORITY  
 901 E. University, Suite 965L  
 Las Cruces, NM 88001

ACH Remittance Advice

**State of New Mexico**  
 Department of Finance & Administration

HICKS, DANIEL C  
 NM SPACEPORT AUTHORITY  
 901 E UNIVERSITY AVENUE, SUITE 965L  
 LAS CRUCES, NM 88001-0000  
 United States

Date	Payment Amount	Reference
Apr/17/2018	\$743.85	3000621137

DFI ID:107006813

Bank Account: \*\*\*\*\*8410

**NON-NEGOTIABLE**

Business Unit : 49500

Payment Date: 04/17/2018

Reference: 3000621137

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discounts	Late Charges	Paid Amount
20180227100%RECI/CL	Feb/27/2018	00006845	743.85	0.00	0.00	743.85

Supplier Number	Name	Bank Charge	Transfer Cost Cd		
0000128967	HICKS, DANIEL C	\$0.00			
Reference	Date	Total Gross Amt	Total Discounts	Total Late Charges	Total Paid Amt
3000621137	Apr/17/2018	\$743.85	\$0.00	\$0.00	\$743.85

# Travel Request Checklist



## On the Travel Request Form

- Is travel request form signed by employee and CFO?
- Is travel request form dated before the trip?
- Does international travel (or CEO out-of-state travel) have approval from the Governor's office?
- Does actual lodging expenditures exceed \$215/night?

## On the Reimbursement Request

- Is request signed by the employee?
- Is mileage calculated using the current FY rate? (\$0.43/mi for Calendar Year 2018)
- Is the mileage calculated using mileage table (in-state), Rand McNally (out-of-state), or actual mileage?
- If approved rates are used, is per diem calculated using the correct rate?
  - \$85/in state
  - \$115/out of state
  - \$135/Santa Fe
- Is partial per diem calculated correctly using a rolling 24hr window?
  - <2hrs. None
  - 2<x<6. \$12
  - 6<x<12. \$20
  - 12<x<24. \$30
- Is the person requesting travel on the approval letter to exceed \$1,500/year?
- Does actual meal reimbursements exceed \$30/day in-state and \$45/day out-of-state?
- Are all receipts present and taped on all four sides?
- Is the vehicle info included? Is there a memo for any rental car expense?
- Are tips 20% and recorded in the Misc column?

---

Signature



# EXHIBIT 10

## Franco, Sandra, NMSA

---

**From:** Hatch, Loren, GOV  
**Sent:** Wednesday, November 14, 2018 8:45 AM  
**To:** Franco, Sandra, NMSA  
**Subject:** RE: 15 November 2018 DPAAS Workshop Invitation

I am reluctantly approving this trip.

I realize this is a last minute opportunity that allows the state to be involved in key, national space port policy, but you should be planning and seeking approval for out of state travel with great advance time. Better planning will ensure optimal cost for the state and allow adequate time to thoroughly review requests.

LDH

**From:** Franco, Sandra, NMSA  
**Sent:** Tuesday, November 13, 2018 8:49 AM  
**To:** Hatch, Loren, GOV <Loren.Hatch@state.nm.us>; Lucero, Fran, GOV <Fran.Lucero@state.nm.us>  
**Subject:** 15 November 2018 DPAAS Workshop Invitation

Good Morning!

Please review Dan's request to travel to Ohio tomorrow to attend the Defense Planning & Analysis Society Meeting, and Denver on Friday to attend the FAA/ARC meeting.

Thank you so much!

**Sandra Franco**   
Department of Finance and Administration  
[sandra.franco@spaceportamerica.com](mailto:sandra.franco@spaceportamerica.com)



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**  
901 E. University Ave., Suite 965L  
Las Cruces, NM 88001  
O (575) 267-8500  
M (575) 640-1771  
[www.SpaceportAmerica.com](http://www.SpaceportAmerica.com)

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, November 6, 2018 8:59 AM  
**To:** Franco, Sandra, NMSA <[sandra.franco@spaceportamerica.com](mailto:sandra.franco@spaceportamerica.com)>  
**Cc:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** FW: [EXT] 15 November 2018 DPAAS Workshop Invitation



ORIGINAL

Sandra,

Here is an invitation to the Space plane workshop in Ohio. I'll get with you tomorrow for the travel orders.

Best Always,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** DPAAS [<mailto:admin@dpaas.com>]  
**Sent:** Tuesday, November 6, 2018 5:02 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** [EXT] 15 November 2018 DPAAS Workshop Invitation



15 November DPAAS Workshop  
Invitation

Thursday, November 15, 2018  
from 8:30 AM to 5:00 PM EST

Holiday Inn  
2800 Presidential Drive



We are very pleased to announce that Colonel Colin Tucker, USAF, will lead the 15 November (Thursday) DPAAS Workshop "Military Spaceplane Day: Path to a Hypersonic Air Force." Colonel Tucker is the Military Deputy, Deputy Assistant Secretary for Science, Technology, and Engineering, SAF/AQR.





SPACEPORT AMERICA

New Mexico Spaceport Authority

**MEMO**

To: Belinda Benavidez  
From: Rick Holdridge  
Date: December 4, 2018  
Subject: Lodging Expense in Excess of \$215 per night

On Nov 15, 2018, Dan Hicks traveled to Denver, CO and stayed at a hotel room greater than \$215.00 per night. The hotel room was \$220.17 per. The purpose of this trip is to attend the Federal Aviation Administration (FAA) Rulemaking Committee Meeting. This is one of the Advisory Rulemaking Committee (ARC) meetings for the National Space Council led by Vice President Mike Pence. Lodging expenses greater than \$215.00 per night require signature of the agency head or chairperson of the board prior to encumbering the expenditure [NMAC 2.42.2.9 B(1)].

I approve this travel expense to be reimbursed. This was the lowest available rate that will meet the requirements to participate in these meetings.

Please contact me if you have any questions or need any additional information.

Sincerely,

Rick Holdridge  
NMSA Board Chairman

 ORIGINAL



STATE OF NEW MEXICO  
ITEMIZED SCHEDULE  
OF TRAVEL EXPENSES

PAGE

DATE

11/28/2018

AGENCY NAME  
New Mexico Spaceport Authority

BUSINESS UNIT

495

VOUCHER NUMBER

0007372

VENDOR NAME	Dan Hicks	CAR LICENSE NUMBER	388TGN	POST OF DUTY	Las Cruces	PROPOSED ADVANCE VOUCHER	<input type="checkbox"/>
VENDOR ID	128967	MODEL	FORD F150	RESIDENCE	Las Cruces	ACTUAL RECOUPMENT VOUCHER	<input checked="" type="checkbox"/>
NORMAL WORK DAY	Mon-Fri 8am-5pm	YEAR	2016				

DATE	TIME SHOW AM OR PM		CHARACTER OF EXPENSE ENTER DESTINATION, NATURE OF OFFICIAL BUSINESS, PARTY CONTACTED AND MISCELLANEOUS	ODOMETER READINGS		AMOUNTS				
	DEPARTURE	ARRIVAL		ENTER START AND FINISH	NO OF MILES	MILEAGE	PER DIEM	MISCELLANEOUS	TOTAL	
11/14/18	6:00am		Travel From Las Cruces -Ohio to attend Defense Planning meeting -travel to Colorado to attend Federal Aviation Rulemaking Committee Meeting  Round trip Las Cruces/El Paso Int'l Airport  Airfare EL Paso to Dayton Ohio Airfare Dayton Ohio to Dever Co Airfare Denver to El Paso  11/14/18 Lodging Ohio 11/15/18 Lodging Denver  Car Rental Parking El Paso Int'l Airport	Rand McNally	89.6	38.53				38.53
						561.81				561.81
						547.80				547.80
						678.20				678.20
							111.63			111.63
							220.17			220.17
						111.33				111.33
						40.00				40.00
11/16/18		10:00PM	Return to Las Cruces Partial Day Peridem				30.00			30.00
PER DIEM BASED ON (CHECK ONE)				TOTALS						
ACTUAL <input checked="" type="checkbox"/>					89.60	1,977.57	361.80			2,339.47
APPROVED RATES <input type="checkbox"/>				ADVANCE AMOUNT @80%						
				ADJUSTED REIMBURSEMENT						

ORIGINAL

Check here if this claim is in compliance with the Non-routine Reassignment provisions of the DFA Regulations Governing the Per Diem and Mileage Act.

Dan Hicks

DO SOLEMNLY SWEAR THAT THE ABOVE CLAIM FOR REIMBURSEMENT IS JUST AND TRUE IN ALL RESPECTS AND COMPLIES WITH THE DFA REGULATIONS GOVERNING THEIR PER DIEM AND MILEAGE ACT.

PAYEE SIGN HERE

*Dan Hicks*

DATE

5 DEC 2018



**DIVISION REQUIREMENTS**

TYPE OF TRAVEL:

In-State:  Out of State:   
 Actual (receipts)  Advance (80% allowed)  Approved Rates  Employee  Board or Commission Member

Dan Hicks 00000128967 495-770-0000  
 Name of Traveler Vendor Number Cost Center

Destination Dayton OH/Denver CO Departure Date November 14, 2018 Time 8:00AM Return Date November 16, 2018 Time 11:00PM

Purpose and Benefit of Travel Defense Planning & Analysis Society in Dayton OH and FAA ARC meeting in Denver Co

**EMPLOYEE REQUIREMENTS**

A.	B. ACTUAL	C.
Round Trip Mileage <u>89.6 @ .43 per mile</u> \$ <u>38.53</u>	Meals @ \$30.00 per day. I/S .....	HOTEL: _____
Tips .....	Meals @ \$45.00 per day. O/S. .... \$ <u>90.00</u>	Hotel Phone _____
Taxi .....	Lodging <u>2 nights @ 215.00</u> \$ <u>430.00</u>	Cellular Phone _____
Car Rental (justification required) .....	(If lodging exceeds \$215/night, it requires written approval from agency head (DFA Rule 92-4))	Other Phone _____
Parking .....	Partial Day Per-Diem ..... \$ <u>30.00</u>	AGENDA: _____
Airfare ..... \$ <u>1,225.00</u>	TOTAL ..... \$ <u>550.00</u>	_____
Registration .....	<b>B. APPROVED RATES</b>	_____
Other .....	@ \$85.00 Per Night .....	_____
TOTAL ..... \$ <u>1,263.53</u>	(\$85; \$115; or \$135) (DFA Rule)	_____
<b>VEHICLE USED:</b>	Partial Day Per-Diem (\$12,\$20,\$30) .....	_____
State <input type="checkbox"/> Personal <input checked="" type="checkbox"/>	TOTAL ..... \$ <u>-</u>	_____
Justification for Personal Vehicle:	<b>B. BOARD MEMBERS</b>	_____
Round trip travel Las Cruces/El Paso Int'l Airport	TOTAL ..... \$ <u>-</u>	_____
_____	(Total ..... \$ <u>0</u> )	_____
_____	<b>B. BOARD MEMBERS</b>	_____
GRAND TOTAL A & B ..... \$ <u>1,813.53</u>	TOTAL ..... \$ <u>0</u>	_____
_____	(\$95.00 per meeting)	_____

Comments: \_\_\_\_\_  
 Employee Signature: [Signature] Date: 9/19/2018  
 Division Director's Signature: [Signature] Date: 4/19/18

**ADMINISTRATIVE SERVICES USE ONLY**

Purchase Document # \_\_\_\_\_ P.D. No. \_\_\_\_\_ Obj. Code \_\_\_\_\_ Amt. \_\_\_\_\_ Note: \_\_\_\_\_  
 REGIS. FEE: Vendor \_\_\_\_\_ Date: \_\_\_\_\_ Budget Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 Purchasing Approval \_\_\_\_\_

**Franco, Sandra, NMSA**

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Sunday, November 18, 2018 10:19 PM  
**To:** Franco, Sandra, NMSA  
**Subject:** FW: [EXT] eTicket Itinerary and Receipt for Confirmation HLH19J

**From:** United Airlines, Inc. [mailto:unitedairlines@united.com]  
**Sent:** Friday, November 16, 2018 12:46 PM  
**To:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>  
**Subject:** [EXT] eTicket Itinerary and Receipt for Confirmation HLH19J

**Receipt for confirmation number HLH19J**



**Confirmation: HLH19J**

**Issue Date: November 16, 2018**

---

**TRAVELER INFORMATION**

Traveler	eTicket Number	Frequent FlyerNumber	Seats
HICKS/DANIELC	0162426250768		8B

---

**FLIGHT INFORMATION**

Day, Date	Flight	Class	Departure City and Time	Arrival City and Time	Aircraft	Meal
Fri, 16NOV18	UA3464	B	DENVER, CO (DEN) 7:55 PM	EL PASO, TX (ELP) 9:45 PM	ERJ 170	Purchase

Flight operated by REPUBLIC AIRLINES doing business as UNITED EXPRESS.

---

**FARE INFORMATION**

**Fare Breakdown**

- Airfare: 617.67  
USD
- U.S. Transportation Tax:

Form of Payment:  
MASTERCARD  
Last Four Digits 0512



	46.33
• U.S. Flight Segment Tax:	
	4.10
• September 11th Security Fee:	
	5.60
• U.S. Passenger Facility Charge:	
	4.50
• Per Person Total:	
	678.20
USD	
• eTicket Total:	
	678.20
USD	

The airfare you paid on this itinerary totals: 617.67 USD

The taxes, fees, and surcharges paid total: 60.53 USD

Fare Rules: Additional charges may apply for changes in addition to any fare rules listed.

REFUNDABLE

Additional Charges: Fri., Nov. 16, 2018/MasterCard 0512 was charged 39 USD for the SST / EDD  
01629210993933  
39.00 USD for: Economy Plus Seat

## Baggage allowance and charges for this itinerary.

Baggage fees are per traveler

Origin and destination for checked baggage	1 <sup>st</sup> bag	2 <sup>nd</sup> bag	Maximum weight and dimensions per piece of baggage Max wt / dim per piece
11/16/2018 Denver, CO (DEN) to El Paso, TX (ELP)			30.00 USD

## Important Information about MileagePlus Earni

- Accruals vary based on the terms and conditions of the traveler's frequent flyer program, the traveler's frequent flyer status and the itin is subject to the rules of the MileagePlus program
- Once travel has started, accruals will no longer display. You can view your MileagePlus account for posted accrual





MEMO

To: Belinda Benavidez  
From: Zach De Gregorio  
Date: December 04, 2018  
Subject: Rental Car

Dan Hicks from the NM Spaceport Authority used a rental vehicle while on travel from 11/14/18 to 11/16/18. This rental vehicle was used in the normal course of business during travel out of state.

Please contact me with any questions. Thank you!



Zach De Gregorio  
Chief Financial Officer

 ORIGINAL



**MEMO**

To: Belinda Benavidez  
From: Zach De Gregorio  
Date: December 04, 2018  
Subject: Airfare purchase

Dan Hicks from the NM Spaceport Authority purchased airfare on his personal credit card and is requesting reimbursement. The agency usually pays for airfare on the agency pcard or through a PO with a travel agency. In this instance, the short time frame and changing travel plans made it inefficient to use the agency pcard. The staff member agreed to make the purchase as a reimbursement.

The cost of the tickets were \$561.81, \$547.80, and \$678.20. Prices were reviewed in advance while planning the trip, and this was the best obtainable price.

Please contact me with any questions. Thank you!

  
Zach De Gregorio  
Chief Financial Officer

 ORIGINAL



HYATT house Denver Airport  
 18741 East 71st Avenue  
 Denver, CO 80249  
 Tel: 303-628-7777  
 Fax: 303-628-7778  
[denverairport.house.hyatt.com](http://denverairport.house.hyatt.com)

INVOICE

Daniel Hicks

Room No. 0226  
 Arrival 2018-11-15  
 Departure 2018-11-16  
 Page No. 1 of 1  
 Folio Window 1  
 Folio No. 24454066

Las Cruces, NM 88011  
 United States

Confirmation No. 1759748201

Group Name

Date	Description	Charges	Credits
11-15-2018	Accommodation	190.05	
11-15-2018	TSTA Tax	7.60	
11-15-2018	TCTY Tax	20.43	
11-15-2018	TRTD Tax	2.09	
11-16-2018	Master Card XXXXXXXXXXXXXXX0512		-220.17
<b>Total</b>		<b>220.17</b>	<b>-220.17</b>

Guest Signature

Balance

0.00

I agree that my liability for this bill is not waived and I agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges.

**World of Hyatt Summary**

Membership: XXXXXX447A  
 Bonus Codes:  
 Qualifying Nights: 1  
 Eligible Spend: 190.05  
 Redemption Eligible: 0.00

Summary Invoice, please see front desk for eligibility details.



# EXHIBIT 11

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Thursday, July 18, 2019 11:53 AM  
**To:** 'Rick Holdridge'  
**Subject:** FW: Pay increase request

See below

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces, NM 88001  
[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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**From:** DeGregorio, Zach, NMSA  
**Sent:** Thursday, July 18, 2019 9:08 AM  
**To:** Gabello, Dominic, GOV <Dominic.Gabello@state.nm.us>  
**Subject:** RE: Pay increase request

Hello Dominic,

I wanted to follow up on the request for a pay increase for Dan Hicks. Let me know your thoughts. Thank you.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



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**From:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>  
**Sent:** Monday, July 8, 2019 8:46 AM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** Re: Pay increase request

I'll get you an answer on this by the end of the week.

**From:** "DeGregorio, Zach, NMSA" <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Date:** Tuesday, July 2, 2019 at 11:06 AM  
**To:** Dominic Gabello <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>  
**Subject:** Pay increase request

Hello Dominic,

It was great meeting you at the Spaceport America Cup. Our board would like to request a pay increase for our CEO, Dan Hicks from 153,000 to 175,000. I previously sent an email request to Teresa Casados, but she may not be the correct person. Are you the person I should send the request through? Let me know. I need to get the correct PARF form I should to fill out.

Thank you.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



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# EXHIBIT 12

## Janet McHard

---

**From:** Rick Holdridge <rholdridge@zianet.com>  
**Sent:** Thursday, July 18, 2019 11:58 AM  
**To:** Gabello, Dominic, GOV  
**Cc:** Rick Holdridge  
**Subject:** [EXT] Pay Raise for Dan Hicks

Mr Gabello

As the chairman of the New Mexico Spaceport Authority (NMSA), I writing to let you know that I (and other board members) strongly support the pay raise that has been submitted for Dan Hicks, Spaceport America's director. As chairman of the Authority, I led the nationwide search for new director which resulted in finding the best candidate (Dan Hicks) right here in New Mexico. I've also worked with Dan since he was hired and have come to realize that he is an incredible asset for our state. Compared to the other major spaceport directors around the country (Florida, Virginia, and California), Dan is paid about ½ the average in spite of his incredible experience and his now proven track record as our director. Our request is a raise from \$153,000 to \$175,000.

As a little background, we had this process for getting him a raise almost completed when Governor Lujan Grisham was elected. I asked our staff to wait until your administration was in place for a while before starting the process again.

I respectfully request that Dan's raise, which Zach DeGregorio has contacted you about, be fast tracked.

**Rick Holdridge, Chairman**

Cell (505) 494-5811  
Fax (505) 494-5811



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001



# EXHIBIT 13

## Beth Mohr

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Friday, October 18, 2019 2:48 PM  
**To:** Rick Holdridge  
**Subject:** Audit committee letter  
**Attachments:** Audit committee letter 10-18-2019.docx

Hello Rick,

Can I use your signature stamp on this letter appointing the audit committee members?

Also, I spoke with Dan and he agrees with your approach on setting the CEO pay using your board authority. He is going to review the statute with Melissa.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 396 6221](tel:+15753966221)



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# EXHIBIT 14



**From:** [Daniel Hicks, NMSA](#)  
**To:** [Alicia Beck, NPS](#)  
**Cc:** [James Chan, NPS](#); [Dominic Torres, NPS](#)  
**Subject:** RE: Spaceport RFP status  
**Date:** Thursday, May 21, 2020 10:18:39 AM  
**Attachments:** [Screenshot.png](#)

---

Good Morning Alicia,

I offer this response in the hope of providing understanding so we can go forward. At no time have I or my staff intentionally withheld information or not been forthright.

In your email Tuesday requesting we provide our current strategic plan for review asap; I just assumed you knew it was still being done since I felt I was clear in my 30 Apr email to you and Dominic. In that email I stated it "was already being done" meaning it was being accomplished as another effort and not needed in the RFP. During our conversation on Tuesday I still had that same assumption. (It feels analogous to someone saying why didn't you tell me the sky is blue, when the individual being asked would naturally assume that fact was understood.) After our conversation I briefed my management team to make the necessary changes to the RFP and they brought up the question what if Alicia thinks we already have a completed strategic plan for review. I dismissed them stating that you and Dominic knew it wasn't done because I felt I was clear in my 30 Apr email. Since they brought it up I wanted to be totally transparent and forthright to you which is why I addressed that in my email "to clarify" later that day. It's not that I was withholding anything, I honestly thought you knew it wasn't completed. I apologize for making that assumption since you obviously had a different perspective. That situation confirms my thoughts; that emails aren't always clear and to avoid misinterpretations/misunderstanding its best to pick up the phone and call, or send a clarifying email which I did.

This is similar to the 5/11 email about Ron Chavez. I was clear to you in my response on 5/11 that I didn't know if I had a resignation letter. His words were "I feel it to be in everyone's best interest if I were to just resign at this point." When I was finally able to talk with Ron late on the preceding Friday 8 May, I told him not make any final decisions until we got him all his leave balance. My expectations were to provide him that information so he could unambiguously say on this date I effectively resign from NMSA (which is normally what I would request in a resignation letter). When Bill and I discussed it with Kiki the morning of 11 May, she indicated she wanted to see the email and take it to legal for a determination. At no time did Bill or intentionally withhold information from you or Kiki, we were just following through what we felt was in Ron's and the agency's best interest.

Alicia, I understand you want to have communications via writing or documentation of discussions until we solve the miscommunication that is occurring. We will totally comply. I know we all have a common goal of growing the space sector in NM and you really want to help. Thank you for that. All things are possible with a common goal. I look forward to talking with you later today.

Best Always,  
Dan

**Daniel Hicks**  
**Executive Director**  
New Mexico Spaceport Authority  
Office [505-761-8800](tel:505-761-8800)  
Mobile [505-761-8809](tel:505-761-8809)  
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Chief Executive Officer

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**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>

**Sent:** Wednesday, May 20, 2020 9:08 PM

**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Cc:** Harvie, Shani, EDD <[Shani.Harvie@state.nm.us](mailto:Shani.Harvie@state.nm.us)>; Casados, Teresa, GOV <[Teresa.Casados@state.nm.us](mailto:Teresa.Casados@state.nm.us)>

**Subject:** RE: Spaceport RFP status

Dan,

Thanks for responding so quickly. You have not in the past and did not disclose yesterday on our phone call that this strategic plan is not done and not available for the Governor's review, as requested. Your email, after the phone call, is the first time you made us aware that a strategic plan did not yet exist.

This mirrors a similar issue that came up with a Spaceport Employee on 5/11/2020, Ron Chavez. You failed to disclose to me and to our HR Director that the employee had submitted his resignation via email until I sent up a follow up correspondence pointedly asking if he had resigned.

We are really trying to help. But when you are not forthright with information, it makes it difficult. I have, therefore, asked that all communication either be in writing or that verbal communication is documented in minutes between you and EDD staff. I feel like that's the right way forward until we can solve the miscommunication that is occurring. Thanks for understanding.

Alicia



ALICIA J. KEYES • CABINET SECRETARY ECONOMIC DEVELOPMENT • STATE OF NEW MEXICO • 505-827-0300

**From:** Hicks, Daniel, NMSA

**Sent:** Wednesday, May 20, 2020 7:18 PM

**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>

**Cc:** Harvie, Shani, EDD <[Shani.Harvie@state.nm.us](mailto:Shani.Harvie@state.nm.us)>; Casados, Teresa, GOV <[Teresa.Casados@state.nm.us](mailto:Teresa.Casados@state.nm.us)>

**Subject:** RE: Spaceport RFP status

Alicia,

You might want to reconsider your email. I believe you drew some inaccurate conclusions without all the facts - and accused me of not being up front or honest - which is not the case. There was no misinformation in my 30 April email.

As I stated in my email to you and Dominic on 30 April - we didn't want to include the strategic plan in our RFP for the facility/infrastructure master plan because it "was already being done". That doesn't mean it's complete - it means it's "being done" - present tense. My request against including the strategic plan in the RFP was simply that it was "being done". This doesn't imply that the Spaceport already had one, if so I would have stated that. I've had my staff working on a strategic plan on and off since last fall. I didn't want to spend NM taxpayer dollars on something we were already doing - and much more capable of doing ourselves! We started the strategic planning effort last Fall, had a rough draft over the holidays, Guillermo came up with a new and better outline in February which went to the management team for comment to start spending time on it (I'll be glad to share all the emails).

When we wrote the facility/infrastructure master plan RFP the direction to my staff was to ensure we had the appropriate timeline to have our strategic plan finished prior to the kickoff meeting. We all realized this was a key document. Our plan was to refocus our efforts to complete the strategic plan and provide this as a guiding document to the winning bidder. The RFP was written with the knowledge that the strategic would be complete when needed. The RFP simply lists the documents that would be available and needed for their review during the kickoff meeting, which is why it was written as "current strategic plan". There were older planning documents that some might consider strategic plan type docs. There was nothing misleading or dishonest about writing the RFP in that way.

Since you insisted in your 19 May email (and our discussion that same day) of incorporating the strategic plan in this facility/infrastructure master plan, we decided it would be best not to use our limited bandwidth completing it ourselves (no issue there).

Alicia, going forward it would be much more helpful to pick up a phone and call me if you have any questions or doubt. Emails can be easily misinterpreted or misunderstood (and they're time consuming).

I look forward to talking with you tomorrow, I believe Shani rescheduled us for 2pm tomorrow.

Best Always,  
Dan

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SPACEPORT AMERICA

**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Sent:** Wednesday, May 20, 2020 5:32 PM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Cc:** Harvie, Shani, EDD <[Shani.Harvie@state.nm.us](mailto:Shani.Harvie@state.nm.us)>; Casados, Teresa, GOV <[Teresa.Casados@state.nm.us](mailto:Teresa.Casados@state.nm.us)>  
**Subject:** RE: Spaceport RFP status

Dan,

In addition to your email on 30 April with misinformation, there are numerous references in the RFP to the current strategic plan which we're just now finding out now does not exist. In fact, your argument against including a strategic plan in this RFP was that Spaceport already had one.

In order for us to help you, we need you to be upfront and honest with us and disclose issues before we have to hunt around to get the information.

Best,  
Alicia



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**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, May 19, 2020 6:04 PM  
**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>  
**Subject:** RE: Spaceport RFP status

Alicia,

As discussed on the phone today, we'll adjust the RFP to include strategic plan as a deliverable. For clarity I want to re-address my note to you on 30 April. I indicated that the strategic plan was already being done ( this was an effort we started last fall and we planned to get something complete before the facility/infrastructure master plan kickoff meeting – haven't gotten very far). We don't have a "current" strategic plan. With our over loaded plates – probably makes sense to drop that and focus on the contractor effort in the RFP. There were a couple other items, I'd like your clarity on during our Friday meeting at 1pm. Thanks,

Best,  
Dan

**Daniel Hicks**

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---

**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>

**Sent:** Tuesday, May 19, 2020 9:41 AM

**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>

**Subject:** RE: Spaceport RFP status

Dan,

Sorry it has taken me some time to review the attached. Please see my notes below:

1. While we feel the current strategic plan will be useful as document for the firm to review, as we discussed before, we would like the consultants to generate an updated strategic plan as part of this RFP which is a detailed deliverable.
2. As a side note, we would like to see the current strategic plan ASAP. The Governor's office needs to sign off on it before it would be given to any of the selected firms or shared in general.
3. The RFP mentions that the firm will review the socioeconomic assessment done in 2007 and then updated in 2015. We would like a new socioeconomic assessment performed as part of this RFP which is a detailed deliverable.
4. Mapping of the current facility and recommended physical assets is a deliverable. We also request to include an FAA mapping deliverable, as Jim Hinde suggested, which analyzes future ground development in the context of the current runway and taxiway.

Please incorporate these changes via redline so that we can review the next draft.

Many thanks.

Best,

Alicia



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**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, May 12, 2020 4:37 PM  
**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** RE: Spaceport RFP status

Hello Alicia,

Attached is the revised RFP with the forecasting and strategic planning incorporated. Pending your review, we'll get this into an RFP package and out on the street soonest.

Thanks,  
Dan

**Daniel Hicks**  
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SPACEPORT AMERICA

**From:** Hicks, Daniel, NMSA  
**Sent:** Thursday, April 30, 2020 11:07 PM  
**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** RE: Spaceport RFP status

Alicia, Dominic,

We will definitely put the forecasting and strategic planning in. We took it out because it was already being done



(particularly the forecasting with WSMR's airspace utilization process). But we can certainly add it – we'll get an adjusted RFP for your review.

I think there may be some confusion with the NEPA/Environmental question. Doing NEPA/environmental work actually strengthens our relationships with the ranchers and local communities, so there is really no decision to make. We'll have to comply with NEPA under our FAA site license when we cross a certain threshold not contemplated in the original EIS/ROD. Our current funded Capital Outlay projects are still covered under the existing EIS/ROD and programmatic agreement. Please let me know when you have time to discuss if we missed something.

Best Always,  
Dan

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**SPACEPORT AMERICA**

**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Sent:** Thursday, April 30, 2020 10:40 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** RE: Spaceport RFP status

Dan,

Dominic and I spoke yesterday regarding the Master Plan RFP. Because you are currently working from a 13 year old planning document, we would like to incorporate Jim's suggestions into the Master Plan and at least have the forecasting and strategic plan re-incorporated.

I have read the attached document, from my understanding, there is concern regarding a new NEPA/environmental study as it would negatively affect Spaceport's relationship with neighboring ranches. Can you please outline both sides of the issue and Dominic and I will decide.

Many thanks,  
Alicia



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**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, April 28, 2020 5:48 PM  
**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Gabello, Dominic, GOV <[Dominic.Gabello@state.nm.us](mailto:Dominic.Gabello@state.nm.us)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** RE: Spaceport RFP status

Hello Alicia,

Our main rationale for changes to Jim's suggestions was to focus our Master Planning more towards the space sector and our mission set while not duplicating efforts already completed/underway. Specifically we pulled the forecasting, NEPA/environmental, strategic planning focus out of the scope since those have already been covered under other efforts. We wanted to focus the effort on a spaceport facility and infrastructure master plan that drives our capital investment dollars. In addition, I have attached Dr Gutman's summary on his specific concerns with Jim's original scope. This and other comments drove us to make the necessary changes in the scope.

Ultimately I believe Jim's efforts and those of my staff got us to a solid RFP package ready for issue – pending any comments from you and Dominic. Please call or let me know if you have any questions – thanks Alicia.

Best Always,  
Dan

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SPACEPORT AMERICA

**From:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Sent:** Monday, April 27, 2020 5:11 PM

**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Gabello, Dominic, GOV <[Domino.Gabello@state.nm.us](mailto:Domino.Gabello@state.nm.us)>; Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** RE: Spaceport RFP status

Hello Alicia,

I will hold off on issuing the RFP until I receive confirmation from you. I am cc'ing Dan Hicks on this email chain, and he is planning on calling you to provide the rationale.

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
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**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Sent:** Monday, April 27, 2020 10:09 AM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Cc:** Gabello, Dominic, GOV <[Domino.Gabello@state.nm.us](mailto:Domino.Gabello@state.nm.us)>  
**Subject:** RE: Spaceport RFP status

Do not issue publicly until Dominic and I have had time to review.  
Please send me the rationale for the changes from Jim's suggestions.  
Thank you.  
Alicia



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**From:** DeGregorio, Zach, NMSA



**Sent:** Thursday, April 23, 2020 10:24 PM  
**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.gov](mailto:Alicia.Keyes@state.nm.gov)>  
**Subject:** Spaceport RFP status

Hello Alicia,

We are planning on issuing the RFP for Master Planning soon, but I just wanted to confirm that you are supportive before we issue this publicly next week. I have attached the latest version of the scope. There were significant changes from Jim Hinde's initial draft. We would require a board vote on this RFP sometime in mid-June.

We also anticipate issuing an RFP soon for the Design-Build of the IT Building.

**Zach De Gregorio, CPA**  
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## Beth Mohr

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Thursday, February 6, 2020 4:03 PM  
**To:** DeGregorio, Zach, NMSA; Blacker, Guillermo, NMSA; McLaughlin, Scott, NMSA  
**Subject:** FW: [EXT] Strategic Plan

Scott, Guillermo, Zach,

See my note below to Chris Andrews (and cc pete).

I was on my way to Durango when I sent this

On my way back from Durango on Monday 6 Jan, I told Chris Andrews I wanted him to work with us on a strategic plan. He hasn't got much beyond a framework, if that (again see my note below). As you know 7/8 Jan was a very busy time for us as we were working the SpaceValleySummit, but I'm pretty sure I talked about it with you (Guillermo and Scott). If not, (which is entirely possible with everything on my plate) no worries, we'll get together next week and chart a path forward.

As you'll notice, I promised Chris Andrews a digital copy of the WSMR 2046 strategic plan (which I haven't delivered). I'll do so tonight. My intent is for NMSA to quickly produce a solid Strategic Plan. It will be a team effort and a quality team effort.

Best Always,  
Dan

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**From:** Hicks, Daniel, NMSA  
**Sent:** Friday, January 3, 2020 2:09 PM  
**To:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>  
**Cc:** bythrowpf <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>  
**Subject:** RE: [EXT] Strategic Plan

Chris,

I'm on the road right now. I'll try calling in a few.

I like your thoughts below. I want to tie Guillermo into the process – he was instrumental with my WSMR2046 Strategic Plan I did right before retiring.

Will talk soon.

Happy New Year to you both.

Best Always,  
Dan

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**From:** Chris Andrews <[chris@andrewsconsultingsevice.com](mailto:chris@andrewsconsultingsevice.com)>  
**Sent:** Friday, January 3, 2020 9:05 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Cc:** bythrowpf <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>  
**Subject:** [EXT] Strategic Plan

Dan

I spent a little time in Dec and plan to do some additional time in Jan pulling together a draft Strategic plan for Spaceport America and would like to propose the following schedule:

Schedule an on-site meeting with team to review strategic plan and work through as a team on the following:

SWOT  
Mission, Vision and value statements

I have been and will continue to pull from existing documents and would have the document available 10 days prior to the meeting so everyone can have time to review and put their thoughts together. I would envision a full day with the entire team participating. This would be best if done around the time SA is hosting the rep from Dept of Commerce in Feb (17, or 21 or 24) if possible, so as you look at calendars keep in mind a day on either side of these dates for strategic planning session. Once these sections are completed, the next step would be to



develop strategic tasks in order to implement the Vision. These would include very specific actions, lead person and schedule along with a definition of what success would look like.

Look forward to your thoughts and nailing down a date soonest.

Chris  
Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

## Beth Mohr

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, December 24, 2019 12:15 PM  
**To:** Chris Andrews; DeGregorio, Zach, NMSA  
**Cc:** Benavidez, Belinda, NMSA; McLaughlin, Scott, NMSA  
**Subject:** RE: [EXT] Re:December invoices

Hello Chris, Zach,

One item I would Chris to do is help us with strategic planning going forward. Need to understand the cost.

Chris,  
Merry Christmas to you and your family.

Best  
Dan

**Daniel Hicks**  
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**From:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>  
**Sent:** Tuesday, December 24, 2019 11:39 AM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Cc:** Benavidez, Belinda, NMSA <[Belinda.Benavidez@spaceportamerica.com](mailto:Belinda.Benavidez@spaceportamerica.com)>; McLaughlin, Scott, NMSA <[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)>; Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** [EXT] Re:December invoices

Ok  
Thanks and will do. Merry christmas and happy new year to everyone

Chris

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

---- On Tue, 24 Dec 2019 13:31:27 -0500 [zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com) wrote ----

Hello Chris,

We are working on increasing your PO for January-June. Please be aware of your current PO limits, and do not invoice for amounts above the ceiling before we issue the new PO. You should expect to receive it in early January.

Thank you.

**Zach De Gregorio, CPA**

**Chief Financial Officer**

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# EXHIBIT 15

## Beth Mohr

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, October 4, 2017 6:55 AM  
**To:** barker571@earthlink.net  
**Cc:** Hicks, Daniel, NMSA  
**Subject:** RE: Posting # 2017-03663

Hopefully they know you are still with them until you officially turn in your notice! They will be professional.

I would like to stop in and see Derrick, but we'll talk about that tonight! Looking forward to meeting David!

Best always,  
Dan

*Sent from my Verizon Motorola Smartphone*

On Oct 4, 2017 6:18 AM, Karen <barker571@earthlink.net> wrote:  
Dan,

Safe travels! Call for any issue. Here are my stats....office number is 571-372-2767. I have to call Geri and find out about the contacts she has made....word is out at the Cape, and I have to head it off before it gets to Derrick. DANG! This may be the last joint space team meeting I get to attend today! And there is all kinds of juice in those meetings...we'll figure out another way to get there.

*Karen*

KD Barker  
Space Programs and Policy  
Space Launch and Ranges  
Office: 571-372-2767  
Blackberry: 703-380-5372  
Cell: 571-215-3680

*'In necessary things, unity; in doubtful things, liberty; in all things, charity'—Richard Baxter*

**From:** Hicks, Daniel, NMSA [mailto:daniel.hicks@spaceportamerica.com]  
**Sent:** Friday, September 22, 2017 3:18 PM  
**To:** Karen  
**Subject:** RE: Posting # 2017-03663

Sounds good – let me know when you are driving back.

Best,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office +1 575 267 8599

Mobile [+1 575 520 6208](tel:+15755206208)



**New Mexico Spaceport Authority**  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** Karen [<mailto:barker571@earthlink.net>]  
**Sent:** Friday, September 22, 2017 6:40 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** RE: Posting # 2017-03663

Dan, thanks. Let's tag up later today==maybe as I drive from NRO HQ. Karen

**From:** Hicks, Daniel, NMSA [<mailto:daniel.hicks@spaceportamerica.com>]  
**Sent:** Friday, September 22, 2017 1:59 AM  
**To:** Karen Barker  
**Subject:** FW: Posting # 2017-03663

Hey Karen,

Sorry it took me so long to get this to you tonight.

Best,  
Dan

**Daniel Hicks**  
**Chief Executive Officer**  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



**New Mexico Spaceport Authority**  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** Budenholzer, Geri M, EDD  
**Sent:** Wednesday, September 20, 2017 3:14 PM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** FW: Posting # 2017-03663

Hi Dan, your Gen I posting is now live. I've attached the posting here if you want to review it.



Couple of things – When you send the posting on, please make sure those who apply and have a degree MUST submit transcripts of the level of degree they certify they have. If the person does not attach transcripts I can't refer the application on to you.

Also, if the applicant states he/she has 15 years of RELATED experience, I have to be able to find the 15 years of related experience when I am reviewing the application. For example an applicant states he/she has 20 years of related experience, but 10 of those years the person did accounts payable, I probably won't be able to show he/she has the 20 years of stated experience and I won't be able to forward the application on to you.

Hope this helps.

Geri

**From:** Zamora, Sheila, SPO

**Sent:** Wednesday, September 20, 2017 2:49 PM

**To:** Budenholzer, Geri M, EDD <[GeriM.Budenholzer@state.nm.us](mailto:GeriM.Budenholzer@state.nm.us)>

**Subject:** Posting # 2017-03663

Hi Geri,

This posting is now online:

---

Job #	Hits
2017-03663	0

Please review and let me know if you have changes.

Thank you,

Sheila Zamora  
SPO Career Services  
505-476-7796

**NON-DISCRIMINATION CLAUSE**

You have been selected as a panel member due to your expertise in the areas of and knowledge of the scope and responsibilities of the job of Strategic Solutions Director.

Your role as a panel member is to score the applicants' responses based on the technical competency and the accuracy exhibited by their answers.

Personal preferences and bias should not be part of this process.

The State of New Mexico does not discriminate in employment or provision of services on the basis of race, color, religion, national origin, sex, age, ancestry, spousal affiliation, sexual orientation, gender identity or disability.

Interview for (Job Title): Strategic Solutions Director	Panel Informed by: Daniel Hicks, Executive Director, Spaceport Authority
Signature: <i>Daniel Hicks</i>	Panel Members Informed of the above on (Date): 10/2/2017

**PANEL MEMBERS**

*I have read and understand the above non-discrimination clause and my responsibilities regarding such as a panel member. I understand and agree to comply with the execution and intent of federal and state regulations governing non-discrimination in employment and selection.*

Date	Panel Members Name (Please Print)	Job Title	Signature
10/2/2017	Dan Hicks	Executive Director	<i>[Signature]</i>
10/2/2017	Zach De Gregorip	CFO	<i>[Signature]</i>
10/2/2017	Bill Gutman	A/O Manager II	<i>[Signature]</i>

## Beth Mohr

---

**From:** Budenholzer, Geri M, EDD  
**Sent:** Wednesday, October 11, 2017 2:09 PM  
**To:** DeGregorio, Zach, NMSA  
**Subject:** Karen Barker Spaceport Gen I Offer Letter 10 2017.docx  
**Attachments:** Karen Barker Spaceport Gen I Offer Letter 10 2017.docx

Hi Zach, here's a draft of the offer letter for Karen.

We can't make the offer yet because I have not yet heard back from SPO on the salary. I will let you know ASAP when I have heard from SPO.

We can always make a verbal offer to her first and then email this offer letter to Karen.

Once you make your changes, will you send a copy back to me so I have the information that you like to include in an offer letter.

Geri





October 12, 2017

Karen Barker  
2705 N. Venable St.  
Arlington, Virginia, 22213  
Sent via email: barker571@earthlink.net

Dear Ms. Barker:

I am happy to offer you the General I Manager position (working title: Strategic Solutions Director) with the Spaceport Authority with the State of New Mexico. Your rate of pay will be \$46.635 an hour for an annual salary of \$97,000.00.

I am aware that you will be relocating to New Mexico from Virginia. We can discuss your start date and what will work for you and for Spaceport.

On your first day, Sandra Franco, Business Operations Specialist-A will meet with you for orientation and review Spaceport's policies, insurance benefits, leave accrual and retirement plan, among other information. One of the documents she will have you complete is the I9 form. I have attached the document here for you to review the acceptable forms of identification. See lists A, B and C on the form, and bring the document(s) that are appropriate for you to orientation.

As your position requires you to travel, you will need to take the State's Defensive Driving class before driving a start car. Sandra will arrange for you to take that class.

I extend to you my sincere congratulations on this most noteworthy occasion! It was a pleasure to consider you as a viable candidate, and I am impressed by the skills and abilities you bring to this position.

Please acknowledge your acceptance or declination of this offer below and return to me. If you have any questions, please contact me at 575-267-8599. I am looking forward to having you on my team!

Sincerely,

Daniel Hicks  
Executive Director

Accept \_\_\_\_\_ Date \_\_\_\_\_ Decline \_\_\_\_\_ Date \_\_\_\_\_

cc: Karen Barker personnel file

# EXHIBIT 16



State of New Mexico  
Job Order Form

103143  
RECEIVED  
11/26/18

Instructions: Complete form, scan and E-mail to Talent.Acquisition@state.nm.us

Date of Request 11/15/2018

Agency Name (Example: State Personnel Office) New Mexico Spaceport Authority (49500)

Position Number(s) 00034531

\*\*Attach resignation letter to e-mail if applicable.

Please indicate when you will be conducting interviews. (Not required for continuous advertisements).

12/03/2018 - 12/07/2018

Number of days to advertise. Minimum days to advertise is five.

Continuous

Working Title (Example: Finance Reviewer) DO NOT LIST ABBREVIATIONS OR ACRONYMS

Business Ops Specialist

**PURPOSE OF POSITION - DO NOT LIST ABBREVIATIONS OR ACRONYMS**

This information will be used to inform applicants about your position. Please do not copy and paste the PARF (Position Action Request Form).

What does the job do? (Why does the job exist?)

Plans and directs financial and operational activities for the organization's CEO. Organizes and prioritizes critical issues and required information to facilitate efficient decision making. Oversees strategic business initiatives from development through successful execution. Improve current processes and coordinate organizational procedures for optimized efficiency and productivity. Performs cost/benefit analysis for agency purchases. Acts as an advisor to the chief executive on key business issues. This role is expected to operate independently without much supervision. This is more than an office position and will be expected to work on site during rocket launch operations if needed.

How does the job get done? (What are the key responsibilities?)

This job requires an energetic, insightful, enthusiastic, dedicated, self-starting, proactive team player with current knowledge of the aerospace industry. Must be creative and have excellent computer skills with Word, Powerpoint, Excel and other Microsoft products. Major tasks of this job include:

- Serve as liaison between staff, senior leaders, and CEO, regarding company climate, employee well-being, project updates, proposals, and planning.
- Create and update dashboards for reviewing key performance indicators.
- Facilitate and monitor the Agency annual strategic planning initiatives.
- Provide program management for specific strategic initiatives that are critical in meeting the Agency's strategic planning goals.



- Interact with colleagues across the Agency to ensure institutional alignment and synergy with the strategic plan.
- Analyze policy issues and advise the CEO on strategies and alternatives for dealing with issues.
- Manage metrics and communications for the Agency Board of Directors.
- Manage metrics and action items, and set strategic priorities for senior leadership.
- Write and review internal and external communications, reports, and presentations for the Agency.
- Serve as subject matter expert, handling inquiries and developing action plans to address them, and assisting with the preparation and dissemination of communications
- Other business tasks as needed.

Who is the job done for? (Who are the customers?)

This position reports directly to the CEO of Spaceport America. The position works closely with all Senior Management on agency-wide initiatives. The job will be responsible to interact with all levels of Agency stakeholders including board members, staff members, customers, vendors, legislators, and members of the public.

**Working Conditions** (Example: Office setting, exposure to Visual/Video Display terminal (VDT) and extensive personal computer and telephone usage with extended periods of sitting. Must be able to lift 25 lbs). This is a business position that is primarily in an office setting. However, this position is expected to support during rocket launches, which requires stamina and highly physical work outside in the sometimes harsh environment at Spaceport America. This position requires flexible schedules and 24/7 availability. Included is the ability to drive state vehicles and work at altitude in desert conditions.

#### IDEAL CANDIDATE

Please list the preferred experience and education you are looking for. Provide 3 - 5 preferences (This information will be used to create supplemental questions that will rank applicants). DO NOT INCLUDE MINIMUM QUALIFICATIONS.

- 2) Excellent computer skills with Word, Powerpoint, Excel and other Microsoft products
- 3) Experience working in teams
- 4) Must have an interest working in the space industry

Does this position require supervision of employees?  Yes  No

#### Employment Requirements

Driver's License  Defensive Driving Certification  Background investigation  Other security clearance

#### AGENCY CONTACT INFORMATION FOR ADVERTISEMENT

This information will be listed on the advertisement for applicants with questions regarding position.

Contact Name

Dan Hicks

Contact E-mail Address

Dan.Hicks@SpaceportAmerica.com

Contact Work Phone #  
575-267-8500

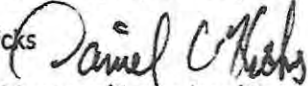
**AGENCY APPROVAL SIGNATURES**

(Approval signatures are required prior to SPO submittal).

Hiring Manager/Supervisor (Print name)

Date

Dan Hicks



11/19/18

Hiring Manager/Supervisor (Signature)

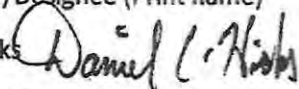
Hiring Manager/Supervisor (Work Number)

575-267-8500

Director/Designee (Print name)

Date

Dan Hicks



11/19/18

Director/Designee (Signature)

Director/Designee (Work Number)

575-267-8500

CFO/Budget (Print name)

Date

Zach De Gregorio

11/19/18

CFO/Budget (Signature)



CFO/Budget (Work Number)

575-267-8510

Additional notes/comments you would like to share with your SPO recruiter.

## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Thursday, February 7, 2019 11:53 PM  
**To:** Gutman, Bill, NMSA; Force, Melissa, NMSA; DeGregorio, Zach, NMSA  
**Subject:** FW: [EXT] Bus Operations

Fyi

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** Hicks, Daniel, NMSA  
**Sent:** Thursday, February 7, 2019 11:52 PM  
**To:** 'Guillermo Blacker' <[guillermo.blacker@gmail.com](mailto:guillermo.blacker@gmail.com)>  
**Subject:** RE: [EXT] Bus Operations

Guillermo,

That is awesome – glad you were able to get everything in the system.  
It was wonderful to see you too and hear your interest in our team and becoming a member of the family.

I'll get into the system as soon as I get back into the office. We'll keep in touch.

Best Always,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



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New Mexico Spaceport Authority



901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** Guillermo Blacker [<mailto:guillermo.blacker@gmail.com>]  
**Sent:** Thursday, February 7, 2019 4:22 PM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** [EXT] Bus Operations

Hi Dan,

It was indeed a pleasure to meet with you, Melissa, Bill and Zach last Tuesday. The conversation actually reinforced my interest in the enterprise, particularly after you highlighted the options that may evolve in the near future.

I'm pleased to advise that I just submitted my application on line and have rearranged some previous commitments so that I may be available full time during the first week in March.

Cheers,

Guillermo

**From:** Guillermo Blacker <[guillermo.blacker@gmail.com](mailto:guillermo.blacker@gmail.com)>  
**Sent:** Tuesday, February 5, 2019 12:12 PM  
**To:** 'Hicks, Daniel, NMSA' <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** RE: [EXT] Bus Operations

Great Dan.  
Also looking forward . . . see you at 4 pm.  
Guillermo

**From:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Sent:** Tuesday, February 5, 2019 11:53 AM  
**To:** Guillermo Blacker <[guillermo.blacker@gmail.com](mailto:guillermo.blacker@gmail.com)>  
**Cc:** Force, Melissa, NMSA <[Melissa.Force2@spaceportamerica.com](mailto:Melissa.Force2@spaceportamerica.com)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** RE: [EXT] Bus Operations

Sounds good Guillermo.

How about 4pm this afternoon? My office address is below. we are right above the Jimmie John's/Sweet CC's. There is an entrance (with stairway/elevator) from the back (north side) parking lot. University Ave runs along the south side of the building.

Look forward to seeing you soon. I want you to meet some of the team.

Best Always,  
Dan

**Daniel Hicks**  
Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)  
Office [+1 575 267 8599](tel:+15752678599)  
Mobile [+1 575 520 6208](tel:+15755206208)



**SPACEPORT**AMERICA

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, March 20, 2019 4:39 PM  
**To:** Guillermo Blacker  
**Cc:** DeGregorio, Zach, NMSA; Force, Melissa, NMSA  
**Subject:** interview tomorrow at 1300  
**Attachments:** Release and Waiver wNM State (2).pdf; Employment Statement wNMState (2).pdf

Hello Guillermo,

This email confirms your interview for tomorrow, Thurs 3/21/2019 at 1300hrs.

In advance of the interview, please review the attached forms. You may print and sign, or we will have a hard copy here at the office for you to sign. We will need both documents signed before we start the interview.

It was great to talk with you today and we look forward to seeing you tomorrow.

Best Regards,  
Dan

Daniel Hicks  
Chief Executive Officer  
[daniel.hicks@spaceportnm.com](mailto:daniel.hicks@spaceportnm.com)  
Office +1 575 267 8593  
Mobile +1 575 582 6478



SPACEPORT NEW MEXICO

New Mexico Spaceport Authority  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001



# EXHIBIT 17

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Sunday, September 29, 2019 5:17 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** Blacker, Guillermo, NMSA  
**Subject:** weekly status update

Here is my update for the week:

- Financial Statements. Worked through the weekend to complete the draft of the financial statements. Uploaded eight new documents to the audit team to review. Next steps is an exit conference needs to take place with the CEO and the board BEFORE the end of October to hear the auditor's findings. I don't anticipate any findings.
- Belinda Benavidez is on vacation next week. She is in Disneyland with her grandkids and is unreachable.
- Year End Closing. I finished the final manual journal entry for the fund financial statements. Sandra Franco is working on the final journal entry for the Full Accrual financial statements next week.
- Overtime balances. I sent out an email about increasing overtime balances. The trend is significant. This is a big problem for the agency. It indicates people are working too hard, and is not sustainable.
- Bond Refinance. I had further interviews with two more muni-bond advisors. I have now interviewed three different firms and have identified one that would be a good fit. I discussed a plan of action with the investment advisor out of Los Angeles. We cannot move forward without a public RFP. My plan is to write an RFP based on my proposed team approach and post it in October. This would be an indication to the public that we are considering options for refinancing. When the RFP results come back, we have a firm proposal we can present to the board and then they can decide whether to refinance or not.
  - RBC Capital. They are the biggest player in the bond market in New Mexico. I was not happy with their approach. They wanted us to give them all the money and follow their direction on the refinance rather than the team approach.
  - Hilltop Capital. This is a firm in Dallas. They are a smaller boutique firm. They also did not seem comfortable with a team approach, and seemed used to working by themselves.
  - Stifel. This is one of the largest muni bond players in the nation and just completed a large takeover of another investment bank. They are aggressively pursuing supporting our bond initiative. They had a team of four attend on the call. They had already done research on our bonds and came with recommendations. They supported the idea of a team approach with other independent companies. Very professional.
- Economic Study. Set the final date of the press conference for Jan 30 at 11am in the center of the Round House. This is the 10<sup>th</sup> day of the session which is perfect timing. John Tysseling held a conference call with Dan Hicks and Guillermo Blacker on Tuesday to discuss his direction. He is bringing his team to our offices next week Tuesday and Wednesday for follow up discussions. We are also setting up a MS Teams channel with Moss Adams so we can all collaborate on the project electronically. Moss Adams marketing team has already started talking with our PR Firms.
- Supplemental Request. We need to submit our request for the mid-year supplemental appropriation. This is due Oct 18. I will start filling out the forms next week.
- Fiore training. Fiore's new hire for our accounting support will be onsite next week training. My goal is that every major contract (over 100k) has regular interaction with the accounting department to ensure that no invoices go unpaid. Fiore is assigned to the following tasks: 1) Environmental contracts 2) Southern Road 3) New Internal Roads project 4) Fuel Farm Construction contract 5) Payload Processing Center Design contract 6) Website rollout contract 7) Aerospace Consultants contracts 8) Public Relations contracts 9) Quotes for firefighter sleeping quarters 10) RFP preparation support (Fiore not eligible to bid) 11) Reporting 12) Economic Study support 13) SA Cup Financials preparation

- RFPs. Belinda Benavidez is almost complete with three new RFP documents. The goal is to release all three on Oct 11: 1) HVAC maintenance 2) Electrical maintenance 3) VLA Construction
- Citizenship status. I believe some of our staff members are NOT US Citizens. Citizenship is only proven through 1) birth certificate 2) passport 3) naturalization paperwork. I don't have any of these for most of the staff. I issued a PO to Melissa this week for legal support to research our options. I do not think we should make promises on supporting DoD programs until we figure this issue out.
- Pcard. Expanded the pcard program to Becky Dean. We are training her, and she is now helping with the pcard purchases. Pcard program has now expanded to five employees.
- Website training with accounting. We have established new processes for board meeting files and procurement files posted on the website.
- Fuel Farm change order – We got all signatures on the final change order, and are processing the PO. The final punchlist for the fuel farm has not yet been completed.
- SA Cup Financials. I received the draft financial statements on Friday. I have not had time to review them yet.
- IPRA – Sent in IPRA request to Ron Fenn.
- Paid bills, made purchases, processed travel.
- Meetings. Website training, Manager tag up, Manager – Capital project review (4 hours), Manager – staffing review, Construction accounting conference call, Bond conference calls, Accounting team status meeting, IT Lunch and Learn

**Zach De Gregorio, CPA**

Chief Financial Officer

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office +1 575 267 8510

Mobile +1 575 386 6221



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**

4605 Research Park Circle Suite A

Las Cruces, NM 88001

[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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# EXHIBIT 18

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Friday, March 30, 2018 12:47 PM  
**To:** Lopez, Chris, NMSA; Hicks, Daniel, NMSA; Force, Melissa, NMSA; Gutman, Bill, NMSA; Barker, Karen, NMSA; Benavidez, Belinda, NMSA  
**Subject:** Construction Accounting RFP  
**Attachments:** Construction accounting scope of work.docx

Hello all,

Attached is the statement of work for the RFP for construction accounting. This is necessary for the reporting and processing of the FY19 capital funds. We need to issue this next week in order to meet the June 1 construction start of the Fuel Farm.

Please let me know if you have any comments on the Statement of Work.

Thanks!

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



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## Construction Accounting Scope of Work

- General Accounting Support for Spaceport America construction projects. This will provide oversight of construction projects from an accounting and financial perspective. Professional Services contract starting June 1, 2018 for one year, with annual option to extend for an additional three years. Spaceport America will be involved in multiple construction projects. Hours for each project must be tracked and invoiced with separate bills.
  - Southern Road – already started, concluding June 2018
  - New Hangar – starting March 2018
  - Spaceport Internal Roads – Begins July 2018
  - Fuel Farm expansion – Begins July 2018
  - Horizontal Launch Area Improvements – Begins July 2018
  - Payload Processing Center Design – Begins July 2018
  - Payload Processing Center Construction – Begins July 2019
- This role WILL NOT be involved in any purchasing capacity, or have the ability to commit tax payer dollars. The focus of the work will be on monitoring and reporting.
- This role IS NOT construction management. There will be separate construction management contracts. This is an additional accounting presence to work with construction management to help monitor the projects for financial impacts.
- Create a simplified master schedule of all projects in Microsoft Project. It is important that all projects complete on time.
  - Deliverable: Send email notifications to the CFO for any potential schedule impacts
- Monitor and update the master schedule
  - Deliverable: Maintain list of main Point of Contact (POC) for each project.
  - Deliverable: Contact the POC to record status updates to the master schedule each month
- Perform onsite inspections. During construction, visit the site once per month to inspect whether conference call updates match progress onsite.
  - Deliverable: Attendance on site
- Attend weekly construction status meetings via conference call as the representative for Spaceport America accounting.
  - Deliverable: Attendance on conference calls
- Notify CFO of any potential payment issues. One of the biggest risk of these projects is that Spaceport America is sometimes slow in payment, which may impact construction schedules. Accounting presence in status meetings can identify any potential future payment issues on existing contracts. These issues should be communicated to the CFO as early as possible to proactively address any concerns.
  - Deliverable: Send email notifications to the CFO for any potential payment issues.
- Generate budget plan
  - Deliverable: Create budget plans for all projects for expected expenditures against available funds
  - Input: The CFO will provide purchase and contract information as it develops.
- Monitor budget plan
  - Deliverable: Monitor purchases against budget plan



- Deliverable: Determine Final Construction Cost. **This task is critical.** This value will appear on the Spaceport America financial statements.
- Input: The CFO will provide payment information as it occurs.
- Identify any potential change orders and determine the financial impact. Report change order information to the CFO.
  - Deliverable: Send email notifications to the CFO for any potential change orders.
- Reporting
  - Deliverable: Generate monthly reports and send to Spaceport Management
    - Written status report. One page report for each project with written description in the following sections: 1) costs vs. budget 2) schedule 3) issues. This report is intended to provide the "analysis" on how to interpret the other monthly reports. These reports are meant to be concise and to the point.
    - Financial report showing a breakdown of all projects cost vs. budget
    - Schedule report showing updated master schedule
- Additional accounting related requests as needed

**State Approved Travel Rates:**

\$85.00 per night for food and lodging

\$0.43/mile Mileage rate through Dec 2018

Partial Day per diem (rate for final day of travel)

- <2hrs. None
- 2<x<6. \$12
- 6<x<12. \$20
- 12<x<24. \$30

<u>Number</u>	<u>Name</u>	<u>Description</u>	<u>Points Awarded</u>
1	Construction	Please describe your qualifications to work on construction projects, including organizational knowledge of previous projects. Please explain <i>how</i> you will use this knowledge to benefit Spaceport America projects.	75
2	MS Project	Please explain your experience with MS Project, including reading and understanding gant charts provided by construction companies. Please describe your organization's ability to create and update simplified gant charts for project reporting.	50
3	MS Excel	Please explain your experience with MS Excel, including the ability to set up customized reporting to track budgets for construction projects.	50
4	Teamwork	Please explain your experience working in a team environment, specific to construction projects.	75
5	Change Orders	Please describe your ability to identify and track the impact from change orders on construction projects. Include <i>how</i> you will use accounting to ensure projects stay on track.	75
6	Final Costs	Please describe in detail <i>how</i> you will determine final construction cost for each project.	75

400

# Construction accounting scope of work

E-mail attachment: C:\Users\JMchard\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\58BU2BYZ\Construction accounting scope of work.docx



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Company	Microsoft

## Related Dates

Last Modified	3/20/2018 12:35 PM
Created	2/15/2018 11:53 AM
Last Printed	

## Related People

Manager	Specify the manager
Author	ZD Zach De Gregorio
	Add an author
Last Modified By	ZD Zach De Gregorio

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SPACEPORT

New Mexico Department of Agriculture

September 3, 2018

MEMORANDUM FOR RECORD

SUBJECT: Construction Accounting  
RFP # 19-495-P770-1888

**Proposal Evaluation Committee**

This RFP will be issued September 7, 2018. The evaluation committee is composed of the following members:

- Dan Hicks, CEO
- Bill Gutman, Dir Aerospace Operations
- Chris Lopez, Dir Site Operations
- Zach DeGregorio, CFO

The evaluation criteria described in the RFP will be used to evaluate the proposals.

Dan Hicks  
Chief Executive Officer

A completed project for the Marine Corps Systems Command (MCSC) included the demonstration of a prototype of a vessel-stopping system capable of being mounted onto various land, air and marine platforms. The effort included facility set-up, control program development and testing, and integration of Fiore's Intelligent Waveform Modulation (IWM) system onto a platform to demonstrate the systems capabilities. This integration included designing modifications and interfaces for marine-craft integration of the IWM system, mounting and integrating the IWM system to a customer supplies vessel, performing in-situ testing on customer supplied vessels at a user identified location, demonstration of the IWM system and generating a Final Report. A Work Breakdown Structure (WBS) was developed to track schedule and cost to ensure the requirements at the lowest measurable task of the project were met.

To date Fiore has not had any failures from a Construction Accounting Services engagement based on the work we perform. Effective 1 January 2017 we converted our accounting software from Deltek GCS Premier to QuickBooks Enterprises. Additionally, we converted our timekeeping system to Unanet from Deltek Time & Expense on January 1, 2018. No changes were made to Fiore's cost accounting practices. Fiore continuously looks for opportunities to enhance the robustness of our accounting system.

## 2. Organizational References

### a. State of New Mexico Commission of Public Records

<b>Client Name:</b>	State of New Mexico Commission of Public Records
<b>Project Description:</b>	Redesign of New Mexico Administrative Code Website
<b>Project Dates:</b>	5/3/18 - 6/30/18
<b>Technical Environment:</b>	Redesign of website and webpages to provide a stable up-to-date information technology environment. Billing and cost accounting components were utilized throughout the contract term.
<b>Staff assigned to reference engagement that will be designated for work per this RFP:</b>	Bill Miera, President CEO (indirect corporate support) Elaine Harlan, Chief Administrative Officer (indirect corporate support) Jai-Sheng Cai, CPA (cost accounting support)
<b>Client Project Manager Name:</b>	Pete Chacon, Chief Information Officer
<b>Telephone Number:</b>	505-476-7960
<b>E-mail Address:</b>	

**b. State of New Mexico Spaceport Authority**

<b>Client Name:</b>	State of New Mexico Spaceport Authority
<b>Project Description:</b>	Protective Services
<b>Project Dates:</b>	8/5/11 – 10/5/19
<b>Technical Environment:</b>	Armed Guard and Emergency Response Services including firefighting, ARFF, and emergency medical. Billing and cost accounting components are utilized throughout the contract term.
<b>Staff assigned to reference engagement that will be designated for work per this RFP:</b>	Bill Miera, President/CEO (indirect corporate support) Elaine Harlan, Chief Administrative Officer (indirect corporate support) Jai-Sheng Cai (cost accounting support)
<b>Client Project Manager Name:</b>	Zach De Gregorio, Chief Financial Officer
<b>Telephone Number:</b>	575-267-8510
<b>E-mail Address:</b>	

**b. AEPS Corporation – NASA Ames Research Center**

<b>Client Name:</b>	Subcontract with AEPS Corporation to NASA Ames Research Center
<b>Project Description:</b>	Fire and Emergency Services
<b>Project Dates:</b>	9/1/15 – 8/31/20 (including options)
<b>Technical Environment:</b>	Fire and Emergency Services. Billing and cost accounting components are utilized throughout the subcontract term.
<b>Staff assigned to reference engagement that will be designated for work per this RFP:</b>	Bill Miera, President/CEO (indirect corporate support) Elaine Harlan, Chief Administrative Officer (indirect corporate support) Jai-Sheng Cai (cost accounting support)
<b>Client Project Manager Name:</b>	Mariah Kniefely, Director of Contracts
<b>Telephone Number:</b>	561-339-1804
<b>E-mail Address:</b>	mkniefely@aepscorp.com

**c. Leidos, Inc. – Sandia National Laboratories**

<b>Client Name:</b>	Subcontract with Leidos, Inc. to Air Force Research Laboratory Directed Energy Directorate
<b>Project Description:</b>	Illuminator Laboratory Support
<b>Project Dates:</b>	6/18/17 – 7/2/21



<b>Technical Environment:</b>	Technical engineering support. Billing and cost accounting components are utilized throughout the contract term.
<b>Staff assigned to reference engagement that will be designated for work per this RFP:</b>	Bill Miera, President/CEO (indirect corporate support) Elaine Harlan, Chief Administrative Officer (indirect corporate support) Jai-Sheng Cai (cost accounting support)
<b>Client Project Manager Name:</b>	Keith Healey, Program Manager
<b>Telephone Number:</b>	505-853-1642
<b>E-mail Address:</b>	

### 3. Mandatory Specification

#### a) Construction

Fiore maintains an accounting system on the accrual basis in accordance with generally accepted accounting principles. We use the Percentage-of-Completion Method for calculating revenue on our engineering design, development, fabrication, and test projects so we have implemented cost-accounting methods that enable tracking of expenses to accurately project performance against budgeted cost and schedule. These projects offer our clients a range of service categories including engineering, labor, design, physical products and materials, and service support. Each job incurs both direct and indirect costs that fall into numerous categories. Our cost accounting structure is compliant with the contract cost principles and procedures of the Federal Acquisition Regulations (FAR) Part 31. Our cost accounting system is structured to be compliant with Title 48 of the Code of Federal Regulations (CFR) part 9904, Cost Accounting Standard, which are the rules promulgated by the United States Government for determining costs on negotiated procurements. Our annual incurred costs, both direct and indirect, are audited by the Defense Contract Audit Agency (DCAA) for allowability and allocability under flexibly-priced contracts; Fiore is current with all of its incurred cost submissions and has been audited through 2017, our most recently completed fiscal year. Personnel's previous construction accounting experience includes Davis Bacon Service Contract; providing Certified Payroll Reports, tracking hours to submitting invoices, and following up on payment issues. Fiore understands and routinely practices and controls projects using construction accounting methods.

#### b) MS Project

Fiore personnel have previous experience implementing and managing projects using techniques and systems compliant with the American National Standards Institute/Electronic Industries Alliance standard ANSI EIA 748, Earned Value Management System (EVMS), including MS Project. This includes developing work and organizational breakdown structures (WBS & OBS) to create control accounts, resource loaded networks (RLN), and for the sequential scheduling of work by identifying predecessor and successor tasks, and the development of Gantt charts to

## Janet McHard

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**From:** Elaine Harlan <eharlan@Fiore-ind.com>  
**Sent:** Wednesday, September 26, 2018 8:48 AM  
**To:** DeGregorio, Zach, NMSA  
**Cc:** Becky Mullins  
**Subject:** [EXT] Request to Complete Organizational Reference/Past Performance Questionnaire - DUE FRIDAY, SEPTEMBER 28  
**Attachments:** PPQ - Spaceport America for Fiore Industries - RFP-19-495-P770-1888.pdf  
**Importance:** High

Good morning Zach,

Fiore is pursuing an opportunity with the State of New Mexico Spaceport Authority and would appreciate your completing the attached Organizational Reference Questionnaire and returning directly to:

Belinda Benavidez, NM Spaceport Authority  
575-267-8517

[Belinda.Benavidez@spaceportamerica.com](mailto:Belinda.Benavidez@spaceportamerica.com)

In your email please reference: PPQ – Fiore – RFP-19-495-P770-1888 Construction Accounting

Unfortunately, we have a very short timeline on the return of the completed questionnaire as they are due in to Ms. Benavidez no later than this **Friday, September 28, 2018.**

We appreciate any assistance you are able to provide in completing and returning this Organizational Reference form directly to Ms. Benavidez at the email address above at your very earliest opportunity. We would appreciate your acknowledgment of completion and submission.

Thank you in advance for your assistance.

Best Regards,

Elaine

Elaine Harlan  
Chief Administrative Officer  
Fiore Industries Inc.  
8601 Washington St. NE, Suite B  
Albuquerque, NM 87113  
505-255-9797 (o)



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<http://www.fiore-ind.com/>

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DATE: October 18, 2018  
 TO: Belinda Benavidez, Chief Procurement Officer  
 NM Spaceport Authority  
 FROM: Dan Hicks, Chief Executive Officer  
 NM Spaceport Authority  
 SUBJECT: Evaluation Committee Report, Construction Accounting RFP # 19-495-P770-1888

In accordance with the Request for Proposals (RFP) for Construction Accounting issued Sept 7, 2018, three responses were submitted from the following Offerors:

- Fiore Industries Inc.
- BKD CPAs & Advisors
- Beasley, Mitchell & Co.

All proposals were evaluated by the committee. Beasley, Mitchell & Co. was deemed nonresponsive to the RFP criteria. No other responses were received for this RFP.

**Summary of Evaluation Committee Activity**

The Evaluation Committee members are as follows:

- Zach DeGregorio, CFO
- Bill Gutman, Director Aerospace Operations
- Chris Lopez, Director Site Operations
- Dan Hicks, CEO

This Evaluation Committee Report summarizes all criteria used in scoring the responses:

- Oct 2-4, 2018: Proposal reviewed by individual evaluation committee members
- Oct 3, 2018: Evaluation Committee met to evaluate the proposal submitted
- Oct 4, 2018: Selections were announced

**Section IV.B, Technical Specifications**

**Section IV.B.1, Organizational Experience (200 Total Points)**

	<b>Fiore</b>	<b>BKD</b>
<b>Offeror Points</b>	100	95

**Specifications:**

Offerors must: a) provide a description of relevant corporate experience with state government and private sector. The experience of all proposed subcontractors must be described. The narrative must thoroughly

describe how the Offeror has supplied expertise for similar contracts and must include the extent of their experience, expertise and knowledge as a provider of Construction Accounting Services. All Construction Accounting Services provided to private sector will also be considered; b) describe at least two project successes and failures of a Construction Accounting Services engagement. Include how each experience improved the Offeror's services.

**Evaluation Factors:**

Points will be awarded based on the thoroughness and clarity of the response of the engagements cited and the perceived validity of the response.

**Fiore**

The Evaluation Committee awarded Fiore 100 points based on the Offeror's response. The response was very thorough and addressed all requested items.

Fiore described their corporate expertise in various projects with Government customers. They explain how they use construction accounting to achieve project success. They mention specific techniques including percentage of completion method of accounting, work breakdown structure, report generation, and tracking schedule and cost. They also name several accounting systems that they can demonstrate expertise. No subcontractors will be used.

Fiore describes two project successes, and explain they have had no project failures from Construction Accounting Services engagements.

Fiore did not receive full points, because accounting is not the primary function of their firm. Accounting is a secondary skill they have developed for their primary function of technical project engagements. However, the information provided matched the needs required by the Scope of Work. The committee viewed this information positively, and awarded half points for this section.

**BKD**

The committee had similar thoughts about BKD's organizational experience. BKD is primarily an audit firm. While they have developed construction expertise, it is a secondary function of their firm. BKD did not show as much "hands on" experience as Fiore working on projects. BKD was scored slightly lower than Fiore.

**Section IV.B.2, Organizational References (100 Total Points)**

	<b><u>Fiore</u></b>	<b><u>BKD</u></b>
<b><u>Offeror Points</u></b>	67	67

**Specifications:**

Offerors should provide a minimum of three (3) references from similar projects performed for private, state or large local government clients within the last three years. Offerors are required to submit APPENDIX F, Organization Reference Questionnaire, to the business references they list. The business references must submit the Reference Form directly to the designee described in Sec I Paragraph D. It is the Offeror's responsibility to ensure the completed forms are received on or before Friday, Sept 28, 2018 for inclusion in the evaluation process.

Organizational References that are not received or are not complete, may adversely affect the vendor's score in the evaluation process. The Evaluation Committee may contact any or all business references for validation of information submitted. If this step is taken, the Procurement Manager and the Evaluation Committee must all be together on a conference call with the submitted reference so that the Procurement



Manager and all members of the Evaluation Committee receive the same information. Additionally, the Agency reserves the right to consider any and all information available to it (outside of the Business Reference information required herein), in its evaluation of Offeror responsibility per Section II, Para C.18.

Offerors shall submit the following Business Reference information as part of Offer:

- a) Client name;
- b) Project description;
- c) Project dates (starting and ending);
- d) Technical environment (i.e., Software applications, Internet capabilities, Data communications, Network, Hardware);
- e) Staff assigned to reference engagement that will be designated for work per this RFP; and
- f) Client project manager name, telephone number, fax number and e-mail address.

**Evaluation Factors:**

Points will be awarded based upon an evaluation of the responses to a series of questions as per Appendix F. Points will be awarded for each individual response up to 1/3 of the total points for this category. Lack of a response will be awarded zero (0) points.

**Fiore**

The Evaluation Committee awarded Fiore 67 points based on the Offeror's response. Fiore timely received two of the requested three independent references from other customers. The references all gave the highest ratings as "Excellent." No one provided any comments for items that were unsatisfactory.

The committee views this information positively, that it shows Fiore is capable and responsive. The committee awarded 2/3 points for this section.

**BKD**

BKD has the same response for references as Fiore. BKD timely received two of the requested three independent references from other customers. The references all gave the highest ratings as "Excellent." No one provided any comments for items that were unsatisfactory. BKD also received 67 points.

**Section IV.B.3, Mandatory Specifications (400 Total Points)**

	<b>Fiore</b>	<b>BKD</b>
<b>Offeror Points</b>	315	300

**Specifications:**

Offerors submission must respond to each specification listed. These specifications require the Offeror to explain how they will perform the scope of work. The categories are: 1) Construction 2) MS Project 3) MS Excel 4) Teamwork 5) Change Orders 6) Final Costs

**Evaluation Factors:**

Points will be awarded based on the thoroughness and clarity of the response of the engagements cited and the perceived validity of the response.

<b>Categories</b>	<b>Available Points</b>	<b>Fiore</b>	<b>BKD</b>
1. Construction	75	50	60
2. MS Project	50	40	10



3. MS Excel	50	40	40
4. Teamwork	75	65	70
5. Change Orders	75	60	60
6. Final Costs	75	60	60
<b>Total</b>	<b>400</b>	<b>315</b>	<b>300</b>

**Fiore**

The Evaluation Committee awarded Fiore 315 points based on the Offeror's response. The response was very thorough and addressed all requested items. Construction work is not the primary function of Fiore's firm, so they did not receive full points. However, Fiore demonstrated in this section they have relevant expertise in performing accounting on large technical projects for both government and private sector. They addressed many of the specific skills that were requested in the RFP including MS Project, MS Excel, Work Breakdown Structure, and Change Orders. The committee viewed this information positively, and believes the submission shows a detailed understanding of the SOW and have the capacity and capability to perform the work.

**BKD**

The Evaluation Committee awarded BKD 300 points based on the Offeror's response. The response was comparable to Fiore, but BKD received less points because Fiore's submission showed more project experience while BKD emphasized audit experience which was not requested in the Statement of Work.

**Section IV. C. Business Specifications**

**Section IV.C.1, Letter of Transmittal (Pass/Fail)**

	<b><u>Fiore</u></b>	<b><u>BKD</u></b>
<b><u>Pass/Fail</u></b>	Pass	Pass

**Specifications:**

The Offeror's proposal must be accompanied by the Letter of Transmittal Form located in APPENDIX E. The form must be completed and must be signed by the person authorized to obligate the company.

**Evaluation Factors:**

Pass/Fail only. No points Assigned.

**Section IV.C.2, Signed Campaign Contribution Disclosure Form (Pass/Fail)**

	<b><u>Fiore</u></b>	<b><u>BKD</u></b>
<b><u>Pass/Fail</u></b>	Pass	Pass

**Specifications:**

The Offeror must complete an unaltered Campaign Contribution Disclosure Form and submit a signed copy with the Offeror's proposal. This must be accomplished whether or not an applicable contribution has been made.

**Evaluation Factors:**

Pass/Fail only. No points Assigned.

**Section IV.C.3, Costs (300 Total Points)**

	<b>Fiore</b>	<b>BKD</b>
<u>Offeror Points</u>	300	18

**Specifications:**

Offerors must complete the Cost Response Form in APPENDIX D. Cost will be measured by Estimated Annual Contract Cost. This contract is a Time and Materials contract based on billable hourly rates. Submission will estimate annual cost at submitted hourly rates. All charges listed on APPENDIX D must be justified and evidence of need documented in the proposal.

**Evaluation Factors:**

The evaluation of each Offeror's cost proposal will be conducted using the following formula:

$$\frac{\text{Lowest Responsive Offer Bid}}{\text{This Offeror's Bid}} \times \text{Available Award Points}$$

"This Offeror's Bid" will be the "Total Estimated Contract Cost" from APPENDIX D.

Offerors must complete the Cost Response Form in APPENDIX D. This contract is a Time and Materials contract based on billable hourly rates. All charges listed on APPENDIX D must be justified and evidence of need documented in the proposal.

**Fiore**

The Evaluation Committee awarded Fiore 300 points based on the Offeror's response. Fiore was the lowest bidder. The scoring was based on Total Estimated Contract Cost for Year 1. Total Estimated Contract Cost was \$54,998.47 in year one of the contract. The calculation is  $(54,998.47/54,998.47) * 300 = 300$

**BKD**

The Evaluation Committee awarded BKD 18 points based on the Offeror's response. Total Estimated Contract Cost was \$900,000.00 in year one of the contract. The calculation is  $(54,998.47/900,000.00)*300 = 18$

**Section IV.C.4, NM Preferences**

	<b>Fiore</b>	<b>BKD</b>
<u>NM Business Preference</u>	50	N/A
<u>NM Veterans Preference</u>	N/A	N/A

**Specifications:**

To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors must include a copy of their preference certificate in this section.

**Evaluation Factors:**

Percentages will be determined based upon the point based system outlined in NMSA 1978, § 13-1-21 (as amended).

**Fiore**

Offeror submitted NM Resident Business Certificate. Offeror was awarded 50 Points.

**BKD**

Offeror did not submit for the preference. No points were awarded.



	<u>Fiore</u>	<u>BKD</u>
Section IV.B 1. Technical Specifications Organizational Experience (200 Points)	100	95
Section IV.B 2. Technical Specifications Organizational References (100 Points)	67	67
Section IV.B 3. Technical Specifications Mandatory Specifications (400 Points)	315	300
Section IV.C 1. Business Specifications Letter of Transmittal Form (Pass/Fail)	Pass	Pass
Section IV.C 2. Business Specifications Signed Campaign Disclosure Form (Pass/Fail)	Pass	Pass
SUBTOTAL	482	462
Section IV.C 3. Business Specifications Cost (300 Points)	300	18
TOTAL (1,000 POINTS AVAILABLE)	782	480
Section IV.C 4. Business Specifications New Mexico Resident Business Preference 5%	50	N/A
Section IV.C 4. Business Specifications New Mexico Resident Veteran Preference 10%	N/A	N/A
GRAND TOTAL	832	480


**Evaluation Committee Recommendation**

Based on the Evaluation Committee's evaluation of the proposals submitted, as detailed above, the committee respectfully recommends awarding a contract to perform the scope of work as outlined in the Construction Accounting RFP #19-495-P770-1888 to Fiore Industries Inc.; subject to agreement between the NM Spaceport Authority and the selected Offerors. Awarding contract to the recommended Offeror is in the best interest and is most advantageous to the State, the Agency, and Agency clients.

Committee Signature Approval

  
Zach DeGregorio  
Evaluation Committee Member


10/18/18  
Date

  
Bill Gutman  
Evaluation Committee Member


10/18/18  
Date

  
Chris Lopez  
Evaluation Committee Member

10/18/18  
Date

  
Dan Hicks  
Chief Executive Officer

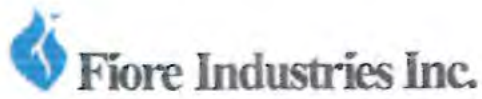
10/18/18  
Date

  
Belinda Benavidez  
Chief Procurement Officer

10-18-18  
Date

# EXHIBIT 19





**FY20 MSR-01: Monthly Status Report**

**Construction Project Accounting Services for Spaceport  
America**

**Professional Services Contract No. 19-495-P770-19020**

**Purchase Order No. 49500-0000002478**

**Reporting Period: July 1 – August 31, 2019**

<b>Date of Submission:</b>	September 12, 2019
<b>Prepared For:</b>	Spaceport Authority 4605 Research Park Circle Suite A Las Cruces, NM 88003
<b>Prepared By:</b>	Fiore Industries Inc. 8601 Washington St NE, Suite B Albuquerque, New Mexico 87113

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*The information contained herein is submitted upon the understanding that it is privileged or confidential within the meaning of the Freedom of Information Act, 5, USC, Sec. 552(b)(4) and as prescribed in Section 14-2-6 NMSA 1978, Section 57-3A-2 NMSA 1978, and Section 58-31-1 NMSA 1978.*

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**1.0 REPORTING PERIOD**

The reporting period is July 1, 2019 through August 31, 2019. One-page summary reports for each project are provided on the following pages. These reports include the following sections:

- Costs vs. budgets
- Schedule
- Issues

**2.0 1-1 SOUTHERN ROAD**

**2.1 COST VS BUDGET**

**2.1.1 Jemez Cost**

- i. Purchase Order (P.O.) No. 49500-0000002480, Revision 1, was issued July 22, 2019. Total funding available for Southern Road (P.O. Line 2-1) is \$115,003.76.
- ii. No invoices were submitted this reporting period.

**2.1.2 Sunstone Cost**

- i. Purchase Order (P.O.) No. 49500-0000002481, was issued July 22, 2019. Total funding available for Southern Road (P.O. Line 1-1) is \$45,000.
- ii. Billed \$3,118.32 of the \$45,000.00 purchase order amount; \$41,881.68 remaining. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	Contract Amount
						Outstanding	Remaining
1-1	005-18-02-05	8/31/2019	\$3,118.32		\$0.00	\$3,118.32	\$41,881.68
			\$3,118.32		\$0.00	\$3,118.32	

**2.2 SCHEDULE**

- Status calls with consultants are scheduled monthly.
- Jemez Activities:
  - i. Over the next twelve months, Jemez will support primary tasks consisting of the following: artifact analyses, preparation of the technical report and forms; addressing revisions requested by the NMSA, and curation of the artifacts.
- Sunstone Activities:
  - i. Consulted and researched with BLM and NPS to identify possible contractors for design and development of exhibits; Met with SRI regarding wayside exhibits experience and scope of work; Prepared SOW for wayside exhibits Phase I – planning; sent to NMSA for review; Participated in Southern Road 1-yr warranty inspection with both Counties. BLM: supported travel requests to Las Cruces to meet with NMSA representatives; and construction contractor; Prepared and distributed meeting notes from road inspection.
  - ii. Anticipates adequate funds remain through November/December 2019; review on monthly basis.

**2.3 ISSUES**

- Nothing to report.



**3.0 2-1 PAYLOAD PROCESSING FACILITY****3.1 COST VS BUDGET****3.1.1 BRPH**

- i. Nothing to report.

**3.2 SCHEDULE**

- Status calls between Fiore and BRPH are scheduled biweekly.
- Effective April 4, 2019, BRPH effort was placed on hold with no projected remobilizing date.

**3.3 ISSUES**

- Determine path forward for remobilizing the project.
- Next tag up with BRPH is October 1, 2019.

4.0 3-1 FUEL FARM

4.1 COST VS BUDGET

4.1.1 Ascent Aviation Group (World Fuel)

A summary of the payments made and invoice in process is provided below:

Voucher #	Description	Amount	Notes
7759	75% of 3000 Gal Jet Refueler	\$159,142.50	paid via check on 7/9/19
7760	75% of 750 Gal Avgas Refueler	96,442.50	paid via check on 7/9/19
7796	15% Milestone payment	585,649.07	paid via check on 7/17/19
7881	25% Milestone payment	134,847.71	paid via check on 8/22/19
7905	50% Milestone payment	976,081.77	paid via check on 8/27/19
TBD	75% Milestone payment	976,081.77	Submitted for processing
Total Paid		\$2,928,245.32	
	100% Milestone payment	976,081.78	
Total Project Price Through Change Order 4		\$3,904,327.10	

4.2 SCHEDULE

- Final acceptance activities have commenced. World Fuel is in the process of reviewing the list that was developed during training and wrapping those items up. They are still waiting for a few fittings to arrive to finalize. Note that with regards to training for VG, these fuel operations training costs will be included in Change Order 5. The tank monitor cost was discussed and has been determined to be above and beyond the original job scope and will be included in Change Order 5 as well. Everything should be signed off week ending September 13, 2019, signifying substantial completion. World Fuel will be completing a list of spare parts for NMSA. To purchase given the remote location and the need to maintain stock. These items will be included in the Change Order 5. State CID inspection was onsite the week ending September 13, 2019.
- Weekly telephonic status meetings continue each Monday, though the time has changed from 1:00 p.m. MDT to 10:00 a.m. MDT.

4.3 ISSUES

- Subject to concurrence with NMSA, per World Fuel, they have been on a 120/150 schedule from project acceptance. They did not get final approval on the change orders discussed and asked for by NMSA until 5/30/19. These change orders impacted initial phases of the scope of work as well as some of the design. This set the clock on the 120/150-day completion. The contractual dates they are adhering to is 9/27/19 for 5% bonus and 10/27/19 for start of \$1,000.00 per work day penalty phase.

Change Order 5 has been submitted and will need to be negotiated prior to final acceptance.

**5.0 4-1 ENVIRONMENTAL**

**5.1 COST VS BUDGET**

**5.1.1 Jemez Cost**

- i. Purchase Order (P.O.) No. 49500-0000002480, Revision 1, was issued July 22, 2019. Total funding available for Environmental Support (P.O. Line 1-1) is \$10,000.00.
- ii. At this time no additional work can be performed until the Purchase Order is modified to provide for increased funds. All funds have been expended.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
2-1	1-FY 2020 (CULTURAL RESOURCES SVCS)	8/6/2019	\$2,276.19	8/22/2019	\$2,276.19	\$0.00	\$7,723.91
	2-FY 2020 (CULTURAL RESOURCES SVCS)	9/6/2019	\$7,709.01			\$7,709.01	\$0.00
			\$9,985.20		\$2,276.19	\$7,709.01	

**5.1.2 Sunstone:**

- i. Purchase Order (P.O.) No. 49500-0000002481, was issued July 22, 2019. Total funding available for Environmental Support (P.O. Line 2-1) is \$50,000.
- ii. Billed \$9,621.91 of the \$50,000.00 purchase order amount: \$40,378.09 remaining.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
2-1	16-18-01-09	8/31/2019	\$9,621.91		\$0.00	\$9,621.91	\$40,378.09
			\$9,621.91		\$0.00	\$9,621.91	

**5.1.3 Zia:**

- i. Purchase Order (P.O.) No. 49500-0000002482, was issued July 22, 2019. Total funding available for Environmental Support (P.O. Line 1-1) is \$50,000.
- ii. No invoices have been submitted to date. Zia has completed tasking in support of Task Order Authorization 006: Dreidel Trespass Surveys; Task Order Authorization 007: SpinLaunch Construction Road and Parking Area; Task Order Authorization 008: SpinLaunch NE Target Alignment; and Task Order Authorization 009: Fenceline Roadway Alignment to Botheel Area. Their anticipated invoice amount for mid-September totals \$14,993. That leaves a balance of \$35,007.

**5.1.4 Ecosphere:**

- i. Purchase Order (P.O.) No. 49500-0000002487, was issued August 7, 2019. Total funding available for Environmental Support (P.O. Line 1-1) is \$125,132.25.
- ii. There are no invoices received for FY20 as of this date.
- iii. They expect first invoice to be submitted early October. SRI, the archaeology firm (and our subcontractor) performing most of the work for this contract, decided to delay billing us until their field work was complete.

**5.2 SCHEDULE**

- Status calls with consultants (Jemez, Zia, Ecosphere, and Sunstone) are scheduled monthly.

**5.3 ISSUES**

- Jemez has indicated additional fund in the amount of \$22,771.88 are required to finalize the El Camino Real Mitigation Project, as well as an additional amount of \$21,687.50 to provide continued Cultural Resources Services. This results in a total of additional funds of \$44,459.38 to continue work.



6.0 4-1 AEROSPACE

6.1 COST VS BUDGET

6.1.1 Andrews Consulting

- i. Purchase Order (P.O.) No. 49500-0000002470, for Qtr. 1, was issued July 18, 2019. Total funding available (P.O. Line 1-1) is \$50,000.00.
- ii. \$14,270.97 of the \$50,000 Purchase Order amount has been invoiced; \$35,729.03 remaining; \$11,810.97 unpaid.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
1-1	201	8/1/2019	\$2,460.00	8/14/2019	\$2,460.00	\$0.00	\$47,540.00
	202	8/29/2019	\$11,810.97			\$11,810.97	\$35,729.03
			\$14,270.97				\$11,810.97

6.1.2 Bougainvillea Breeze:

- i. Purchase Order (P.O.) No. 49500-0000002472 was issued July 18, 2019. Total funding available (P.O. Line 1-1) is \$50,000.00.
- ii. \$8,088.76 of the \$50,000.00 Purchase Order amount has been invoiced; \$41,911.24 remaining; \$7,445.30 unpaid.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
1-1	6	7/24/2019	\$643.46	8/14/2019	\$643.46	\$0.00	\$49,356.54
	7	8/16/2019	\$1,829.06			\$1,829.06	\$47,527.48
	8	9/2/2019	\$5,616.24			\$5,616.24	\$41,911.24
			\$8,088.76				\$7,445.30

6.1.2.1 Bryce Tech:

- i. Purchase Order (P.O.) No. 49500-0000002469 was issued July 18, 2019. Total funding available (P.O. Line 1-1) is \$10,000.00.
- ii. \$4,050.00 of the \$10,000.00 Purchase Order amount has been invoiced; \$5,950.00 remaining.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
1-1	11906 1285 003	7/25/2019	\$4,050.00	8/2/2019	\$4,050.00	\$0.00	\$5,950.00
			\$4,050.00		\$0.00	\$3,118.32	

6.2 SCHEDULE

- Status calls with consultants (Andrews and Bougainvillea Breeze) are scheduled monthly.
- Both Andrews and Bougainvillea Breeze have submitted spend plans. These will be incorporated into a project tracking schedule next month.

6.3 ISSUES

- There has been no contact with Bryce Tech; will coordinate calls with Bryce Tech at direction of NMSA.
- NMSA needs to inmate next funding increment for Andrews Purchase Order.

**7.0 4-1 WEBSITE****7.1 COST VS BUDGET****7.1.1 Sinuate Media:**

- i. There are no invoices received for FY20 as of this reporting period. Pending successful acceptance, an invoice will be submitted early to mid-September for Deliverable 1, Sub 4 in the amount of \$7,200.

**7.2 SCHEDULE**

- Status calls with consultant is scheduled biweekly.
- September 11, 2019 – Scheduled to review all deliverables, establish maintenance phase first steps and meetings. Committee will vote to accept that Sinuate Media met all the deliverables for sub 4.

**7.3 ISSUES**

- None Identified.

**8.0 4-1 PUBLIC RELATIONS**

**8.1 COST VS BUDGET**

**8.1.1 Griffin & Associates Cost**

- i. Purchase Order (P.O.) No. 49500-0000002451, Revision 1, was issued August 16, 2019. Total funding available 102,925.63.
- ii. Invoices submitted to date total \$17,625.91; \$85,299.72 remaining balance.
- iii. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
1-1	719	8/6/2019	\$6,233.96	8/27/2019	\$6,233.96	\$0.00	\$96,691.67
1-1	819	8/30/2019	\$11,391.95			\$11,391.95	\$85,299.72
			\$17,625.91			\$11,391.95	

**8.1.2 Barracuda Public Relations Cost**

- ii. Purchase Order (P.O.) No. 49500-0000002450, Revision 1, was issued August 16, 2019. Total funding available \$113,693.70.
- iii. Invoices submitted to date total \$8,241.66; \$105,452.04 remaining balance.
- iv. A summary of invoices and payments to date follows:

PO Line Number	Invoice Number	Invoice Date	Invoice Amount	Payment Date	Paid Amount	Amount	
						Outstanding	Contract Amount Remaining
1-1	1567C	8/12/2019	\$3,346.22			\$3,346.22	\$110,347.48
1-1	1589C	9/3/2019	\$4,895.44			\$4,895.44	\$105,452.04
			\$8,241.66			\$8,241.66	

**8.2 SCHEDULE**

- Status calls with consultants are scheduled monthly.

**8.3 ISSUES**

- Nothing to report.



**9.0 FINANCIAL REPORT**

Following is a breakdown of all projects cost versus budget for the period ending August 31, 2019.

Contractor	PO#	Line	Description	PO Value	Billed	Unbilled	Paid	Unpaid
Dia	2452	1	Environmental and Cultural Resources	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -	\$ -
Ecosphere	2457	1	Environmental and Cultural Resources	\$ 125,132.25	\$ -	\$ 125,132.25	\$ -	\$ -
Jemez	2480	1	Environmental and Cultural Resources	\$ 20,000.00	\$ 9,985.11	\$ -	\$ -	\$ 9,985.11
Jemez	2480	2	Southern Road Project	\$ 115,005.76	\$ -	\$ 115,005.76	\$ -	\$ -
Sunstone	2481	2	Environmental and Cultural Resources	\$ 50,000.00	\$ 9,622.91	\$ 40,378.09	\$ -	\$ 9,622.91
Sunstone	2481	1	Southern Road Project	\$ 45,000.00	\$ 3,118.32	\$ 41,881.68	\$ -	\$ 3,118.32
Andrews Consulting	2470	1	Aerospace Consulting	\$ 30,000.00	\$ 14,270.97	\$ 35,729.03	\$ 52,480.00	\$ 11,810.03
Loganvillea Breeze	2472	1	Aerospace Consulting	\$ 50,000.00	\$ 6,088.76	\$ 41,911.24	\$ 663.41	\$ 1,445.30
Bryce Tech	2469	1	Aerospace Consulting	\$ 20,000.00	\$ 4,050.00	\$ 5,950.00	\$ 4,050.00	\$ -
Simiate Media	2270	1	Website Development and Support	\$ 36,554.56	\$ 26,768.87	\$ 19,804.49	\$ 8,548.87	\$ 7,200.00
Griffin & Associates	2451	1	Develop and Implement Comm and PR	\$ 132,925.63	\$ 17,625.91	\$ 85,239.72	\$ 6,235.96	\$ 11,892.85
Parracuda Public Relations	2450	1	Develop and Implement Comm and PR	\$ 119,599.70	\$ 8,741.66	\$ 175,457.04	\$ 0.00	\$ 8,741.66
Ascent Aviation Group	2394	1	Fuel Farm Construction	\$ 3,904,327.39	\$ 2,926,245.32	\$ 978,082.79	\$ 1,952,169.95	\$ 976,012.77
<b>Total</b>				<b>\$ 4,662,686.80</b>	<b>\$ 3,019,997.83</b>	<b>\$ 1,642,688.27</b>	<b>\$ 1,975,100.84</b>	<b>\$ 1,044,896.09</b>

**10.0 SCHEDULE REPORT**

An updated copy of the consolidated schedule report inclusive of the spend plans for the companies cited above will be included in next month's report.

# EXHIBIT 20

## Janet McHard

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**From:** DeGregorio, Zach, NMSA  
**Sent:** Sunday, September 15, 2019 5:49 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** Blacker, Guillermo, NMSA  
**Subject:** weekly status update

Hello,

Here is my status for the week:

- This is the 15<sup>th</sup> day straight I have worked.
- Financial Audit. We had auditors on site this week. This is a brand new audit firm. I provided them with a thorough overview and site tour all day on Monday. I negotiated with them a much reduced scope of the audit. This should result in half the level of testing as last year, because our previous audit firm was being overly aggressive in their interpretation of the standards. The audit has gone very well. The accounting team spent the week providing the auditors with documents. The second round of auditing occurs at the end of this month.
- Year End Closing. I now need to complete the full set of financial statements and write the notes. This is due by the end of this month.
- Open House / Ribbon Cutting. The Open House went very well. Susan managed the event. No complaints.
- Board Meeting. The board meeting went very well. Presentation and documentation was ready in advance of the meeting. No issues. [In the closed session of the board meeting, the Lt. Governor agreed to meet with Dominic and request a 15% pay increase for Dan Hicks]
- Economic Study Kickoff Meeting. The board voted to approve the Economic Study. DFA approved the contract in time, with one day to go. We held the kickoff meeting on Thursday all day at the Spaceport, including an hour meeting with the PR teams. After a complete review of the scope of work and deliverables, I am confident they have committed to delivering an excellent report.
- Ron Chavez check. Accounting received and mailed the check for Ron Chavez this week.
- Fuel Farm. World Fuel issued us a change order for \$92,186.04. They intend to send us a second change order for the 5% bonus for completing the project so quickly. I have not reviewed either change order, but I have doubts about whether we should be paying them more money on this firm-fixed-price contract.
- WSMR Check. Accounting received the check for WSMR for the Up Aerospace support. They should pick this up on Monday, in time for their fiscal year end.
- New Accounting Support. Fiore hired the new replacement for Jia-Sheng. This is their attempt to address all the balls they have dropped lately in their accounting support of our projects. I anticipate him spending a week in our office Sep 23 for training.
- MS Teams Lunch and Learn. The office held a lunch and learn, kicking off the agency usage of the internal MS Teams software for collaboration. Accounting immediately started using the software to support the Fuel Farm Accounting project and the Economic Study project.
- Fuel Farm Accounting project. We hired outside consultants to review our setup of the Fuel Farm accounting software to ensure we are meeting all the tax requirements from Tax & Rev. This review will occur over the next 60 days. The kickoff meeting was on Friday. Becky Dean is managing all aspects of the Fuel Farm Accounting. This includes customer invoicing, monthly inventory reporting to Tax & Rev, regularly updating fuel sales prices, and monitoring of the fuel purchase PO.
- GRT Tax collections. Provided reconciliation for all GRT tax collections for the two counties in FY19 to Chris Lopez. He needed this info for community stakeholders.
- Electric bill. The Sierra Electric bill for the spaceport site is 46% higher in August. This must reflect the sudden increase in people using the THF.



- Monthly invoicing. Trained Becky Dean on monthly customer invoicing. We were three months behind in VG utility bills. We are now all caught up, and Becky is taking over this function.
- Made purchases, paid bills, processed travel
- Meetings: Management meeting, Accounting Status Meeting, Fuel Farm Accounting Kickoff Meeting, Economic Study Kickoff meeting, Board Meeting, Project Management conference call with Terry Strach on Economic Study, Calendar sync meeting, Auditor overview meeting

**Zach De Gregorio, CPA**

Chief Financial Officer

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# EXHIBIT 21



# Purchasing

## Legal Authority

The following statutes and regulations pertain to NMSA procurement and are referenced in the sections to follow.

<b>Code</b>	<b>Title</b>	<b>Description</b>
58-31-1 through 58-31-18	Spaceport Development Act	NM Statute that establishes the NM Spaceport Authority
10-15-01 through 10-15-04	Open Meetings Act (OMA)	NM Statute regarding boards and public transparency
14-2-1 through 14-2-12	Inspection of Public Records Act (IPRA)	NM Statute regarding documents and public transparency
13-1-1 through 13-1-199	Procurement Code	NM Statute regarding procurement
Various	NMAC Rules	NM Regulations regarding accounting and procurement for state agencies
Various	Executive Orders	Orders by the Governor regarding state agencies
Various	Policy memos	Guidance from GSD and DFA regarding state agencies
FIN 4	Model Accounting Practices Manual (MAPS) chapter 4	Guidance from DFA on accounting procedures for state agencies

## Background

Spaceport America makes numerous purchases throughout the year. The agency follows the State of New Mexico's rigorous process that requires purchases to be reviewed by the Department of Finance and Administration (DFA). DFA places significant controls over Agencies spending tax-payer dollars to prevent against fraud, waste, and abuse. Due to the numerous controls described in this document, this is an area of low risk for the Agency. Even though the majority of Agency funds are from customer revenue, not tax-payer dollars, all funds, by statute, are required to be held in the state treasury and co-mingled with tax-payer dollars. [58-31-17] DFA maintains oversight over all NMSA funds, and requires controls as if all funds were tax-payer dollars. Given that NMSA still owes significant bond debt which continues to be funded by tax-payer revenue, the public has a vested interest in the spending of all NMSA funds. NMSA funds are non-reverting [58-31-17] and NMSA is exempt from state taxes [58-31-16].

## NMSA Board Authority

NMSA is unique in that the Spaceport Development Act created the authority for the Agency by establishing a public board for Agency oversight. [58-31-4] This is similar to independent financial public bodies like the NM Mortgage Finance Authority. This is different from many other state agencies like the Department of Cultural Affairs, for example, that is managed by a secretary that reports to the Executive branch.



## Central Purchasing Office

The Spaceport Development Act established the NMSA board as a Central Purchasing Office with purchasing authority. [58-31-5(A)(5) and 58-31-5(B)(5)] This is a unique power which means the board does not need to go through General Services Division (GSD) to make purchases, except for specific exceptions. This is different than most other agencies that use GSD to make purchases (like the Department of Cultural Affairs, for example). The board is still required to abide by all NM purchasing regulations while exercising this power. Some of the exceptions that still require GSD oversight for specific purchases include Professional Services contracts, vehicles, office space, and sole source procurements. Although, the establishment of the Central Purchasing Office exempts the board from GSD oversight, it does not remove the board from DFA oversight, and any financial transaction is subject to DFA regulations and approval [58-31-17].

## Chief Procurement Officer

As a Central Purchasing Office, purchases are overseen by the Chief Procurement Officer (CPO) who can make purchases as a State Purchasing Agent. The CPO is currently Belinda Benavidez. The Chief Procurement Officer is certified by GSD and posted publicly on the GSD website. [NMAC 1.4.1.94]

## Open Meetings Requirements

As a public board, all Agency business is required to be conducted in an open meeting in full view of the public. The Open Meetings Act mentions specifically the approval of financial transactions exceeding \$2,500 as requiring approval in public during an open meeting. [10-15-1(H)(6)] The public must be able to know which board members voted for approval.

However, as NMSA makes numerous purchases, it would be impractical to hold board votes on every purchase. NMSA brings all purchases to the board when there is an element of “**discretion**” in the procurement decision that would require a vote. This occurs when the purchase exceeds \$60,000. GSD defines purchases not exceeding \$60,000 as “small purchases.” [13-1-125] Any purchases over this threshold requires an RFP on the basis of “best value” not “best obtainable price” (with some exceptions). Any purchases under this threshold are to be determined by purchasing the best obtainable price. Best obtainable price is determined by obtaining quotes [MAPS 4.3]. This procedure meets the requirement of the Open Meetings Act if NMSA brings all procurements that require discretion to the board for approval in an open meeting, as all other purchases are already made at the best obtainable price, and do not have any decision that requires a vote.

In addition, the board votes on the Agency budget annually which details all expected expenditures by line item.

## Inspection of Public Records

Two main Agency responsibilities related to accounting records come from the Inspection of Public Records Act (IPRA): [14-2-1]

- The Agency must be able to produce accounting documentation upon request by the public
- Agency records must show a record of approval (signature and date) of each purchase

Whether purchases are made internally by NMSA at the best obtainable price or by the board through public vote, the accounting department keeps records of all documents necessary to meet not only the IPRA requirements, but also Government Accounting Standards Board (GASB) requirements necessary



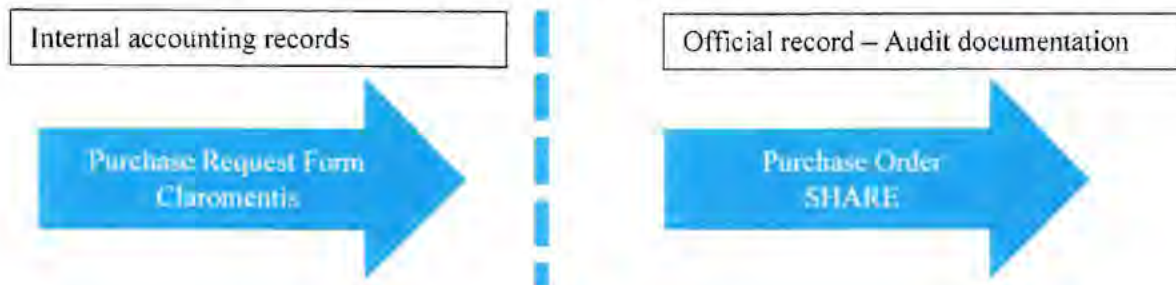
to pass an annual financial audit. NMSA is converting to paperless procedures and all accounting records will be digital starting in FY21.

## Approvals

All purchases require some level of approval. Approval is generated electronically when the SHARE accounting system generates a PO. SHARE contains three levels of approval, (1) originator of purchase (accounting staff), (2) CFO approval (2<sup>nd</sup> level Agency approval), (3) DFA approval (3<sup>rd</sup> level approval). The CFO approval is usually performed by the CFO, but can be the CPO in the CFO's absence. For purchases under \$5,000.00 the 3<sup>rd</sup> level approval by DFA is not required.

**Level 2 approval by the CFO is the official approval on record in SHARE for the Agency.** To make this determination, the CFO relies on backup documentation in the internal Purchase Request (PR) Form process to ensure the purchase is appropriate. The PR Form provides documentation that a Manager has signed and dated the purchase, the CPO has reviewed the purchase for compliance with the procurement code, the CEO has reviewed and approved of purchases over \$1,500.00, and the purchase has attached appropriate quotes to show the purchase is the best obtainable price.

All purchase documentation is maintained electronically in SHARE and Claromentis. For the sake of clarity, the diagram below outlines accounting documentation.



Peard purchases do not require a PO, as the purchase is made within Agency credit limits without an encumbrance in SHARE. In this case, Purchase Request Forms from Claromentis become part of the official record only for Peard purchases. Peard documentation is maintained as separate records to ensure compliance with Peard policies.

When staff receives the PO, this is their approval to purchase with agency funds. To provide clarity for purchases, the use of acronyms are discouraged on accounting forms. The Chief Procurement Officer (CPO) reviews and initials all PR forms and provides additional guidance on the appropriate regulations pertaining to each purchase. If the CPO is out of the office, the CFO can sign for the CPO as long as the CFO is not the other Manager signature on the PR form. The CPO will review the purchase upon their return. Sometimes there may be an immaterial variance in the cost reported on the PR form to the final PO, as the estimate may change by the time the final purchase is approved. No variance above the price approved on the PR form is allowed. In the case of contracts, the contract signatures may act as the approval instead of the PR form. The use of PR forms for inter-governmental transfers is optional. The approval for inter-governmental transfers is performed in SHARE. Deviations from this procedure may be used when the purchase documentation includes a memo describing the deviation by the CFO.

**Bond Funds.** All purchases made with Bond funds require approval from the Executive Director.

**Operational Funds.** The roles for each purchase are as follows.

- 1) Staff member initiates a purchase by filling out a PR Form
  - 2) Department Head signs and dates the PR Form
  - 3) If over \$1,500.00, the CEO signs and dates the PR Form
  - 4) The CPO signs and dates the PR Form
- Department Head approvals are as follows:
    - Business Development - Scott McLaughlin
    - Facilities & IT - Chris Lopez
    - Aero Ops - Bill Gutman
    - Admin - Zach De Gregorio
    - Legal – Melissa Force
    - Capital purchases – Dan Hicks
  - The CFO can sign for other managers.
  - The manager and CEO must be two separate initials.
  - If a manager is absent, another manager may sign for them.
  - When the CPO is absent, the CFO may sign for the CPO if the CFO is not the other manager approval.
  - An email may be used instead of a physical signature.
  - Emergency Procurements require approval by Executive Director. A memo is generated by the CFO and sent to DFA for approval within 5 days of the emergency.
  - During an interim period where the CEO is absent, the CFO can take over the signature role of CEO approval. In that situation, the CFO must designate another manager as the interim signature authority of the CFO.

**State Approval.** Purchases under \$5,000 are approved internal to the agency. Purchases over \$5,000 are approved by DFA. The SHARE system records all approvals. The CPO (Belinda Benavidez) will route purchase documents through the appropriate process according to the thresholds in the following categories:

- Any purchase of goods or services less than \$60k requires selection of the best obtainable price. Best obtainable price is attained by obtaining quotes according to the following limits:
  - Under \$5,000: 1 quote
  - \$5,000 to \$20,000: 2 quotes
  - \$20,000 to \$60,000: 3 quotes
  - Professional Services \$5,000 to \$60,000: 3 quotes
  - Certain exempt items (like magazine subscriptions): 1 quote
  - Statewide price agreement: 1 quote (for most items)
- The lowest credible quote will be selected.
- Purchases for General Services greater than \$60k must be processed as a Request for Proposal (RFP) or competitive bid.
- Professional Service contracts greater than \$5k but less than \$60k must be approved by Contracts Review Bureau (CRB)
- Professional Service contracts greater than \$60k must follow the RFP process unless submitting a sole source request. Must be approved by Contracts Review Bureau (CRB)
- Sole Source Purchases require posting to the Sunshine portal for 30 days and sending notice to the Legislature.



- Board approval is required for purchases that are greater than \$60k made through the RFP process.

## Process Description

### POs

Purchases follow a strict process as outlined below for Direct POs. Deviations from this procedure may be used when the purchase documentation includes a memo describing the deviation by the CFO.

- 1) Employee creates PR form with quotes
  - a. Employee identifies a need.
  - b. Employee searches the statewide price agreements for goods or services needed on NM State Purchasing website.
  - c. Employee performs market research.
    - i. Employee queries as to whether the vendor is listed in SHARE.
    - ii. Employee gathers quotes
  - d. Employee prepares the PR form
- 2) The CFO reviews the purchase request for errors and potential issues
  - a. The CFO evaluates the request for appropriateness
  - b. The CFO checks that the quotes are attached
  - c. The CFO Assigns a GL code
- 3) Manager signs PR form
  - a. Manager with correct authority reviews request and signs and dates the PR form
- 4) CEO signs and dates the PR form (if over \$1,500)
- 5) The CPO signs the PR form, and determines the best way to make the procurement according to the Procurement Code. If the CPO is out of the office, the CFO can sign for the CPO as long as the CFO is not the other Manager signature on the PR form. The CPO will review the purchase upon their return.
- 6) The CPO manages the purchases for large contracts and creates the PO in SHARE.
- 7) The Accountant creates the PO in SHARE for small purchases.
- 8) The SHARE system manages the correct authorization process for different types of POs. SHARE creates an Encumbrance and checks the impact on the budget. The SHARE system records all approvals. Once authorization is granted, a PO is created. The PO is sent to the employee for the purchase.
- 9) The employee makes the purchase.

*All purchases and contracts require involvement from the Chief Procurement Officer to ensure proper procedures are followed. The CFO can fill in for the CPO during absences.*

## Audit Evidence

To ensure this internal control is functioning, the following information can be found in the files.

- 1) **A Purchase Request (PR) form** (PR forms are not required for OPRs, manual journal entries). The PR form will be dated before the PO. The PR form will have the proper signatures. A PR form can be replaced by a memo signed by the agency head explaining the change in paperwork.
- 2) **A Purchase Order (PO) printout.** The PO is approved in SHARE. The date on the PO shows correct authorization. The date on the PO is before the expense was incurred as detailed on the invoice.

- a. An exception to this occurs at the beginning of the FY. The financial system is shut down the first week of the year, and POs cannot be created until the system opens for the new fiscal year. So there may be instances where the invoice is for work dated the first week of the FY, but the PO was created the second week of the FY. This is because the financial system was not open, and the PO was created as soon as possible. This occurs with ongoing purchases like utilities that are authorized each year.
- 3) **An Invoice.** The invoice shows the proper initials for approval for payment.

No other documents are maintained as evidence of internal controls.

## Procurement File System

All procurements are entered in the SHARE system. Additional backup is stored in Claromentis. All accounting files are stored in Claromentis or SHARE.

Each purchase may contain the following documentation if applicable.

- 1) The purchase request with attached quotes and approvals (Claromentis)
- 2) Purchase Order (SHARE)
- 3) Contract/amendments (SHARE)
- 4) Invoices (SHARE)
- 5) Payment Vouchers/record of payment (SHARE)
- 6) Packing slip (Claromentis)
- 7) Related correspondence (Claromentis)
- 8) White papers/memos (Claromentis)

## Pcard Purchases

Sometimes it is preferable to purchase items using the Pcard. Accounting makes this decision and will direct a pcard holder to make the purchase. The purchase process starts out the same. There is no difference for staff in the steps they follow between purchasing through a PO and using a Pcard. The difference is that the cash disbursement is made when the Bank of America credit card statement is received each month. All pcard purchase documentation is kept with the Bank of America statement for that month. Below are the process steps for purchasing with a pcard (Steps 1-5 are the same as when a staff member purchases through a PO). Deviations from this procedure may be used when the purchase documentation includes a memo describing the deviation by the CFO.

- 1) Employee creates PR form with quotes
  - a. Employee identifies a need.
  - b. Employee searches the statewide price agreements for goods or services needed on NM State Purchasing website.
  - c. Employee performs market research.
    - i. Employee queries as to whether the vendor is listed in SHARE.
    - ii. Employee gathers quotes
  - d. Employee prepares the PR form
- 2) The CFO reviews the purchase request for errors and potential issues
  - a. The CFO evaluates the request for appropriateness
  - b. The CFO checks that the quotes are attached
  - c. The CFO Assigns a GL code
- 3) Manager signs PR form



- a. Manager with correct authority reviews request and signs and dates the PR form
- 4) CEO signs and dates the PR form (if over \$1,500)
- 5) The CPO signs the PR form, and determines the best way to make the procurement according to the Procurement Code. If the CPO is out of the office, the CFO can sign for the CPO as long as the CFO is not the other Manager signature on the PR form. The CPO will review the purchase upon their return.
- 6) The CFO directs the Pcard holder to make the purchase.
- 7) The Pcard holder makes the purchase and delivers the receipt to accounting. Variances above the approved amount on the PR Form are not allowed.

## Audit Evidence

To ensure this internal control is functioning, the following information can be found in the files with the monthly credit card statement from Bank of America.

- 1) **A Purchase Request (PR) form.** The PR form will be dated before the transaction date on the Bank of America credit card statement. The PR form will have the proper signatures. A PR form can be replaced by a memo signed by the agency head explaining the change in paperwork.
- 2) **A Bank of America monthly credit card statement.** The credit card statement will show the amount billed.
- 3) **A receipt.** The receipt shows the amount billed and the date on the credit card statement.

No other documents are maintained as evidence of internal controls.

## Travel

Travel reimbursements have their own set of rules that is governed by NMAC 2.42.2 "Regulations Governing the Per Diem and Mileage Act."

### Responsibilities:

- **Staff.** It is the staff member's responsibility to plan their travel, follow state regulations, complete the travel request before the trip, maintain adequate records, and submit for reimbursement.
- **Accounting.** The accounting staff reviews and recommends revisions to the staff's travel requests to meet compliance requirements. The accounting staff reviews reimbursement requests.
- **CFO.** The CFO or CEO signs off on all staff travel requests. The CEO signs off on the CFO's travel requests.
- **DFA.** DFA reviews the reimbursement request and provides final approval.

## Travel Approvals

The following guidance was provided by the Governor's office to Dan Hicks, CEO of the agency: Dan Hicks can approve his own travel and agency staff travel.

## Audit Evidence

- **Trip Request Form.** This is filled out and approved BEFORE a trip is taken.
- **Travel Reimbursement Form.** This is filled out AFTER returning for a trip. This lists out the details of the trip and the expenses to be reimbursed. There can be discrepancies from the trip request as sometimes travel plans change during the trip. For example, staff may be required to stay on travel an extra week, so the cost on the original trip request may be different from the



final cost on the reimbursement form. However, the trip itself must be authorized by a Trip Request Form. The Travel Reimbursement will not be approved unless the Trip Request Form is attached. The travel reimbursement contains all relevant receipts.

This is similar to pcard purchases in that no PO is created for travel, as it is paid directly without an encumbrance. The travel documentation is uploaded into Clarentis by accounting after physical approval signatures are received.

No other documents are maintained as evidence of internal controls.

Deviations from this procedure may be used when the purchase documentation includes a memo describing the deviation by the CFO.

# EXHIBIT 22

**NMSA Board Meeting Notes**  
October 25, 2018 at 10:00am  
AXIOM Public Accountants Office  
316 Osuna Rd NE #401  
Albuquerque, NM 87107

Attendees:

- Rick Holdridge (via phone)
- Laura Conniff (via phone)
- Davin Lopez
- Nathan LaFont
- Rebecca Latham
- Michelle Coons

Rick Holdridge: [00:00:51](#) It is October 25th at 10am. We will call this special meeting to order. We will start with the Pledge of Allegiance.

Unison: [00:01:02](#) [Recite pledge]

Rick Holdridge: [00:02:01](#) Now we will take attendance. [see attendance sheet]

Rick Holdridge: [00:02:58](#) We have a quorum at this point. I'll entertain the motion to approve the agenda.

Laura Conniff: [00:03:03](#) So moved.

Nathan LaFont: [00:03:03](#) Second.

Rick Holdridge: [00:03:12](#) We have a motion and second. All in favor.

Unison: [00:03:18](#) Aye.

Rick Holdridge: [00:03:21](#) Motion carries. Dan Hicks can start the next agenda item.

Dan Hicks: [00:03:25](#) Thank you all for being with us this morning for this quick special session that's focused on three RFP awards that we'd like to get your approval on. Starting with the first one on the agenda, which is the aerospace consulting and I think you should have it all in your package. What we've noticed is there are a number of activities for meetings going on with the space industry around the nation, a lot of it in the DC area. We just don't have people that can cover all of them. So the intent of



this aerospace consultant was to be able to reach out to some experts in the field, hopefully get people that have been in the space industry that are retired, like whether it's a federal employee for the intelligence community or department of Defense or NASA that would want to just give us a few hours and either attend meetings for us and do activities or write the information papers.

Dan Hicks:

[00:04:26](#)

So we put out the solicitation, and got back three very capable companies. And so we selected all of them. The intent is as we go forward with this, it's going to be very task driven. For example, Bryce, one of the companies has some very exceptional talent on them. There's probably a couple of meetings that we would like the leadership of Bryce to attend for us. They've also got some strategic planning business development in the space, community business planning that might help us get forward a little bit on our business plan that we want to do that supports the national sector. So the goal with each of these consultants, they don't do a thing until Karen or I give them a specific task on a work order assignment that says, Hey, we'd like you to do this. Give us a white paper afterwards. This way we can control costs. As you can imagine, consultants are extremely expensive, but it's because of the talent that they have and that's what we've noticed with these three. So that's the first one that we would like to discuss with you. There's any questions on why we're doing this and what the value is to spaceport America.

Rick Holdridge:

[00:05:39](#)

What are the expertise areas for the three companies, for instance, national security, military, NASA, how do they differentiate in that sense?

Dan Hicks:

[00:05:51](#)

Andrew's is got a little bit of NASA background, some expertise with them and Bryce is a little bit of both. The level of talent they have is some retired Generals and the space community from DOD and then the Bougainvillea, which is really a single person, Pete Bythrow, he actually was an expert with the Intel community, with all of our space assets up there. And so when we look at going forward with the Space Force, particularly the responsive space and getting capabilities quickly to space, Pete is one that can say, hey look, we've got to go to an inland spaceport because of his background. So his ability to help papers to get to the right leadership in the Intel community and Dod is important. Andrew, it seems to be a little bit more NASA. Bryce is a little bit of both. Pete is specific to the Intel community, so I think we've got a good coverage of both civil space and Dod space with expertise with this group of leaders.

Rick Holdridge: [00:06:59](#) And how many dollars will we have allocated to the whole thing? Is that in here somewhere?

Dan Hicks: [00:07:06](#) I think Zach can answer that question. I believe for us, how much we've allocated initially?

Zach DeGregorio: [00:07:11](#) The dollar amounts were in the packets we sent out with the award memos. Basically they range between 100 K to 200 k for a year.

Dan Hicks: [00:07:32](#) But again, they don't start on any task until we give them something. And I suspect that we may not spend all of that, like Andrew's, I doubt we'll use all of them. Same thing with Bryce. Pete was the cheapest one and we may go through him a little bit first for some of the white paper information papers that we want. With each of these contracts we had to put a dollar value on it. And so that's like a 100, 200 for each one. They weren't all the same though. I think Pete was the lowest one. Bryce was probably the more expensive one.

Rebecca Latham: [00:08:12](#) So collectively it can be up to \$600,000 in contract awards?

Dan Hicks: [00:08:18](#) Collectively, I don't think it quite gets up there and it was more closer to 400 because I think Pete was closer to one. I mean Andrew's in the middle. Bryce was the high end, so it's about maybe \$450 total.

Rick Holdridge: [00:08:29](#) It is at the bottom of this piece of paper. It is closer to 550 or something like that.

Dan Hicks: [00:08:42](#) Okay. But again my intent is certainly not to use Bryce because they could quickly go through that. None of them really want to spend all the money, but I do want them to focus specifically on a couple of information papers and some business planning documents that will help us. One of the things, the legislature wants is to update the business plan and so to get a little bit of input from them I think would be helpful. Looking at where the space industry is and how us as an inland spaceport can reflect with some of the sectors going. So that's probably a task that we would give them, but we would control that to say, you know, here's the business plan update we would like you to do, here's our amount.

Dan Hicks: [00:09:33](#) But the reflection of those amounts were based on their dollar values. It's amazing what consultants get paid. I was surprised to see that when I looked at Bryce's menu of their expertise and



there's a couple of them that are like \$400 an hour. So we don't want to use that gentleman very often.

- Nathan LaFont: [00:10:33](#) Can you give some examples of the advantages and disadvantages of using the consulting firm for some of these projects as opposed to doing it in house?
- Dan Hicks: [00:10:44](#) So the advantages is the experience you have tapped into. Right now I just don't have on staff and I've got three aerospace engineer vacancies I'm trying to fill and ideally I could get somebody that's a really sharp aerospace engineer that's been around, but what I'm realizing is the talent I'm able to recruit at 80k, which is about what the pay band is. We're an aerospace engineer in New Mexico. Uh, they can get a little bit higher at 88k. Those same people are getting paid 130k and 140k for mid level at any of the space companies. So it's really hard to get that talent. So that's one of the advantages I've got with working with a consultant is I immediately get some very good experience to quickly do some work I need them to do, without bringing on staff because none of them at that level, at least \$400/hr guys or even \$200/hr guys are going to want to come work in New Mexico for 80k. Right? So what we're focusing on with these aerospace engineer vacancies I have is to try and get some good, good talent out there, you know, that have been working for maybe years in the industry but have experience.
- Dan Hicks: [00:12:01](#) That's the advantages of having the consultant where I can get a little bit higher talent experience on our short term to get through some activities that I need
- Rebecca Latham: [00:12:13](#) I think the goal is being that you generate enough revenue resulting from what the consultants can put in place for you or can advise you on to then increase the amount that you're able to pay because while the pay band currently locks you into this amount as a spaceport evolves as an agency, the governance structure, should evolve as well to be more public, private, or to have more opportunity within your enterprise fund to hire outside of the pay band or however.
- Dan Hicks: [00:12:48](#) No, Rebecca, that's exactly where I think we're striving to go ahead and I had a really good discussion with Keith when he came down for the southern road ceremony. And one of the things I thanked him for was the in band increase. I was able to get my staff because my management team, I mean each one of them should be in six figures anywhere in the country for general counsel or CFO. Their capabilities, what they have, but they're working here in the state because they love the mission. But you're right, as we get more revenue coming in and we're at



10 million coming up this year when we get to 15 and 20 million people saying, okay, yeah, we'll get a little more flexibility working with SPO. Set your pay more reflective right now has been a little bit of a battle to get them. Keith has been supportive. But I think as we go through the next couple of years, hopefully we'll be able to get, you know, we're never going to match Space X or Blue and what they pay, but at least we'll get a little closer to the rest of these startup companies that are having the same pay issues with their talent.

Rebecca Latham:

[00:13:52](#)

Well, and I think as long as you are, you know, just a function of government or an arm of government, then you are going to be tied into state personnel and pay bands. I would say look at the New Mexico partnership, for example, that they are contracted by the state but able to be funded by the state without necessarily being a state agency and they're performing a very specific function for the state and economic development. I would say that it's, you know, look at that. Whereas spaceport is contracted by the state to operate, but you are a nonprofit corporation perhaps or you know, something where you're not necessarily state employees.

Dan Hicks:

[00:14:43](#)

Right. So have you been talking to Zach? Zach's got to get a strategic plan on something like that where there'd be a core group of state employees, but then there's an element that's almost operates as a nonprofit that functions as a kind of like at the federal level you have these for FFRDC. What they do is, it's like Sandia labs a lot. Aren't they where they can, they're actually kind of agents of the government, they're not really for profit but they're pay is totally different and that's where I think, you know, that kind of concept is where we want to go to one or two years. I'm looking at, you know, what we've been through the last two years and just working with some of the sentiment in the state about, hey, why isn't virgin flying? Everybody's focused on the old promises. I think we're working through that emotion to where we're at a place now where people see, oh this is real, this space sector is a good economic engine. And I think it will be easier once we are up and running to go to the legislature and the executive branch and say, Hey, here's an idea. So let us set up like this.

Dan Hicks:

[00:16:07](#)

I think Zach's point is the timing right now, this year, last year wasn't the right timing, but we'll get there and that's a good concept that will help us because spo is always going to have a mentality on what their pains are and it's tough to get them to change. Rick, any, any questions on your end, on these rfps? Any other questions?

Rick Holdridge: [00:16:37](#) No, I think it's actually essential for the kind of work that we're getting ourselves involved in, especially if we want to stay more broadly connected to the rest of the industry and to the government. We need people like this because one thing they have the expertise and then they'll make themselves available whereas we're multitasking here locally.

Laura Conniff: [00:17:03](#) I'd just like to add. My son is a partner in an international consulting company so I'll retire early and hope he can take care of me in his old age. But it has been a progression in learning what other people do and it is impressive and one of the things they do and his company, if they are not allowed to tell anyone, including their Mama, who they're working for because it makes that much of a difference to the company they're working. So I think this is very good way to go.

Rick Holdridge: [00:17:54](#) Okay. At this point I'll entertain a motion to accept and approve the staff recommendation to hire all three on a task basis.

Michelle Coons: [00:18:02](#) I move.

Laura Conniff: [00:18:26](#) Second.

Rick Holdridge: [00:18:31](#) We have a motion to second. All in favor?

Unison: [00:18:38](#) Aye.

Rick Holdridge: [00:18:38](#) Motion carries. Thank you Dan. Construction accounting, right?

Dan Hicks: [00:18:46](#) The next one is the construction accounting RFP on the books and has, as you know, we've got fuel farm and some other construction getting ready to occur at the spaceport. Ideally I will have some great news in February and have our capital outlay requests approved. So there'll be a lot of construction happening at the spaceport. It's actually starting today with some small projects, and it will continue over the next couple of years as we get some infrastructure in place. So one of the things we realized as an agency, Zack, our CFO has been spending way too much time, managing receipts, invoices and we have a big construction project like a hanger or a payload processing facility or a taxi way. We really have to work close with the company and ensure that each week we understand what the income outgo is for any of these projects and have that balance as we go forward and to just manage the cost.

Dan Hicks: [00:19:51](#) The example we had recently was mountain states with the southern road, you know, \$14,000,000 to get that built. The

# EXHIBIT 23



## Beth Mohr

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**From:** Hicks, Daniel, NMSA  
**Sent:** Wednesday, April 8, 2020 10:05 AM  
**To:** PETER BYTHROW  
**Cc:** Chris Andrews; McLaughlin, Scott, NMSA; DeGregorio, Zach, NMSA  
**Subject:** FW: [Non-DoD Source] Spaceport America Discussion and Hill Support  
**Attachments:** RE: [EXT] Re: FW: [Non-DoD Source] Hot Response

**Importance:** High

Pete,

Please see the attached email. I thought I cc'd you. My fault for not double checking ( I had Chris on there – not you – sorry).

Please continue the discussions, but we might want them to understand the current status with the two MLA's – maybe they will want to take it from the AFRL PE or just support it?! Let's discuss.

Thank you for keeping this on your radar.

Best always,  
Dan

**Daniel Hicks**  
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Mobile [+1 575 520 6208](tel:+15755206208)  
[daniel.hicks@state.nm.us](mailto:daniel.hicks@state.nm.us)  
4065 Research Park Circle  
Las Cruces, NM 88001

Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)



**From:** Ford, Carter W CTR USSF CSO & CSO/OCSO (USA) <carter.w.ford.ctr@mail.mil>  
**Sent:** Wednesday, April 8, 2020 9:35 AM  
**To:** Wille, Dennis G COL USARMY USSPACECOM J0 (USA) <dennis.g.wille.mil@mail.mil>; Bythrowpf <bythrowpf@aol.com>  
**Cc:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>; Skilling, Ryan W Maj USAF SAF-LL (US) <ryan.w.skilling.mil@mail.mil>; Hernandez, Michelle C Maj USAF (USA) <michelle.c.hernandez6.mil@mail.mil>; Hollywood, Bruce E CIV USAF AFSPC/CV (USA) <bruce.e.hollywood.civ@mail.mil>  
**Subject:** [EXT] RE: [Non-DoD Source] Spaceport America Discussion and Hill Support

COL Wille,

Will do.

V/r,  
Carter

---

**From:** Wille, Dennis G COL USARMY USSPACECOM J0 (USA)

**Sent:** Wednesday, April 08, 2020 10:55 AM

**To:** Bythrowpf

**Cc:** NMSA Hicks Daniel; Skilling, Ryan W Maj USAF SAF-LL (US); Hernandez, Michelle C Maj USAF (USA); Ford, Carter W CTR USSF CSO & CSO/OCSO (USA); Hollywood, Bruce E CIV USAF AFSPC/CV (USA)

**Subject:** Re: [Non-DoD Source] Spaceport America Discussion and Hill Support

Peter

I'm going to connect you to a couple folks in the Space Force & SECAF staff here in the Pentagon and they may also connect you again. Your issue is pretty specific and I want to make sure you are able to communicate to the right person.

Carter, can you make sure to track down the best POC for Dr. Bythrow?

Thank you!  
COL Wille

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**From:** "Bythrowpf" <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>

**Date:** Wednesday, April 8, 2020 at 9:34:12 AM

**To:** "Wille, Dennis G COL USARMY USSPACECOM J0 (USA)" <[dennis.g.wille.mil@mail.mil](mailto:dennis.g.wille.mil@mail.mil)>

**Cc:** "NMSA Hicks Daniel" <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Subject:** [Non-DoD Source] Spaceport America Discussion and Hill Support

Col. Wille,

I'm sure you don't know me. I'm Dr Peter Bythrow formerly the Chief Scientist for DIA/MASINT and previously a senior Space Physicist with JHUAPL working space and missile defense.

Now retired, I am a consultant for the New Mexico Spaceport Authority. I am located in Columbia MD. Rich Coleman gave me your contact info.

I would like to engage in a discussion on the SF use of the Spaceport for future increased launch capacity and security from both the environment and adversarial intervention. I have mentioned this to General Thompson in a very brief meeting at the Capitol Hill Club several weeks ago and he was receptive to the idea.

Currently the more urgent part of this discussion is a request for additional funding by the NM delegation in the FY 21 budget. In particular what PE number to identify with this support.

Please contact me at your earliest convenience.

Thanks.

Pete

Dr. Peter F. Bythrow  
CEO Bougainvillea Breeze LLC  
443-794-0140

# EXHIBIT 24



## Beth Mohr

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**From:** Hicks, Daniel, NMSA  
**Sent:** Monday, May 4, 2020 4:25 PM  
**To:** Roper, Mark, EDD; Tomar, Myrriah, EDD  
**Cc:** Keyes, Alicia, EDD; McLaughlin, Scott, NMSA  
**Subject:** X-Bow and NDAA (FW: [EXT] Re: FW: [Non-DoD Source] Hot Response)  
**Attachments:** NMSA FY21 NDAA Approps Form - Inland spaceport request - Andrews & Tom edit 2 Apr 20 (003).docx

Hello Mark, Myrriah,

Thanks for working with X-Bow. Strategically I think they will be great win for the state.

I understand from Maureen Gannon that you wanted to see the language reference spaceport infrastructure that might get into the next NDAA. The attached request is what Matt Padilla (MLA for SEN Udall) indicated was in SEN Udall's request. We won't know until later this summer what gets into the budget, but we're pretty happy and fortunate to have SEN Udall and SEN Heinrich's support. Please read the email trail from the beginning, as you know these requests take a lot time/coordination. This effort was originally a request from Sean Duggan (MLA for SEN Heinrich).

The good thing is that this request if funded will support companies exactly like X-Bow. Maureen and her team have done a super job of helping to validate the need with our federal legislators. They will need this type of infrastructure. On the strategic front, I've been working hard to find federal funding sources (DoD, DoT, DoC, NASA, etc) to help grow the infrastructure at the spaceport. Please call if you have any questions. I look forward to seeing you all soon.

Best Always,  
Dan

(PS Courtney

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**Chief Executive Officer**  
[daniel.hicks@spaceportauthority.com](mailto:daniel.hicks@spaceportauthority.com)



**From:** Hicks, Daniel, NMSA  
**Sent:** Thursday, April 2, 2020 6:05 PM

**To:** Padilla, Matthew (Tom Udall) <Matthew\_Padilla@tomudall.senate.gov>; Duggan, Sean (Heinrich) <Sean\_Duggan@heinrich.senate.gov>  
**Subject:** RE: [EXT] Re: FW: [Non-DoD Source] Hot Response

Matt, Sean,

Thank you so much for your help. I really appreciate it! Please let me know if any additional info is needed as the process continues.

Hope you both stay safe and take care,  
Best Always,  
Dan

**Daniel Hicks**  
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4065 Research Park Circle  
Las Cruces, NM 88001

Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)



**From:** Padilla, Matthew (Tom Udall) <[Matthew\\_Padilla@tomudall.senate.gov](mailto:Matthew_Padilla@tomudall.senate.gov)>  
**Sent:** Thursday, April 2, 2020 2:35 PM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>; Duggan, Sean (Heinrich) <[Sean\\_Duggan@heinrich.senate.gov](mailto:Sean_Duggan@heinrich.senate.gov)>  
**Subject:** RE: [EXT] Re: FW: [Non-DoD Source] Hot Response

Thanks Dan, got it into our request. Best to you and your team. Stay safe.

Matt

**From:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Sent:** Thursday, April 2, 2020 3:16 PM  
**To:** Padilla, Matthew (Tom Udall) <[Matthew\\_Padilla@tomudall.senate.gov](mailto:Matthew_Padilla@tomudall.senate.gov)>; Duggan, Sean (Heinrich) <[Sean\\_Duggan@heinrich.senate.gov](mailto:Sean_Duggan@heinrich.senate.gov)>; COOLEY, THOMAS W ST-00 USAF AFMC AFRL/RV <[thomas.cooley\\_3@us.af.mil](mailto:thomas.cooley_3@us.af.mil)>  
**Cc:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>; FELT, ERIC J Col USAF AFMC AFRL/RV <[eric.felt@us.af.mil](mailto:eric.felt@us.af.mil)>; KIRCHNER, MICHAEL J DR-04 USAF AFMC AFRL/RVOP <[michael.kirchner\\_3@us.af.mil](mailto:michael.kirchner_3@us.af.mil)>; BUNN, BARRY T DR-05 USAF AFMC AFRL/RV <[barry.bunn@us.af.mil](mailto:barry.bunn@us.af.mil)>; [christopher.ristich@us.af.mil](mailto:christopher.ristich@us.af.mil); [gregory.spaniers@us.af.mil](mailto:gregory.spaniers@us.af.mil)  
**Subject:** RE: [EXT] Re: FW: [Non-DoD Source] Hot Response  
**Importance:** High

Tom,  
Thanks so much for your help and quick edit.

Matt, Sean,

Recommend the following language and PE element. Believe this will be the best line to support these types of space activities.

Thank you so much for your's and the Senator's interest in helping us support the NSS sector with these initiatives.

Best Always,

Dan

**Daniel Hicks**

**Executive Director**

**New Mexico Spaceport Authority**

Office [+1 575 267 8599](tel:+15752678599)

Mobile [+1 575 520 6205](tel:+15755206205)

[daniel.hicks@state.nm.us](mailto:daniel.hicks@state.nm.us)

4065 Research Park Circle

Las Cruces, NM 88001

**Chief Executive Officer**

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)



**From:** Hicks, Daniel, NMSA

**Sent:** Thursday, April 2, 2020 8:34 AM

**To:** COOLEY, THOMAS W ST-00 USAF AFMC AFRL/RV <[thomas.cooley.3@us.af.mil](mailto:thomas.cooley.3@us.af.mil)>; FELT, ERIC J Col USAF AFMC AFRL/RV <[eric.felt@us.af.mil](mailto:eric.felt@us.af.mil)>; KIRCHNER, MICHAEL J DR-04 USAF AFMC AFRL/RVOP <[michael.kirchner.3@us.af.mil](mailto:michael.kirchner.3@us.af.mil)>; BUNN, BARRY T DR-05 USAF AFMC AFRL/RV <[barry.bunn@us.af.mil](mailto:barry.bunn@us.af.mil)>

**Cc:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>

**Subject:** FW: [EXT] Re: FW: [Non-DoD Source] Hot Response

Thanks Chris,

Tom, All,

We'd like to go ahead and send the attached language up to SEN Udall's MLA (Matt Padilla). Please let us know if this language looks appropriate or if any changes are needed. Matt would like it late today if possible.

Thanks again for working with us to help provide needed NSS infrastructure.

Best Always,

Dan

**Daniel Hicks**

**Executive Director**

**New Mexico Spaceport Authority**

Office [+1 575 267 8599](tel:+15752678599)

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**Chief Executive Officer**



[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)



**From:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>  
**Sent:** Thursday, April 2, 2020 7:06 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Subject:** [EXT] Re: FW: [Non-DoD Source] Hot Response

Here a slightly updated version changed a few words in Language and Background #1. Also added PE info  
Chris

Also we still need to discuss what level of support and focus for remainder of fiscal year when you have clarity from Santa Fe.

Chris

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

----- On Wed, 01 Apr 2020 18:48:12 -0400 Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)> wrote -----

Looks like the SpRCO can not support see below. I'll respond to your other email Tom.  
Thanks,  
Dan

Daniel Hicks  
Executive Director  
New Mexico Spaceport Authority  
Office +1 575 267 8599  
Mobile +1 575 520 6208  
[daniel.hicks@state.nm.us](mailto:daniel.hicks@state.nm.us)  
4065 Research Park Circle  
Las Cruces, NM 88001

Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

-----Original Message-----

From: MCNALLY, BROOKE H NH-04 USSF AFSPC SpRCO/SpRCO <[brooke.mcnally@us.af.mil](mailto:brooke.mcnally@us.af.mil)>  
Sent: Wednesday, April 1, 2020 11:37 AM

To: Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
Subject: [EXT] RE: [Non-DoD Source] Hot Response

Dan,

It was good talking with you too. Unfortunately I did wrapped back with the rest of the team this morning & they agree that this isn't a good fit for us either. Hopefully Dr. Cooley can find something that fits your needs better.

I wish you the best of luck. I know your org is very important to the NM committee & we're looking forward to the great things you'll achieve. Thanks for the continued communication, I'm sure we'll talk again soon.

Brooke

Brooke H. McNally  
Deputy Director Space RCO  
[Brooke.mcnelly@us.af.mil](mailto:Brooke.mcnelly@us.af.mil)  
(505) 846-7344

-----Original Message-----

From: Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
Sent: Wednesday, April 1, 2020 9:47 AM  
To: MCNALLY, BROOKE H NH-04 USSF AFSPC SpRCO/SpRCO <[brooke.mcnelly@us.af.mil](mailto:brooke.mcnelly@us.af.mil)>  
Subject: RE: [Non-DoD Source] Hot Response

Good Morning Brooke,

It was great to talk with you yesterday. Thanks for checking with your team on using the SpRCO PE for this NDAA insert. Hope your team sees the value added perspective. Let me know if you need anything additional. I also had a good discussion with Tom Cooley this morning. His Space Vehicle PE isn't the right fit, but he's looking at another line as a backup in case the SpRCO PE doesn't work.

I really appreciate your help.

Best always,  
Dan

Daniel Hicks  
Executive Director  
New Mexico Spaceport Authority  
Office +1 575 267 8599  
Mobile +1 575 520 6208  
[daniel.hicks@state.nm.us](mailto:daniel.hicks@state.nm.us)  
4065 Research Park Circle  
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Chief Executive Officer  
[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

OFFICE OF SENATOR MARTIN HEINRICH  
DEFENSE FORM FY 2021

**Only One (1) Request per Form**  
**Form Must Be Saved in Word Format**

**Project Information**

Defense Authorization OR Defense Appropriation Request? Or Both? Both

Project Title: **Inland Spaceport Resilient and Responsive Launch Capability Improvements**

Service/Federal Agency:

Appropriation Account (if applicable):

Line item or PE title: Tech Transition Program/Experimentation

Line number: 3600: Research, Development, Test & Evaluation, Air Force/ BA 4: Advanced Component Development & Prototypes (AC&P)

PE number: 0604858F/645350

FY19 Enacted Funding: \$84.179M

FY 20 Enacted Funding: \$186.798M

FY 20 President's Budget (PB) Request:

FY 21 PB Request: \$81.522M

Change from FY 21 PB request: +\$23,000,000.00

Language: Bill

*The National Defense Strategy (NDS) stated that Space is now a warfighting domain. As such, the NDS identified investments are needed in space forces that can deploy, survive, operate, maneuver and regenerate while under attack. National Security Access to Space is currently limited to vulnerable coastal locations. Previous reports by the Department of Defense (DoD) to Congress have indicated a willingness to utilize the U.S. inland Spaceports in future planning efforts. These Spaceports have been developed and focused on supporting Commercial Space operations and therefore would require additional investments in infrastructure to enable NSS resilient space access operations. These investments will enable the DoD to begin critical system demonstrations using Commercially developed launch systems, exercises and training at these inland launch locations in order to ensure resilient and responsive access to space is available when needed using Commercially developed launch systems.*

**Request Background**

**1. State in one or two sentences what this request would do if enacted?**

Provide the initial resources for the critical infrastructure needed to support system level demonstration that the Space Force can assess and incorporate into operational plans to provide resilient, responsive access to space using Commercially developed launch systems.



**2. Why it this request necessary?**

Current launches occur from coastal launch locations, which during times of conflict may not be available to perform critical access to space operations. Establishing an inland access to space capability that is resilient and responsive to support warfighting requirements for space-based information, the infrastructure needed to support those operations is needed to be established prior to the actual need. This will allow for Commercial launch providers to begin, along with the Space Force, to establish launch corridors, define flight planning, identify specific policy or legal aspects that would need to be addressed, which could be different for each launch system considered. Establishing the critical infrastructure is a key element to making this capability a reality and available before it is needed.

**3. How does the request respond to Service and/or DOD requirements?**

The NDS identifies Space as a warfighting domain and as such will be required to posture the Space-based capabilities for resilience and invest in areas that can deploy, survive, operate, maneuver and regenerate while under attack. An inland access to space capability that can deliver critical space-based effects during times of conflict will be needed to ensure U.S. forces can continue to support world-wide operations if our coastal launch capabilities are held at risk and unable to perform such missions. The U.S. Space Force is currently developing new requirements for Space Transportation that will include elements of resiliency and responsiveness.

**4. What is the impact of this request for New Mexico?**

Spaceport America (SA) is currently the only inland Spaceport that can support these kind of operations for both horizontal and vertical launch systems. The remote location and proximity to other Government installations provides unique capabilities would be a crucial element for the Nation's ability to provide continuous space access operations during time of conflict. The request will improve facilities at Spaceport America to increase launch capability and launch safety, so that inland orbital launch can occur. This will result in a significant economic benefit for New Mexico while also satisfying a unique DoD requirement.

**5. List other offices to which you have made this request. Is there a lead office?**

None.

**Contact Information**

Requesting Organization's Name, Email, & Phone:

Requesting Organization's Location (city/state):

If Applicable, Washington D.C. Government Affairs Associate's Name, Email, & Phone:

## Beth Mohr

---

**From:** Chris Andrews <chris@andrewsconsultingservice.com>  
**Sent:** Monday, March 18, 2019 5:24 PM  
**To:** Hicks, Daniel, NMSA; Barker, Karen, NMSA  
**Cc:** DeGregorio, Zach, NMSA  
**Subject:** [EXT] Charts for My Discussion with Staff Member for House Appropriations Committee tomorrow morning  
**Attachments:** Space Launch Mission Assurance Overview Package.pptx

Dan/Karen

Attached is a briefing package I developed today and sent to the staffer who supports Congressman Kilmer from Washington State's 6th District. The Congressman is on the House Appropriations Committee for Defense (HAC-D) and sat next to me at a forum I attended last week. The forum was focused on the EELV program and mission assurance and it's impacts to new providers continuing to be competitive with the NSS requirements being added. The staffer followed with me and asked for a phone call to discuss the broad question of space launch and how his boss might be able to help. These chart cover the entire landscape of launch and mission assurance so hopefully he can have some context for the discussion he listened to but, per his own admission, had no idea what was actually being discussed. I hope to have the discussion with him tomorrow primarily on the last few charts and my plan is to offer to develop specifics items that he can put in front of his boss to support. The Congressman has been supportive of items that include Boeing in the past, even though his district is next to where the Boeing facility resides, many employees live in his district.

I have the Boeing folks working to set up a meeting between you and Ms Keyes, assuming she is still coming to Symposium, at Space Symposium next month. I also have reached out to see if we can meet with the Air Force Space Command folks (awaiting response, delayed a little I am sure with the snow storm last week) and I will be reaching out to Aerojet Rocketdyne to see about a meeting with their head of Strategy Jim Maser, a friend of mine.

Hope all is going well.

Chris

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)





### National Security Space Launch Program (formerly EELV): Intermediate to Heavy Lift

**FY2019**

- Phase 2 Acquisition begins
  - RFP scheduled to be released late Mar/early April 2019
  - Award 2 contracts for 5 years (FY22-26 launches)
    - Split NSS Business (25%/25% over 5 years)
    - Awards made on an annual basis

**Operational Missions**

- Evans 2021
- Delta IV
- EMV 2023
- Talon 2 Delivery

**Under Development for Phase 2 Missions**

- Vulcan - LGA
- Orion - NDS
- New Glenn - Blue Origin
- Heavy Lift/Starship - Space X

**Common Development Issues**

- Vulcan GE-4 Booster Engine
- RL10C1 Upper Stage Engine
- Delta IV Solid Rocket Motor Booster Engine
- RL10G1 Lower Stage Engine
- New Glenn GE-4 Booster Engine
- RL10 Upper Stage Engine
- Heavy Lift/Starship Falcon Heavy Engine
- Starliner Upper Stage Engine

US Plans to Develop a Reusable Heavy-Lift Launcher Capable of Heavy-Lift Launches

### National Security Small to Medium Lift Activities

- DARPA Launch Challenge – In Source Selection**
  - Multiple Awards
  - Two Flight Demo to receive Prize
- DARPA XSP Program - Boeing**
  - Reusable First Stage
  - First demo flight in 2020
- Air Force Small Rocket Program – Orbital**
  - Launch Systems up to 150 kg to LEO
  - RFP to be released in March 2019
  - Single launch procurements planned
- AF Orbital/Suborbital Program**
  - Utilizes excess ICBM Assets
  - Expanding to include new launch systems
  - Single launch procurements planned




Year	Acquisition	Program	Performance
2019	2017	2014	2018

Multiple New Small Launch Capabilities Being Developed, USG Should Leverage These Capabilities with Demand to Reduce Industrial Base

### National Security Space Resilient Architecture Framework

Resilient Space Architecture



<p><b>Programs of Record</b></p> <ul style="list-style-type: none"> <li>Increased Protection</li> <li>Maneuverability</li> </ul>	<p><b>Commercial Capabilities</b></p> <ul style="list-style-type: none"> <li>Imagery</li> <li>Communications</li> </ul>	<p><b>Distributed Sensors</b></p> <ul style="list-style-type: none"> <li>Hosted Payloads</li> <li>Commercial International Partners</li> <li>Civil</li> <li>Small Satellites</li> </ul>	<p><b>Technology Demos</b></p> <ul style="list-style-type: none"> <li>Small Satellites</li> <li>Ride Share</li> </ul>
--	---	---	---

Affordable, Reliable Access to Space Enables Space-Based Resilience

### Assured Access to Space – Components that Provide The Crucial Elements to National Security Space

Assured Access to Space



<p><b>Acquisition Strategy</b></p> <ul style="list-style-type: none"> <li>Low Cost</li> <li>Stable Budgets</li> <li>Healthy Industrial Base</li> <li>Diversity of Capabilities</li> </ul>	<p><b>Mission Assurance</b></p> <ul style="list-style-type: none"> <li>Insight into Design and Production</li> <li>Risk Identification and Management</li> <li>Independent Reviews/Assessments</li> <li>Leverage other Users data/experience</li> </ul>
<p><b>Resiliency</b></p>	<p><b>Mission Success</b></p>

Assured Access should be defined as the acquisition and oversight approach that provides the Nation with a sufficiently robust, responsive, resilient and affordable capability enabling (continued) space operations in all levels of conflict.

### How to Obtain Assured Access to Space in a Commercially Dominant Environment

**Space Launch**

- Competition
  - Encourage different business models
    - Traditional
    - New Space
  - Maximize based on needs
- Stable Demand
  - Provides Affordability
  - Creates Stable and Robust Industrial base
  - Enables investment
- Leverage Non-NSS Market as Appropriate
  - NASA
  - Commercial
- Accept risk where appropriate
  - Varying Levels of Mission Assurance
- Diversity of capabilities
  - Payload delivery to orbit
  - Expendable and Reusable
  - Multiple launch site locations

**Space Based Capabilities**

- Specify capabilities that require protecting
  - Strategic vs Tactical
- Multiple layers of capabilities
  - High Value
  - Commercial capabilities
  - Hosted Payloads
  - Other
- Stable, predictable demand
  - Leased/purchased services
  - Dedicated spacecraft
  - Shared mission spacecraft
- Demand Technology Insertion Opportunities
- Ground Systems Relevancy
  - Ensure ground equipment/terminals compatible to utilize space based systems

USG Must Consider and Sustain the Demand While Implementing Multiple Layers of Risk

### Space Launch Acquisition Approaches to Support Assured Access Goals: Mission Assurance

- Highest Risk Event for Space Capabilities is Launch
  - Expendable and Reusable Vehicles
- Numerous USG Studies identified annual rate as key to maintaining reliability
  - Production
  - Launch Operations
- Current Experience shows "retro-fitting" Commercially Developed Space Launch System to support USG Mission Assurance Process not:
  - Affordable
  - Commercially viable
  - Overwhelms Commercial Companies capabilities



USG Biggest Lever in this Increasing Market is to Provide Stable Annual Market Demand

### What Limits the Nation from having Assured Access to Space?

- **Stable Demand**
  - Pipeline of Spacecraft needing a ride
  - Commitment by USG for annual launches
- **USG requirements added to Commercial Products stresses Competitiveness**
- **Launch Range Flexibility**
  - CCAFS expected to be oversubscribed
  - **Already has issues**
    - Boating
    - Air traffic
    - Weather
  - **Establishment of in-land space launch facility needed**
    - Ensure Access to Space
    - Provides schedule flexibility



Assured Access to Space Requires Efficient Space Architectures

# EXHIBIT 25



**Beth Mohr**

---

**From:** Chris Andrews <chris@andrewsconsultingservice.com>  
**Sent:** Friday, November 1, 2019 2:20 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** bythrowpf@aol.com; McLaughlin, Scott, NMSA  
**Subject:** RE: [EXT] Re: SSCI Staff Meeting

Will do

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

----- On Fri, 01 Nov 2019 13:13:28 -0700 **daniel.hicks@spaceportamerica.com** wrote -----

Thanks Chris,

Really appreciate you both working together. Putting all four of brains/connections together will get us further, faster. Thank you.

Dan

**Daniel Hicks**

Chief Executive Officer

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

Office [+1 575 267 8599](tel:+15752678599)

Mobile [+1 575 520 6208](tel:+15755206208)



**Daniel Hicks**

Executive Director

**New Mexico Spaceport Authority**

4065 Research Park Circle

Las Cruces, NM 88001

**From:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>  
**Sent:** Friday, November 1, 2019 8:33 AM  
**To:** Peter Bythrow <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>  
**Cc:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>; McLaughlin, Scott, NMSA <[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)>  
**Subject:** [EXT] Re: SSCI Staff Meeting

Pete

The DARPA Program Manager is Scott Wierzbanski, his email is [scott.wierzbanski@darpa.mil](mailto:scott.wierzbanski@darpa.mil). When she asked for an overview of the XSP Program from DARPA I would have her request an overview of the on-going Military Utility Assessment that is being performed for XSP operations from inland launch locations. This would give additional insight into some of the capabilities the USG is identifying in addition to what the Spaceport America folks can provide. Scott can make sure the right folks accompany him or as a minimum can brief himself, he seems very capable and understands what has been done to date. If she would like a separate mtg with an Air Force person to walk through the Military utility I would suggest Dr Ray Moszecz, he is an AFRL person located in Ballston, VA office area with the Air Force Office of Scientific Research (AFOSR) and has been involved with most of the analysis and fully supportive of what we are trying to do. ([raymond.moszecz@us.af.mil](mailto:raymond.moszecz@us.af.mil)).

Thanks for passing this along

Chris

Chris Andrews

Andrews Consulting Services LLC

(720) 299-3675 (cell)

----- On Fri, 01 Nov 2019 06:09:28 -0700 Peter Bythrow <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)> wrote -----

Dan et al,

Yesterday (Halloween) I met with Jennifer Barrett to get a sense of her support for Spaceport with regard to her Intel Portfolio. She is supportive of the need for an "Inland Range" for hypersonic testing. We discussed Virgin Orbital launches and operations and the need to address orbital launch azimuths from NM.

Jennifer would like to have someone from Spaceport come to DC and brief SSCI Staff on the ins and outs of launch restrictions/permissions that would accompany a launch to orbital from the Spaceport.

We went on to discuss the "Lower Space Layer needed for Hypersonic Defense and its relationship to SDA. I planted two seeds here 1. A small-sat space layer will need multiple launches and expanded launch capability that could be partially supported by NMSA. 2. The XPS could support recoverable launch of multiple small spacecraft launching and recovering at Spaceport.

Further we talked about XPS and its need for a mission and congressional support. Jen's portfolio is the NRO and there are still those in NRO that see small satellites as a future capability enhancer. Hence, XPS as launcher and recovery system could be attractive. Following up on Chris's report I suggested that she ask DARPA for an XPS briefing to SSCI Staff and she thought that would be a good idea.

Chris, can you provide Jennifer ([Jennifer.Barrett@ssci.senate.gov](mailto:Jennifer.Barrett@ssci.senate.gov)) with the best DARPA POC for a request from TTO.

Finally, I spoke with Jen about a return visit. She wants to get back however It won't be in the near future with the CR and NDAA in the works. She mentioned she would like to get Sen Heinrich to the spaceport and would like if possible to coordinate it with meeting the VG folks and again if possible the first VG launch from NM.

-----  
Here's an update on the SSCI TAG (Technology Advisory Group) ... The Tech Advisory group as it was once constituted doesn't exist. However if a Staff member and a Member have a particular interest then they would initiate a study effort.

I suggested that she and Sen. Heinrich back an effort to determine the intelligence applications of a LEO space layer whose primary mission was hypersonic vehicle acquisition and tracking.

The IC has very little insight into the SDA effort as far as I know so the Hill IC folks have little reason to support greater SDA funding. This would give the SSCI a reason to engage with and support SDA.

Pete

PS I'm stalking Steve Kieth to have the same discussion.



## Beth Mohr

---

**From:** Chris Andrews <chris@andrewsconsultingservice.com>  
**Sent:** Wednesday, October 2, 2019 9:02 AM  
**To:** McLaughlin, Scott, NMSA  
**Cc:** Miller, Charles, NMSA; Blacker, Guillermo, NMSA; Hicks, Daniel, NMSA; Peter Bythrow  
**Subject:** RE: [EXT] Re: NMSA // Visit my Staffers on Thursday  
**Attachments:** Spaceport America RLSI White Paper FINAL-190715.pdf; XSP Path Ahead charts for Boeing no backup with AF Markings.pptx

Scott

For the staffer visit tomorrow, I would suggest using one of the previous white paper, specifically the Responsive launch (see attached) since it gets more at the heart of points Pete made in his earlier email. Also I would have available the charts we developed and provided to Boeing on XSP program(see attached). I was not planning on doing any other updates to the RFI response I sent Sunday night unless I heard something back from you or Dan on specific areas to modify prior to its submission around Oct 13th (if my memory serves me correctly)

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

----- On Wed, 02 Oct 2019 10:37:02 -0400 **McLaughlin, Scott, NMSA** <[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)> wrote -----

Pete - good talking with you yesterday.

Chris - are you planning on any more updates to the pitch as you? Or do you suggest we wait for the program briefing.

Thanks,

Scott

P.S. I took Zach and Melissa off the distribution.

## Janet McHard

---

**From:** Hicks, Daniel, NMSA  
**Sent:** Tuesday, December 17, 2019 5:04 PM  
**To:** Jason Hundley  
**Cc:** Mark Kaufman  
**Subject:** Re: How many with you tonight?

Jason  
On my way - lost track of time  
Best  
Dan

Daniel Hicks

Chief Executive Officer

daniel.hicks@spaceportamerica.com

Office +1 575 267 8599

Mobile +1 575 520 6208

---

**From:** Jason Hundley <Jason@xbowssystem.com>  
**Sent:** Tuesday, December 17, 2019 5:42:18 PM  
**To:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>  
**Cc:** Mark Kaufman <Mark@xbowssystem.com>  
**Subject:** [EXT] Re: How many with you tonight?

Under Hundley for 7pm table for 5

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---

**From:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>  
**Sent:** Tuesday, December 17, 2019 5:17:07 PM  
**To:** Jason Hundley <Jason@xbowssystem.com>  
**Cc:** Mark Kaufman <Mark@xbowssystem.com>  
**Subject:** RE: How many with you tonight?

Hello Jason,

Just landed. There will be three of us, myself, Pete Bythrow, and Chris Andrews. Both have rich backgrounds with Sandia and the project.

Thanks for making the reservation!  
Best  
Dan

**Daniel Hicks**  
Executive Director

**New Mexico Spaceport Authority**

Office [+1 575 267 8599](tel:+15752678599)

Mobile [+1 575 520 6208](tel:+15755206208)

[daniel.hicks@state.nm.us](mailto:daniel.hicks@state.nm.us)

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Las Cruces, NM 88001

**Chief Executive Officer**

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)



**SPACEPORT AMERICA**

**From:** Jason Hundley <[Jason@xbowssystems.com](mailto:Jason@xbowssystems.com)>

**Sent:** Tuesday, December 17, 2019 2:30 PM

**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Cc:** Mark Kaufman <[Mark@xbowssystems.com](mailto:Mark@xbowssystems.com)>

**Subject:** [EXT] How many with you tonight?

Dan I was going to call for a res. How many are with you tonight ?

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## Janet McHard

---

**From:** Chris Andrews <chris@andrewsconsultingservice.com>  
**Sent:** Friday, December 13, 2019 5:02 AM  
**To:** Hicks, Daniel, NMSA  
**Cc:** bythrowpf@aol.com; McLaughlin, Scott, NMSA; Blacker, Guillermo, NMSA; Miller, Charles, NMSA  
**Subject:** Re: [EXT] Relevant FY2020 NDAA Language from Conference Report

Sure thing

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

----- On Fri, 13 Dec 2019 00:36:22 -0500 [daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com) wrote -----

Hello Chris and Pete

Would you both be available to join for dinner on Tuesday night with the X-bow team at 7 at the Portifina, Crystal City. Pete this is the Super-Stripi Sandia derivative.

Look forward to seeing you soon.

Best Always  
Dan

Daniel Hicks

Chief Executive Officer

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

Office +1 575 267 8599

Mobile +1 575 520 6208

---

**From:** Bythrowpf <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>  
**Sent:** Thursday, December 12, 2019 4:57:06 AM  
**To:** McLaughlin, Scott, NMSA <[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)>  
**Cc:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>; Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>; Blacker, Guillermo, NMSA <[Guillermo.Blacker@spaceportamerica.com](mailto:Guillermo.Blacker@spaceportamerica.com)>; Miller, Charles, NMSA <[Charles.Miller@spaceportamerica.com](mailto:Charles.Miller@spaceportamerica.com)>  
**Subject:** Re: [EXT] Relevant FY2020 NDAA Language from Conference Report

Chris,

I'd like to meet up with you soon and see where this may fit in with my efforts in discussion with SSCI staff.

Pete

Sent from my iPad

On Dec 11, 2019, at 5:45 PM, McLaughlin, Scott, NMSA  
<[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)> wrote:

Chris,

I am working on an update to the white paper.

If we can get an Inland Launch Challenge moving, for whom and when would you need the next rev?

Scott

**From:** Chris Andrews <[chris@andrewsconsultingservice.com](mailto:chris@andrewsconsultingservice.com)>  
**Sent:** Wednesday, December 11, 2019 9:24 AM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>; McLaughlin, Scott, NMSA <[Scott.McLaughlin@spaceportamerica.com](mailto:Scott.McLaughlin@spaceportamerica.com)>; Blacker, Guillermo, NMSA <[Guillermo.Blacker@spaceportamerica.com](mailto:Guillermo.Blacker@spaceportamerica.com)>; Miller, Charles, NMSA <[Charles.Miller@spaceportamerica.com](mailto:Charles.Miller@spaceportamerica.com)>; bythrowpf <[bythrowpf@aol.com](mailto:bythrowpf@aol.com)>  
**Subject:** [EXT] Relevant FY2020 NDAA Language from Conference Report

Dan/Scott/Guillermo/Charles/Pete

Attached are a couple of charts identifying the specific language that could impact Spaceport America. It appears there were some various cuts in authorization of funding for Space RCO and SDA but until we get a full appropriations bill for FY2020 vs Continuing Resolutions, it may not mean much. The one interesting part was the Section 215 that gives Ms Lord the authority to fund Challenges/Prize type technology demos. So Scott as I think some more about your paper, will need to start thinking about how to put something together that could be presented for consideration as a Prize/Challenge effort at SA.

WRT the infrastructure language in Sec 1609, we will need to develop a plan to work with FAA/AST and the Space Force (formerly AFSPC) to ensure SA is part of the plans and funding. Will pull some thoughts together on this and send out before the holidays.

Chris

Chris Andrews

Andrews Consulting Services LLC

(720) 299-3675 (cell)



# EXHIBIT 26

## Beth Mohr

---

**From:** Gutman, Bill, NMSA  
**Sent:** Monday, July 8, 2019 7:16 PM  
**To:** DeGregorio, Zach, NMSA  
**Cc:** Force, Melissa, NMSA; Lopez, Chris, NMSA; Hicks, Daniel, NMSA  
**Subject:** Re: Bythrow consulting report

What were we thinking? How can we justify paying our consultant to attend our event that involved only students and corporate recruiters (and therefore no credible business prospects). And he was there only two days of five! That's \$2850 per day.

Bill

On Jul 5, 2019, at 11:41 AM, DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)> wrote:

Hello,

FYI... we didn't get any written outputs from Pete Bythrow this month, but I have attached his invoice, so you can see the activities he has been involved with. Thank you.

**Zach De Gregorio, CPA**

**Chief Financial Officer**

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)

<image001.jpg>

**New Mexico Spaceport Authority**

4605 Research Park Circle Suite A

Las Cruces, NM 88001

[Shop SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

*Please help to save paper and consider the environment before printing this email.*

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<Invoice 5 NMSA.pdf>

**CERTIFICATION**

I, Zach DeGregorio hereby certify that the items listed on the attached invoice were received and accepted by this agency on or before June 30, 2017. I also certify that adequate cash and budget existed.

To:

Signed: [Signature] Date: 7/5/19  
**CHIEF FINANCIAL OFFICER**

Send to

**Bougainville Breeze LLC Columbia MD 21046**  
**New Mexico Spaceport Authority**  
 601 E. University Ave. Suite 603  
 Las Cruces, NM 88901

Name: Peter F. Bythrow Date: July 8th 2019  
 Address: 7348 Rocky Creek Drive, Columbia, MD 21046 Billing Period: Jun-19  
 Phone: 443-794-0140 Agmt No: PO 49500-200002209  
 Email: bythrowp@aol.com or bougainvillebreeze@gmail.com Invoice No: 5

Requesting Organization	Details of Services Performed	Date(s)	Hours	Hourly Rate:	Subtotal:
NMSA, Karen Barker	Meet with Spaceport and Spaceport Cup Personnel	6/17/19	2.00		\$400.00
NMSA, Karen Barker	Meet with Spaceport and Spaceport Cup Participants, Meet with Virgin Galactic Staff Beth, Dave and Justin, Strategize with Dan Hicks and Karen	6/18/19	3.00		\$1,500.00
NMSA, Karen Barker	Engage with University participants, Strategize and plan DC meeting with Chris Andrews	6/18/19	8.00		\$1,600.00
Dan Hicks	Initiate engagement meeting with VG and NMSA persons and Mike White OSD R&E	6/20/19	0.50		\$100.00
Dan Hicks	Discuss VG NMSA meeting with Mike Griffin (Answer: Not at this time), Initiate meeting with DIA Director Lt Gen. Ashley, to discuss "Moral" support for Inland test range to support CI.	6/21/19	0.75		\$150.00
					\$3,650.00

**Travel Expenses** (When receipts are submitted employee's liability)

Itinerary:	City, State	Date of Departure	City, State	Date of Arrival
	Columbia MD	17-Jan	Las Cruces NM	17-Jan
	Las Cruces NM	19-Jan	Columbia MD	20-Jan

Airfare:	Airline	Date	From - To	Standard Ticket Price
	Southwest (refundable fare)	17-Jun	BWI-ELP	\$383.66
	Southwest (refundable fare)	19-Jun	ELP-BWI	\$593.66

**Rental Car**

Airline	Company	City & State	Size of Car	# of Days	\$ Rate per Day
	Avis	ABQ NM	Compact	2	\$72.00

**Rental Car Gasoline or Local Transportation:**

Date	\$ Amount
6/19/19	\$33.58

**BWI Parking:** \$66.00

**Private Auto:** # of Miles 35.0 \$ per mile \$0.63

**Lodging:**

Name of Hotel	City & State	No. of Nights	Max. lodging rate	Taxes
Hilton Garden Inn	Las Cruces, NM	2	34	30

**Meals and Incidentals Expenses (M&IE):**

Daily M&IE rate for lodging location	\$ Amount
	\$55.00
Day of Departure and Return @ 75% of daily M&IE rate	\$ Amount
	\$41.25
Number of Days at 100% of allowable M&IE rate	\$ Amount
	\$110.00

**Other:** Provide details of any other expenses claimed below

\$ Amount	\$ Amount
Rental Car Tax and Fees	\$81.66

**TOTAL AMOUNT OF INVOICE: \$8,754.84**

CONSULTANT'S CERTIFICATION: The undersigned certifies that the information set forth herein is true and correct and may be used as a basis for

[Signature]  
 Consultant's Signature

Note: Airfare and rental car changes reflect allowed vs actual cost. The two sets of receipts show differences.



# EXHIBIT 27



**Andrews Consulting Services, LLC**  
 11300 Cemetery Rd  
 Bealeton, VA 22712

# Invoice

Date	Invoice #
7/1/2019	191

Terms	PO #
Net 30	49500-000000...

<b>Bill To</b>
Spaceport Authority Belinda J Benavidez 901 E University, Ste 965L Las Cruces, NM 88001

**CERTIFICATION**  
 I, Zach DeGregorio hereby certify that the items listed on the attached invoice were received and accepted by this agency on or before June 30, 20 19. I also certify that adequate cash and budget existed.

Signed: ZD Date: 7/5/19  
**CHIEF FINANCIAL OFFICER**

Date	Description	Qty	Rate	Amount
5/1/2019	Airfare coach allowable amount America's Cup June		1,296.00	1,296.00
6/17/2019	Mileage Reimb Office to airport personal car 45.3 miles @.58		26.27	26.27
6/21/2019	Reimb Transportation fuel for rental car Spaceport America Cup 6/17-23/19		32.50	32.50
6/23/2019	Mileage Reimb airport to office 43.7 miles @.58		25.35	25.35
6/23/2019	Rental Car Spaceport America Cup 6/17-23/19		525.52	525.52
	<b>Total Reimbursable Expenses</b>			<b>1,905.64</b>
6/23/2019	Per Diem Hotel Las Cruces NM 6/17-23/2019 Spaceport America Cup	6	94.00	564.00
6/23/2019	Per Diem Hotel Tax Prorated		89.94	89.94
6/17/2019	Per Diem M & IE first day 75%	1	41.25	41.25
6/18/2019	Las Cruces NM Meals & Incidentals Exp	1	55.00	55.00
6/19/2019	Las Cruces NM Meals & Incidentals Exp	1	55.00	55.00
6/20/2019	Las Cruces NM Meals & Incidentals Exp	1	55.00	55.00
6/21/2019	Las Cruces NM Meals & Incidentals Exp	1	55.00	55.00
6/22/2019	Las Cruces NM Meals & Incidentals Exp	1	55.00	55.00
6/23/2019	M & IE last day 75%	1	41.25	41.25
6/18/2019	Per Diem Lunch Discount Las Cruces NM		-14.00	-14.00
6/20/2019	Discount for included Breakfast Las Cruces NM		-13.00	-13.00
6/21/2019	Discount for included Breakfast Las Cruces NM		-13.00	-13.00
6/22/2019	Discount for included Breakfast Las Cruces NM		-13.00	-13.00
June 2019	DARPA/Boeing XSP	4	369.30	1,477.20
June 2019	Inland Space Launch Capability	16	369.30	5,908.80
June 2019	Business Plan	3	369.30	1,107.90
June 2019	Spaceport America Cup Attendance	17	369.30	6,278.10
June 2019	Reimbursable Las Cruces Gross Receipts Tax 8.3125%		1,228.00	1,228.00
	<b>Total</b>			<b>€18,961.08</b>

**ORIGINAL**  
**APPROVED**  
ZD  
 Spaceport Authority


# EXHIBIT 28



To:

Send to

**Bougainvillea Breeze LLC Columbia, MD 21046**  
**New Mexico Spaceport Authority**  
 4005 Research Park Circle Suite A  
 Las Cruces NM 88001



Name: Peter F. Bythrow  
 Address: 7346 Rocky Creek Drive, Columbia, MD 21046  
 Phone: 443-794-0140  
 Email: bythrowp@aol.com or bougainvilleabreeze@gmail.com

Date: September 29th 2019  
 Billing Period: Sep-19  
 Agmt No: PO 49500-000002358  
 Invoice No: \$

Labor Expended: (Do not include travel time) Hourly Rate: \$300.00

Requesting Organization	Details of Services Performed	Date(s)	Hours	Subtotal
NMSA, Dan Hicks	Meet with Gillian Bussey and Gary Polansky to discuss NMSA activity with SANDIA and in the National Consortium for Advanced Hypersonics and write short memo.	9/5/19	2.50	\$750.00
NMSA, Dan Hicks	One-on-One meetings at AMOS Conference with Jeff Gossett NASIC, Vince Di Franco USRA, and OSD Hypersonic Tiger team Conference call.	9/18-020	3.50	\$1,050.00
				\$0.00
				\$0.00
				\$0.00
				\$1,200.00

Travel Expenses: (Do not include per diem for 14th and 15th days of travel)

Itinerary	City, State	Date of Departure	City, State	Date of Arrival
	Columbia, MD	17-Sep	Walea-Maul, HI	17-Sep
				Conference Ends 9/20/19
	Walea-Maul, HI	25-Sep	Columbia MD	28-Sep

Airfare	Airline	Date	From - To	Standard Ticket Price
	United	17-Sep	RT BWI-OGG	\$737.60
				\$737.60

Rental Car	Company	City & State	Size of Car	# of Days	\$ Rate per Day
					\$0.00

Rental Car Gasoline or Local Transportation: 

Date	\$ Amount

BWI Parking: 

--

Private Auto: # of Miles \$ per mile  
 on 9/5/19 76.0 \$0.53

Lodging	Name of Hotel	City & State	No. of Nights	Max lodging rate	Taxes

Meals and Incidentals Expenses (M&IE): 

--

Other: Provide details of any other expenses claimed below. \$ Amount

Baggage Fee: 

--

TOTAL AMOUNT OF INVOICE: \$2,087.88

CONSULTANT'S CERTIFICATION: The undersigned certifies that the information set forth herein is true and correct and may be used as a basis for

Peter F. Bythrow  
Consultant's Signature



NM Spaceport Authority  
APPROVED

Spaceport Authority



# EXHIBIT 29



## Beth Mohr

---

**From:** Peter Bythrow <bythrowpf@aol.com>  
**Sent:** Tuesday, December 17, 2019 1:38 PM  
**To:** Hicks, Daniel, NMSA; McLaughlin, Scott, NMSA  
**Cc:** Chris Andrews  
**Subject:** [EXT] NRO meeting Friday the 13th

Dan,

As you know these meetings are classified and a report on details cannot be presented in this medium. However the classified topics were hardly a Spaceport issue. Generally the discussion and briefings were on the topic of PNT reliability in Air, Sea Ground and Space domains.

The topic of primary interest to NMSA was discussed after the formal presentations and after the formal meeting. That was "Launch Resiliency" and the inherent value of commercial and federal use spaceports. I connected with Ravi Chaudhary from FFA and Commerce as well as with Jim Puket of NRO. Both Ravi and Jim are interested in learning more about Spaceport America and determining what would be needed to expand capability for launch to Orbit.

I suggested that it this could be a good topic for a joint briefing to the gathered group on "Launch Resiliency and Coastal Launch Site Vulnerability to Environmental and Enemy Attacks". I suggested that we could lead an effort to develop this briefing together with Ravi from Commerce. Jim asked when? Since he has a meeting every 2 months I suggested we do it for his April meeting if I get a favorable response from you.

I ran this by Chris during a call Friday afternoon and I think he likes the idea. Ill know more tonight.? Piecing this together over the next three months, I estimate will require about 30hrs my time and some similar increment from Chris.

What do you think?

See you at 1900.

Pete

**Beth Mohr**

---

**From:** Peter Bythrow <bythrowpf@aol.com>  
**Sent:** Monday, September 2, 2019 9:46 AM  
**To:** Hicks, Daniel, NMSA  
**Subject:** [EXT] Memo on Hypersonic Technology Conference  
**Attachments:** HTSC MEMO.docx

Dan,

Please see attached memo. I think you may know some of the folks I have listed from your days at WSM. Dr Zmuda and Joel Shady have recollections of you.

Let me know how you want to proceed with setting dates and with Hill engagements.

Thanks,

Pete

Hope you had a good Labor Day. My wife is working so I figured I ought to be as well.

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MEMO TO: Mr. Dan Hicks Director, Spaceport America  
FROM: Dr. Peter F. Bythrow National Security Consultant  
RE: Hypersonic Technology & Systems Conference 26-29 Aug 2019

*MEMO: Limited by Classification. I will have access to my classified notes that will be delivered to DIA in a couple of weeks.*

- Day 1 a. Hypersonic Defense  
b. Thermal Materials and Management
- Day 2 a. Major Programs Overview  
b. OSD, Army, Air Force, Navy, STRATCOM, INDOPACOM
- Day 3 a. Service Programs  
b. Boost Glide and Air Breathing  
c. Engine and Booster technology Programs  
d. Materials  
e. Sensors
- Day 4 a. Seekers, materials and Modeling  
b. Flight Test

Key Personages for NMSA Contact and Visits:

High Level

1. Mike White/Walt Rutledge, Hypersonic Program Director/Deputy, OSD
2. LTG L. Neil Thurgood, Direct Hypersonics, Directed Energy... Rapid Acquisition Office ASA AT&L
3. Keith Englander, MDA
4. Gary Polanski, SANDIA

Working Level

1. Joel Shady Test Director for Boost Glide, SMDC, Army/Navy programs
2. Marianne C. de Varona JHU/APL Flight Test Facility Study-Lead for OSD
3. Dr Mike Zmuda Army T&E Command Flight Test Facility Study-Lead, Army
4. Frank Bellinger Tech Director NASA Wallops Flight Facility
5. Andrew Knoedler DARPA HAWC Program Manager
6. Lt. Col. Olivia Elliott Deputy-DR AF for HAWC Program
7. Dr Hendrick Lambert MIT LL High Altitude Airship support to Flt Test.

Overall Impression of the Hypersonic Program:

1. Lots of moving parts connected by rubber bands, going fast to make a weapon and to catch-up to and surpass the Chinese and Russian effort.

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2. Land, Sea and Air approaches with some parts of each intending to use the basic SANDIA designed aeroshell.
3. Obvious inter-service and DARPA rivalry attempting to be led by OSD R&E where the deep pockets are.
4. Real dedication by all to the mission of having a useable/fieldable (note not necessarily useful) weapons system by 2023.
5. Army says X number of operational launchers by 2023, AF says multiple platform (B52, B2, B1, F15) deployable weapon by 2024 and Navy surface and submarine by 2025.

What this means for NMSA

Lots and lots of testing to include flight tests of both Boost Gliders and Air Breathers, engine tests, booster tests component tests all at a pace exceeding once per month over the next five to ten years.

The entire Service, OSD, DARPA team concedes that there are not enough test sites nor is there enough test ranges to address the sheer numbers of tests expected. There are also concerns of cost, test sensors, logistics and counter-intelligence.

Current Pacific and Atlantic BOA ranges are busy and somewhat expensive and logistically difficult. Current inland CONUS Ranges are relatively short even Mountain Home UT to WSMR is only 800nmi and a round trip is claimed to not be operationally demonstrative.

So here are the things I think we can do next:

1. Joel Shady: Joel is the test director for the Army/Navy/OSD Hypersonic test program. He has led the HGV tests since the first successful test in 2011 through the latest successful test of a NAVY variant in 2018. Joel will continue in this role throughout the test program. I talked with Joel while he was discussing new opportunities for a test range with Wallops folks. He would be happy to visit and review with you what the Spaceport would need to have in order to support future tests. I think based on his schedule we could arrange that in November.
2. Andrew Knoedler ([andrew.knoedler@darpa.mil](mailto:andrew.knoedler@darpa.mil)) DARPA HAWC Program Manager & Lt. Col. Olivia Elliott Deputy-DR AF for HAWC Program: The HAWC Program is the AF/DARPA air-breathing effort in hypersonics. Currently they drop test from a B52 out of Edwards AFB. I discussed the opportunities they might have at NMSA and both were interested. I think initiating a discussion with George W as to use of the White Knight as a drop vehicle may help sway their focus on Edwards. Additionally unlike the HGV a "Round Trip" flight test may still be operationally relevant. I plan a meeting with Andrew in October.

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3. Gary Polansky (glpolan@sandia.gov): Gary (with SANDIA) has been the driving force behind the conversion of the "Swerve" design from a MaRV to the US' first successful boost glide hypersonic vehicle. With two successful flight tests and another planned for early FY 20, Gary will help transition the SANDIA effort to industry. SANDIA will not stop its efforts on improvement and other HGV designs. The numerous tests that will be necessary to develop an HGV defensive weapon will also stress the current Flight Test and Range capacity. I suggested to Gary that we visit with NMSA as soon as he can make time. Since he is in ABQ a meeting for a day the Spaceport shouldn't stress anyone's calendar.
4. Marianne de Varona (Marianne.DeVarona@jhuapl.edu): Marianne is the lead for the OSD funded effort to study expanded FT Range needs (SOAR-H). Her one inland range as I mentioned previously was MH to WSMR. I think it worthwhile for me to meet with her here (JHUAPL is 2mi from my house) and discuss NMSA options and longer range flights.

In summary the conference was wholly worthwhile attending to gather insight into where the overall hypersonics program is going. There is \$2.6B in the budget this year for Hypersonic Offense and \$250M for Hypersonic Defense. OSD, Industry and the Hill are not overlooking the disparity between these numbers. However as the rush for a piece of the pie continues there will be efforts to support what exists over what is new and considered a "side effort". From the NMSA perspective we need to be aggressive in finding our niche and we need not be timid in using every political opportunity both Federal and State available to us to assure NMSA secures a role in the future of Hypersonics.

If the nation intends to remain aggressive on this program and intends to truly overtake our Great Power competitors then a \$2.6B budget in FY 20 must continue to increase in the coming years.

Pete

Dr. Peter F. Bythrow  
[bythrowpf@aol.com](mailto:bythrowpf@aol.com)  
443-794-0140

UNCLASSIFIED

# EXHIBIT 30



## Activity and Financial Report for NMSA – 1-31 August 2019

### Professional Services Contract Details:

Andrews Consulting Services, LLC  
11300 Cemetery Road  
Bealeton, VA 22712  
Contract Number: 19-495-P770-19016

### August 2019 Activities:

- Inland Space Access Capability:
  - Provided team with notes from my visit to Air Force Space Command (AFSPC). Discussions I held were to better understand future space-based architecture and impacts on future launch needs. Also had discussions to better understand AFSPC desires for more responsive launch capability.
  - Began collecting current requirements for Space Launch and assessing them against responsiveness and survivability.
- Supported meeting with Dan Hicks and Boeing to discuss current status of XSP Program.
- Supported meetings with Dan Hicks at Department of Transportation (DoT) and Department of Commerce (DoC) to discuss Spaceport America capabilities, status and discuss areas where Spaceport America can support DoT/DoC issues that impact Spaceport America.
- Quick Response Items:
  - Provided papers that had been developed supporting Responsive launch and hypersonics testing using XSP to Dan Hicks in support of Meeting with Defense Science Board member.

### Near-term "Big Win" Opportunities:

- None Identified this month

### Planned Activities for Next Month:

- Continue to work with XSP Program to establish Spaceport America as base of operations
- Continue to support advocacy for use of Inland Spaceport capabilities for National Security Space capabilities.
- Complete assessment of Launch requirements and develop approach to use with AFSPC to develop a requirement that would support in-land space launch capability. Overall plan on how to implement will be developed and initiated.

Andrews Consulting Services LLC

**Labor Totals**

Support Category	Total Hours	Expended in August 2019	Hours Remaining
1. Inland Space Access Capability	150	26.0	119.5
2. Hypersonic Testing at SA	80	1	79
3. Congressional Tracking	30	0	30
4. Quick Response Items	20	1	18
5. Long-term Strategic Plan	30	0	30
6. Identify "Big Wins" for SA	30	0	29.5
7. Support America Cup	20	0	20
<b>Total</b>	<b>360</b>	<b>28.0</b>	<b>326</b>

**Summary of August 2019 Expenses:**

**Labor**

Support Category	Hours	Rate/hr	Sub-Total
1. Inland Space Access Capability	26.0	\$378.53	\$9,841.78
2. Hypersonic Testing at SA	1	\$378.53	\$378.53
3. Congressional Tracking	0	\$378.53	\$0
4. Quick Response Items	1	\$378.53	\$378.53
5. Long-term Strategic Plan	0	\$378.53	\$0
6. Identify "Big Wins" for SA	0	\$378.53	\$0
7. Support America Cup	0	\$378.53	\$0
<b>Total</b>	<b>28.0</b>		<b>\$10,598.84</b>

**Las Cruces Gross Receipts**

Las Cruces Gross Receipts Tax		8.3125%	\$881.16
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**Travel/ODCs**

Travel/ODC Expended August 2019	Travel/ODC Expended to Date
\$330.97	\$330.97

**Invoice Totals**

	August 2019 Invoice	Invoiced to Date	Total PO Value	Funds Remaining
<b>Total</b>	<b>\$ 11,810.97</b>	<b>\$14,270.97</b>	<b>\$50,000.00</b>	<b>\$35,729.03</b>

**Upcoming Travel, other Costs Expected:**

Local travel in DC area to support meetings as required





STATE OF NEW MEXICO  
 SPACEPORT AUTHORITY  
 4605 Research Park Circle Suite A  
 Las Cruces, NM 88001

ACH Remittance Advice

**State of New Mexico**  
 Department of Finance & Administration

ANDREWS CONSULTING SERVICES LLC  
 11300 CEMETERY ROAD  
 BEALETON, VA 22712-7706  
 United States

Date	Payment Amount	Reference
Sep/19/2019	\$11,810.97	3000842895

DFI ID:102000076

Bank Account: \*\*\*\*\*4040

**NON-NEGOTIABLE**

Business Unit : 49500

Payment Date: 09/19/2019

Reference: 3000842895

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discounts	Late Charges	Paid Amount
202	Aug/29/2019	00007965	11,810.97	0.00	0.00	11,810.97

Supplier Number	Name	Bank Charge	Transfer Cost Cd		
0000138758	ANDREWS CONSULTING SERVICES LLC	\$0.00			
Reference	Date	Total Gross Amt	Total Discounts	Total Late Charges	Total Paid Amt
3000842895	Sep/19/2019	\$11,810.97	\$0.00	\$0.00	\$11,810.97

**Beth Mohr**

---

**From:** Chris Andrews <chris@andrewsconsultingservice.com>  
**Sent:** Saturday, January 18, 2020 2:25 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** McLaughlin, Scott, NMSA; DeGregorio, Zach, NMSA; Elaine Harlan  
**Subject:** [EXT] Updated FY2020 Work Plan  
**Attachments:** Updated Work Plan Jan 2020.docx

Dan

Attached is my proposed reallocation of the remaining hours I have under contract for FY2020 based on changing needs and allowing for me to support the upcoming Dept of Commerce visit to SA and provide support, as needed, during the Space Symposium Mar 30-Apr 2. The travel funds I set aside for FY2020 will support the mtg in Feb and the SA Cup in Jun. Let me know if you have any questions or have alternative allocations.

Chris

Chris Andrews  
Andrews Consulting Services LLC  
(720) 299-3675 (cell)

## Updated Work Plan for January 1 2020 -June 30 2020

### Professional Services Contract Details:

Andrews Consulting Services, LLC  
 11300 Cemetery Road  
 Bealeton, VA 22712  
**Contract Number:** 19-495-P770-19016

In order to provide the necessary support for the remainder of FY2020 (January – June 2020), the following proposed reallocation of remaining hours shown in Table below is provided. This reallocation allows for support for development of a Strategic Plan while maintaining support for Inland Space Access capability support. I have also increased the number of hours within the Support America’s Cup to enable some level of support during the Space Symposium for meetings with key government and industry. I included hours in the Identify “Big Wins” for SA to support the Department of Commerce meeting in February.

My current effort for FY2020 included \$11,000.00 for travel, so the trips for the Department of Commerce meeting in February and the Spaceport America Cup will be covered within that amount along with any local travel support needed in the DC area for the rest of FY2020.

### Labor Totals

Support Category	FY2020 Total Hours (Original Allocation)	Hours Remaining for Jan – Jun 2020	Reallocation of Hours
1. Inland Space Access Capability	150	49.0	60
2. Hypersonic Testing at SA	80	76	5
3. Congressional Tracking	30	6.5	5
4. Quick Response Items	20	16	5
5. Long-term Strategic Plan	30	15	80
6. Identify “Big Wins” for SA	30	27.5	15
7. Support America Cup	20	20	40
<b>Total</b>	<b>360</b>	<b>210.0</b>	<b>210.0</b>



# EXHIBIT 31

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Tuesday, September 17, 2019 1:42 PM  
**To:** Joanie Griffin  
**Cc:** Banuelos, Rosa I, NMSA  
**Subject:** RE: [EXT] Fwd: Spaceport - 2019-08-27

This is on Dan's desk. He is still making the decision.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority  
4605 Research Park Circle Suite A  
Las Cruces, NM 88001  
[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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**From:** Joanie Griffin <[jgriffin@sunny505.com](mailto:jgriffin@sunny505.com)>  
**Sent:** Tuesday, September 17, 2019 12:27 PM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** [EXT] Fwd: Spaceport - 2019-08-27

Where are we at on getting the P.O. for them?

----- Forwarded message -----  
**From:** Swan, Erika <[ErikaSwan@clearchannel.com](mailto:ErikaSwan@clearchannel.com)>  
**Date:** Tue, Sep 17, 2019 at 11:51 AM  
**Subject:** RE: Spaceport - 2019-08-27  
**To:** Joanie Griffin <[jgriffin@sunny505.com](mailto:jgriffin@sunny505.com)>

Joanie,

Good morning!

I thought I would just follow up to see where this is in the process.

Also, we are going to be down in Las Cruces in early October, and I would really like to meet staff at the Las Cruces office, and introduce my son to them. Let me know if it would be ok for me to reach out to them.

Thank you!

ERIKA

Erika Swan

Senior Account Executive

458 Industrial Ave. Albuquerque, NM 87107

O 505.219.4730 M 505.710.8450





**From:** Joanie Griffin <[jeriffin@sunny505.com](mailto:jeriffin@sunny505.com)>  
**Sent:** Tuesday, August 27, 2019 3:11 PM  
**To:** Swan, Erika <[ErikaSwan@clearchannel.com](mailto:ErikaSwan@clearchannel.com)>  
**Subject:** Re: Spaceport - 2019-08-27

On behalf of Spaceport America, please hold these billboards for us. We will do everything humanly possible to get you the P.O. by 9-16.

On Tue, Aug 27, 2019 at 2:57 PM Swan, Erika <[ErikaSwan@clearchannel.com](mailto:ErikaSwan@clearchannel.com)> wrote:

Joanie,

Here is the proposal for the Spaceport. Please note, to post on 9-30-19, we would need the purchase order and the production file by 9-16-19.

Let me know if you think that timeline can work. I think it would be great to have this up before Balloon Fiesta because the amount of tourism between ABQ and Santa Fe at that time.

Please send back an email confirming this plan, and I will get everything held. I can also send you a contract to send to them, as well.

Thank you!

ERIKA



Joanie Griffin  
Sunny505  
RESULTS PRODUCING MARKETING, PUBLIC RELATIONS AND ADVERTISING  
[jgriffin@sunny505.com](mailto:jgriffin@sunny505.com)  
[sunny505.com](http://sunny505.com)

119 Dartmouth Dr. SE  
Albuquerque, NM 87106

c) 505-261-4444

p) 505-764-4444 x222

f) 505-764-8636



Joanie Griffin  
Sunny505  
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119 Dartmouth Dr. SE  
Albuquerque, NM 87106

c) 505-261-4444

p) 505-764-4444 x222

f) 505-764-8636

## Janet McHard

---

**From:** Swan, Erika <ErikaSwan@clearchannel.com>  
**Sent:** Friday, April 24, 2020 9:43 AM  
**To:** DeGregorio, Zach, NMSA  
**Cc:** Joanie Griffin  
**Subject:** [EXT] RE: Outstanding invoice  
**Attachments:** New Mexico Spaceport PS# 293961 Outstanding Invoice.pdf

Zach,

This invoice was from 2-24 to 3-1, so it must have been missed. The sign was taken down, but you are still responsible for paying for the full campaign.

Please let me know if there is anything else you need from me. The total amount of the Purchase Order was \$14,000, and the total billed from Clear Channel Outdoor was \$13271.65

Thank you!

ERIKA

**Erika Swan**

Senior Account Executive

458 Industrial Ave. Albuquerque, NM 87107

☎ 505.219.4730 📠 505.710.8450



**From:** DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>

**Sent:** Friday, April 24, 2020 9:32 AM

**To:** Swan, Erika <ErikaSwan@clearchannel.com>

**Cc:** Joanie Griffin <jgriffin@sunny505.com>

**Subject:** Re: Outstanding invoice



— Thanks for the email Erika. I thought we already paid the final bill. The sign was taken down. Can you please check?

Sent from my Verizon, Samsung Galaxy smartphone

**From:** Swan, Erika <[ErikaSwan@clearchannel.com](mailto:ErikaSwan@clearchannel.com)>  
**Sent:** Friday, April 24, 2020 9:28:10 AM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Cc:** Joanie Griffin <[griffin@sunny505.com](mailto:griffin@sunny505.com)>  
**Subject:** [EXT] Outstanding invoice

Zach,

I hope all is well during these strange COVID-times.

We are still awaiting payment for this last invoices for NM Spaceport.

Can you give me an update ASAP when it will be paid, as it was issued in February 2020.

Thank you!  
ERIKA

**Erika Swan**  
Senior Account Executive

458 Industrial Ave. Albuquerque, NM 87107  
O 505.219.4730 M 505.710.8450



# EXHIBIT 32

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Tuesday, July 16, 2019 11:51 AM  
**To:** Michelle Coons; Rick Holdridge; Hicks, Daniel, NMSA; Force, Melissa, NMSA; Lopez, Chris, NMSA; Gutman, Bill, NMSA; Blacker, Guillermo, NMSA  
**Subject:** RE: Spaceport Finance Plan  
**Attachments:** Spaceport America Bond Team .docx

As a follow up to yesterday's Financial Plan, I have attached a breakdown of all the different team members I have been talking to. This is my proposed bond team.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



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**From:** DeGregorio, Zach, NMSA  
**Sent:** Monday, July 15, 2019 5:25 PM  
**To:** Michelle Coons <Michelle.Coons@wafd.com>; Rick Holdridge <rholdridge@zianet.com>; Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>; Force, Melissa, NMSA <Melissa.Force2@spaceportamerica.com>; Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>; Gutman, Bill, NMSA <bill.gutman@spaceportamerica.com>; Blacker, Guillermo, NMSA <Guillermo.Blacker@spaceportamerica.com>  
**Subject:** Spaceport Finance Plan

Hello,

To follow up on today's bond call, I have attached my recommendation for an ideal bond refinance. Let me know your thoughts.

**Zach De Gregorio, CPA**  
Chief Financial Officer  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
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# Spaceport America Bond Team

The Spaceport America Gross Receipts Tax Bond is a unique refinance. The Agency is attempting to go from a “junk bond” status to a AAA status (highest quality). Initial inquiries into the public markets have shown some hesitancy from potential buyers who have other investment options with more traditional municipal bonds. It will take the right team in place to close the refinance with terms favorable to Spaceport America. Below is the team I am recommending. Although having a larger team will result in more fees, it is my recommendation not to attempt to save fees by doing this ourselves without help.

- Investment Bank – Alexandra Iseman and Trinidad Rodriguez, DA Davidson & Co. Two investment bankers to act as brokers to underwrite the bonds and sell them on the public market. This is a regional investment bank specializing in muni bonds in the western US.
- Investment Bank Legal – DA Davidson & Co legal counsel
- Spaceport Legal – Jim Lane (bond tax), Parker Schenken (bond documents), Sherman & Howard. This is a legal team based in Colorado, specializing in bonds. This is the same team that helped us pass the IRS audit of the bonds.
- Spaceport Financial Consulting – Kushal Kapadia, Houlihan Lokey. This is an independent investment bank providing Spaceport America financial advice on accessing financial markets. Kushal Kapadia specializes in M&A, financial markets, and helping organizations design their capital structure. His contacts and reputation have helped open doors during negotiations. He provides access to financial information and advice to the agency, and credibility at the negotiation table to ensure the agency gets a fair deal from a financial perspective.
- Credit Rating Agency – Paul Spadaccini. Moody’s. Account management division for Muni bonds. They can provide the public rating.
- Bond Trustee – Established through DA Davidson.
- Spaceport Bond Consulting – Evan Kist, RBC Capital Markets. Muni bond expertise for New Mexico. They can provide guidance on refinancing debt away from NMFA.

This team description matches the fee structure in the Finance Plan.

<i>Bond Amount</i>	<i>70,000,000</i>
Investment Bank Fee	350,000
Investment Bank Legal	100,000
Spaceport Legal	100,000
Spaceport Financial Consulting	100,000
Credit Rating Fee	75,000
Trustee Fee	50,000
Spaceport Bond Consulting	30,000
Misc Fees	15,000
<b>Total Fees</b>	<b>820,000</b>

# EXHIBIT 33



**From:** [DeGregorio, Zach, NMSA](#)  
**To:** [Clark, Jon, EDD](#); [Keyes, Alicia, EDD](#)  
**Subject:** RE: Spaceport board meeting  
**Date:** Tuesday, June 2, 2020 1:35:59 PM  
**Attachments:** [image002.png](#)

---

This is something Dan Hicks wants as well. I thought Dan had already talked with Alicia about it. The process takes about 6 months, so if we start now we could refinance by the call date.

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](#)  
Mobile [+1 575 386 6221](#)



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**From:** Clark, Jon, EDD <[Jon.Clark@state.nm.us](mailto:Jon.Clark@state.nm.us)>  
**Sent:** Tuesday, June 2, 2020 11:45 AM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>; Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Subject:** RE: Spaceport board meeting

Hi, Zach.

Thanks for that information; that's helpful. Sorry I wasn't able to take your call, but I've been in back-to-back meetings.

Is this refinancing idea still in an early stage of being contemplated, or is this something Dan definitely wants to move forward with?

Jon Clark  
Deputy Cabinet Secretary  
New Mexico Economic Development Department  
505-476-3747  
[Jon.Clark@state.nm.us](mailto:Jon.Clark@state.nm.us)

**From:** DeGregorio, Zach, NMSA  
**Sent:** Monday, June 1, 2020 6:38 PM

**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Cc:** Clark, Jon, EDD <[Jon.Clark@state.nm.us](mailto:Jon.Clark@state.nm.us)>  
**Subject:** RE: Spaceport board meeting

Hello Alicia,

I have removed NMFA from this email chain. NMFA is trying to take advantage of Spaceport.

NMFA already gave us their refinance offer for the bonds and it was very bad. That is why I started looking at different options, which there are many. Interest rates in the market are very low right now, which means we can reduce the outrageously high interest payment we are currently making to NMFA.

Additionally, NMFA is holding \$9M of Spaceport cash in "reserve funds." A refinance with a different bank would immediately release these funds to be used on either capital projects or to use directly for funding Spaceport operations. This should be a firm requirement for any refinance offer, and would solve all of Spaceport's funding issues.

The bonds are callable on Dec 1, 2020. The call date is 10 years into the 20 year bonds. I would recommend refinancing the existing debt and extending it an additional 10 years. I would recommend increasing it to account for growing tax revenue while still allowing for a conservative buffer of excess pledged revenue.

We would not know the exact values until we get the responses of the RFPs, but in my initial conversations with investment bankers and muni bond advisors, the savings is significant.

If you have questions, you can also talk with Michelle Coons. She has stayed involved in the process with our bonds.

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
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**From:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>  
**Sent:** Monday, June 1, 2020 4:23 PM  
**To:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>

**Cc:** [MRussel@nmfa.net](mailto:MRussel@nmfa.net); Clark, Jon, EDD <[Jon.Clark@state.nm.us](mailto:Jon.Clark@state.nm.us)>

**Subject:** RE: Spaceport board meeting

Zach,

Thanks for flagging me to the outstanding agenda items.

Looping in Jon Clark (EDD) and Marquita Russel from NMFA. A few questions below regarding the Bonds:

- Are the bonds callable?
- What is the current expiration date of the bonds? Would the expiration date stay the same?
- Would the new bond issuance be for the same level of revenue, or would the intent be to issue them for a higher level of revenue to capture some of the current "excess" GRT revenue?
- What is the projected net present value of this? (given the current and projected interest rates, premium to call the current bonds, and administrative cost to issue new bonds)

Many thanks,  
Alicia



ALICIA J. KEYES • CABINET SECRETARY ECONOMIC DEVELOPMENT • STATE OF NEW MEXICO • 505-827-0300

**From:** DeGregorio, Zach, NMSA

**Sent:** Monday, June 1, 2020 2:28 PM

**To:** Keyes, Alicia, EDD <[Alicia.Keyes@state.nm.us](mailto:Alicia.Keyes@state.nm.us)>

**Subject:** Spaceport board meeting

Hello Alicia,

Dan Hicks mentioned we will be holding a board meeting soon. I just wanted to make you aware of a few items that need to be on the agenda.

1. Board meeting notes – There are two sets of board meeting notes that need board approval (Dec 2, 2019 special meeting, Sept 11, 2019 regular meeting). The older board members should be able to validate these notes to support a board vote. (draft notes are attached)
2. Open Meetings Act – The OMA resolution needs to be voted on (with a role call vote) the first board meeting after January. (draft is attached)
3. Financial Plan – The board needs to vote to approve the next fiscal year operating budget (based on legislation), the updated Capital Improvement Plan (due to DFA July 1), and the assignment of available cash to operations (required every year). We have typically done this all in one resolution that approves the agency's financial plan. (draft is attached)
4. Our financial audit firm is required by the state auditor to give a presentation to the full board at the first meeting after January each year to give you the results of the annual audit



Additionally, I would like the opportunity to present to the board options to refinance our current Gross Receipts Tax Bonds. We have been approached by investment banks wanting to give us this additional capital money at significantly better terms than we have today (estimated at \$30M new capital funds). I have drafted RFPs for the refinance process but would like to work with the board of finance to review the documents. Given the large amount of money, I would like acknowledgement from the board before we proceed. I have mentioned this to the board in the past and they are likely curious on my progress in drafting the RFP documents.

**Zach De Gregorio, CPA**

**Chief Financial Officer**

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

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# EXHIBIT 34



# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

**Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces NM 88001  
United States

Approved		Dispatch Via Print
Purchase Order 49500-000002492	Date 08-16-2019	Revision 2
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer BELINDA J. LUCERO	Phone	Currency USD

**Supplier:** 0000049678  
FIORE INDUSTRIES INC  
8801 WASHINGTON ST NE STE B  
ALBUQUERQUE NM 87113  
United States

**Ship To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

**Bill To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

Origin	CON	ExciExci#:	Line-Sch	Item/Description	Quantity	UOM	PO Price	Extended Amt	Due Date
			1 - 1	Protective Services for Spaceport America to include medical, fire and security services	1.00	EA	\$2,960,000.00	\$2,960,000.00	08/16/2019
				49500-87100-1100000000-535300- - - - 120-00000					
<b>Schedule Total</b>								<u>\$2,960,000.00</u>	
Contract ID: 804951801817							Contract Line: 0		
<b>Item Total</b>								<u>\$2,960,000.00</u>	
<b>Total PO Amount</b>								<u>\$2,960,000.00</u>	

*PO reduced \$250K 9/13/19  
to release funds for  
other obligations  
until a BAR can be processed.  
Previous reductions also*

*Total reduced  
\$490K  
9-13-19  
per Zach DeGruyter*

Agency Approval: I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State and applicable Federal legislation rules and regulations. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and amounts payable.

Authorized Signature

*Daniel C. Hicks*





# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

**Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces NM 88001  
United States

Approved		Dispatch Via Print
Purchase Order	Date	Revision
49500-0000002492	08-16-2019	
Payment Terms	Freight Terms	Ship Via
Pay Now	FOB Destination	Best Way
Buyer	Phone	Currency
BELINDA J. LUCERO		USD

**Supplier:** 0000049678  
FIORE INDUSTRIES INC  
8601 WASHINGTON ST NE STE B  
ALBUQUERQUE NM 87113  
United States

**Ship To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

**Bill To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

Origin:	CON	ExclExcl#:	Line-Sch	Item/Description	Quantity	UOM	PO Price	Extended Amt	Due Date
---------	-----	------------	----------	------------------	----------	-----	----------	--------------	----------

1	1			Protective Services for Spaceport America to include medical, fire and security services	1.00	EA	\$3,200,000.00	\$3,200,000.00	08-16-2019
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49500-87100-1100000000-535300- - - -120-D6000

Schedule Total \$3,200,000.00

Contract ID: 804951801817

Contract Line: 0 Release: 1 Category Line: 0

Item Total \$3,200,000.00

Total PO Amount \$3,200,000.00

*PE reduced \$220K 9/14/19*  
*PE reduced \$20K 9/15/19*

*per Zaenke*

Agency Approval: I certify that the proposed purchase represented by this document is authorized by and in compliance with all State (and if applicable Federal) legislation rules and regulations. Further, I certify that adequate encumbered cash and budget expenditure authority exists for this proposed purchase amount, with outstanding purchase commitments and accounts payable.

Authorized Signature

*Daniel C. Hicks*

FVZC



# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence  
Page: 1

**Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces NM 88001  
United States

Dispatched		Dispatch Via Print
Purchase Order	Date	Revision
49500-0000002492	08-18-2019	4
Payment Terms	Freight Terms	Ship Via
Pay Now	FOB Destination	Best Way
Buyer	Phone	Currency
BELINDA J. LUCERO		USD

**Supplier: 0000049678**  
FIORE INDUSTRIES INC  
8601 WASHINGTON ST NE STE B  
ALBUQUERQUE NM 87113  
United States

**Ship To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

**Bill To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

Origin:	COM	Excl/Excl#:	Line-Sch	Item/Description	Quantity	UOM	PO Price	Extended Amt	Due Date
---------	-----	-------------	----------	------------------	----------	-----	----------	--------------	----------

1 - 1				Protective Services for Spaceport America to include medical, fire and security services	1.00	EA	\$2,700,000.00	\$2,700,000.00	10/16/2019
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49500 87100-110000000-535300- - - - 020-00000

Schedule Total \$2,700,000.00

Contract ID: 804951801817

Contract Line: 0

Item Total \$2,700,000.00

Total PO Amount \$2,700,000.00

PO reduced by \$50k, as 2019  
to cover 300 obligations.  
11-17-19

Total reduced  
\$550k

Agency Approval: This PO is a proposed purchase order. It is not valid until it is approved by the State of New Mexico. It is subject to the State of New Mexico Procurement Code and regulations. It is not valid until it is approved by the State of New Mexico. It is not valid until it is approved by the State of New Mexico.

Authorized Signature  
*Daniel C. Hicks*

FY20



# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

**Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces NM 88001  
United States

Dispatched		Dispatch Via Print
Purchase Order	Date	Revision
49500-0000002479	07-19-2019	1-
Payment Terms	Freight Terms	Ship Via
Pay Now	FOB Destination	Best Way
Buyer	Phone	Currency
BELINDA J. LUCERO		USD

**Supplier:** 0000137108  
ASCENT AVIATION GROUP INC  
ONE MILL STREET  
PARISH NY 13131-0000  
United States

**Ship To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

**Bill To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

Origin:	CON	Excl/Excl#:	Line-Sch	Item/Description	Quantity	UOM	PO Price	Extended Amt	Due Date
			1 - 1	Spaceport America Fuel Supply - Initial fuel required during construction to be used for customer fueling for spaceport operations. Supplies are billable to spaceport customers.	1.00	EA	\$100,000.00	\$100,000.00	07/19/2019
				49500-87100-1100000000-544400- - - -120-D0000					
				Schedule Total				\$100,000.00	
				Contract ID: 19-495-P770-19008					
				Contract Line: 0					
				Item Total				\$100,000.00	
			2 - 1	FY20 Spaceport America Fuel Supply - Fuel required to be used for customer fueling for spaceport operations. Supplies are billable to spaceport customers	1.00	EA	\$405,637.53	\$405,637.53	10/07/2019
				49500-87100-1100000000-544400- - - -120-D0000					
				Schedule Total				\$405,637.53	
				Contract ID: 19-495-P770-19008					
				Contract Line: 0					
				Item Total				\$405,637.53	
				Total PO Amount				\$505,637.53	

*PO restored  
3/13/20  
BB*

Agency Approval: I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and amounts payable.

Authorized Signature  
*Daniel C. Hicks*



FY 20



# State of New Mexico Purchase Order

PO Number to be on all invoices and Correspondence

Page: 1

**Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces NM 88001  
United States

Approved		Dispatch Via Print
Purchase Order	Date	Revision
49500-0000002492	08-16-2019	3
Payment Terms	Freight Terms	Ship Via
Pay Now	FOB Destination	Bus: Way
Buyer	Phone	Currency
BELINDA J. LUCERO		USD

**Supplier:** 0000049678  
FIORE INDUSTRIES INC  
8601 WASHINGTON ST NE STE B  
ALBUQUERQUE NM 87113  
United States

**Ship To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

**Bill To:** 4605 Research Park  
Circle Suite A  
Las Cruces NM 88001  
United States

Origin:	CON	Exc/Excl#:	Quantity	UOM	PO Price	Extended Amt	Due Date
Line-Sch	Item/Description						
1 - 1	Protective Services for Spaceport America to include medical, fire and security services		1.00	EA	\$2,710,000.00	\$2,710,000.00	08-16-2019
	49500-07100-1100000000-535300- - - -120-00000						
<b>Schedule Total</b>						<u>\$2,710,000.00</u>	
Contract ID: 804951801817		Contract Line: 0		<b>Item Total</b>		<u>\$2,710,000.00</u>	
<b>Total PO Amount</b>						<u>\$2,710,000.00</u>	

PO reduced \$11K  
to cover J Ramirez contract  
11/5/19 per Zach

Total reduced  
\$500K

Agency Approval: I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulations. I further certify that adequate unencumbered cash and budget expenditure authority exists for the proposed purchase and all other outstanding purchase commitments and amounts payable.

Authorized Signature

*Daniel C Hicks*

# EXHIBIT 35



September 26, 2018

Mr. Ronald Spilman, Controller  
Department of Finance and Administration  
Financial Control Division  
Bataan Memorial Building Room #166  
Santa Fe, NM 87501

*Approved FOR  
PAYMENT after the fact.  
AS SERVICES obtained  
PRIOR to P.O.  
being in placed.*

FINANCIAL CONTROL DIVISION

2018 SEP 28 AM 11:53

RECEIVED

RE: Approval of Fiore Vouchers (July 2018 and September 2018)

*This is  
A MAP Violation  
R Spilman 28  
Sep  
2018*

Dear Mr. Spilman:

The NM Spaceport Authority requests payment of Fiore Industries invoices for July 2018 and September 2018 under PO 2339. Voucher 7237 for July 2018 was rejected because the invoice was dated before the PO approval date of September 21, 2018. However, since this was the initial PO approved for FY19 for a multi-year contract, the agency requests all FY19 invoices paid out under the existing PO.

Fiore Industries provides protective services for Spaceport America including medical, fire, and security services. This is the agency's largest annual contract. It is a four year agreement, issued under an RFP by GSD from October 6, 2015 to October 5, 2019. This expense is captured under general services account 535300. Planning for a new protective services RFP to take effect at the conclusion of this contract has already been initiated with GSD, and is currently being written.

A number of reasons caused the late approval of the FY19 PO for Fiore. A new contract amendment was needed to increase funds for FY19. Amendment #4 had \$254,257.34 which would cover July and part of August. Amendment #5 was signed by GSD on August 7, 2018 for \$1,500,000. Additional delays were caused in getting the contract back from GSD, short staffing at the agency during the annual audit, and difficulty with the DoIT helpdesk reissuing the PO in FY19. The PO was submitted to DFA on 9/12/18, but due to confusion over the contract attachment, it was not approved until 9/21/18.

Now that the PO has been established for the first part of FY19, the treatment of invoices for the first three months remains a question.

- July 2018 / Voucher 7237 / \$165,576.63 - Denied
- August 2018 / Voucher 7236 / \$234,854.51 - Approved
- September 2018 / estimated at \$250,000 - Invoice not yet received



Contract Amendment #5 was intended to cover this work. If these invoices are not paid out of this PO, than the amount of the PO will no longer match the amount on the amendment. The agency requests approval to pay the invoices for July 2018 and September 2018 out of PO 2339.

Sincerely,

A handwritten signature in black ink, appearing to read 'ZDG', with a long horizontal flourish extending to the right.

Zach De Gregorio  
Chief Financial Officer

# EXHIBIT 36

## Beth Mohr

---

**From:** Force, Melissa, NMSA  
**Sent:** Saturday, July 1, 2017 9:57 AM  
**To:** Hicks, Daniel, NMSA; DeGregorio, Zach, NMSA  
**Cc:** Force, Melissa, NMSA; Mathews, David, EDD; DMonnheimer@rodey.com  
**Subject:** Re: NMFA Resolution Comparison

Dear all, I would like to participate also. I'll be here in LC.

**From:** "Hicks, Daniel, NMSA" <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Date:** Friday, June 30, 2017 at 10:14 PM  
**To:** "DeGregorio, Zach, NMSA" <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Cc:** "Force, Melissa, NMSA" <[melissa.force@spaceportamerica.com](mailto:melissa.force@spaceportamerica.com)>, "Hicks, Daniel, NMSA" <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>, David Mathews <[David.Mathews@state.nm.us](mailto:David.Mathews@state.nm.us)>, Don Monnheimer <[dmonnheimer@rodey.com](mailto:dmonnheimer@rodey.com)>, "Force, Melissa, NMSA" <[melissa.force@spaceportamerica.com](mailto:melissa.force@spaceportamerica.com)>  
**Subject:** Re: NMFA Resolution Comparison

All,  
We will not sign NMFA's amending resolution.

While they obviously don't need a new resolution to release the money to us - as Don (Rodey counsel) indicated earlier they could do it under the existing 2012 resolution but choose not to; they could also do it under our resolution that was being considered at the 22 and their consent resolution would only reflect the motion that Stephanie made but they choose not to do that to. (I. e. they could use the consent resolution I sent earlier which would require the two step process).

I will call Bob and development a path forward that is based on sending us the money based on the authority provided to them in the 2012 resolution. The most I am willing to do is craft a simple amendment to the 2012 ( like the consent resolution Zach and I drafted but for NMSA to sign) but before that happens they need to provide some legal justification why they can't use the existing authority that they already possess under the 2012 resolution.

Zach - in case we need to, please work with Don/David (Melissa) to prep the simple version that we can take to our board next Friday.

While it's pain in backside, we have set them up in a documented trail to give us the money once NMSA approves a simple resolution reflecting Stephanie's amendment!

Hang in there Zach - well get the money.

Best to all  
Dan

I will schedule a call. Would like Don David on that call.

*Sent from my Verizon 4G LTE Droid*

On Jun 30, 2017 7:30 PM, "DeGregorio, Zach, NMSA" <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)> wrote:

Hello,



I find the narrative troubling that the new NMFA proposal for the Spaceport resolution is "the same" as the 2012 resolution, so Spaceport should just sign it. I know Don and I strongly disagree on this. I compared all three documents: 1) the 2012 resolution 2) the resolution the Spaceport board passed this week 3) and NMFA's new version. NMFA did not redraft an entirely new document. What they actually did was take the version the Spaceport board signed this week, and tried to reinsert the language from the 2012 resolution. The general impact of these changes, means Spaceport would be signing up to NMFA's interpretation of the 2012 resolution, only without the benefits of the version the Spaceport board signed this week. This would grant NMFA powers they did not previously have. Here is my list of the differences between NMFA's proposed new resolution and the 2012 resolution. I think these are significant changes that are not in Spaceport's best interest.

[NEW section] WHEREAS, pursuant to the Bond Resolution, the Spaceport Authority created in its name, in addition to other funds and accounts, a debt service reserve fund (the "Debt Service Reserve Fund") and the Bond Redemption Account, to be administered by the Finance Authority; (Third WHEREAS on page 2)

*This new WHEREAS establishes the existence of both the "Debt Service Reserve Fund" and the "Bond Redemption Account" and specifying that the Finance Authority has administrative powers over those accounts. The original resolution does not have this whereas which creates ambiguity as to the interpretation as to the servicing of a "second" reserve account. This change was included in the version the Spaceport Board signed this week, but because of the different language in the amendment, it has a significantly different meaning.*

[NEW section] WHEREAS, under Section 1 of the Intercept Agreement dated as of December 10, 2010, by and among the Finance Authority, Dona Anna County and Sierra County, the Finance

Authority is authorized to redirect the accumulation Pledged Revenues in excess of current debt service requirements from amounts authorized to be intercepted under such agreement; (Sixth WHEREAS on page 2)

*This new WHEREAS establishes the Finance Authority's power to "redirect" the excess pledged revenues. Since the "Intercept Agreement" is silent as to Excess Pledged Revenues, this WHEREAS creates a new power for the Finance Authority. This change was also included in the version the Spaceport Board signed this week, but because of the different language in the amendment, it has a significantly different meaning.*

[NEW section] WHEREAS, the District board at a meeting with a quorum present adopted a resolution consenting to the amendment of the Resolution not inconsistent with the terms as set forth in this Resolution; (Seventh WHEREAS on page 2)

*This new WHEREAS explains the Finance Authority board vote was not inconsistent with this newly drafted resolution.*

[Greatly revised section] WHEREAS, the Spaceport Authority desires to amend the Resolution (i) to allow the distribution of all excess Pledged Revenues for fiscal year 2017 only to the Spaceport Authority without further action by the Board of Directors of the Finance Authority or by the Board of Directors of the Spaceport Authority, for use for any purpose authorized by law; (ii) resuming, in fiscal year 2018, the distribution of certain excess Pledged Revenues to the Spaceport Authority on an annual basis, without further action by the Board of Directors of the Finance Authority or by the Board of Directors of the Spaceport Authority, and (iii) to provide that deposits of Pledged Revenues shall be made into the Debt Service Reserve Fund in accordance with the Resolution. (Eighth WHEREAS on page 2)

*This adds to the final WHEREAS. The final WHEREAS in the 2012 version simply explains the Spaceport board desires the distribution of excess pledge revenues each year for use for any purpose authorized by law. The new final WHEREAS expands this to say this only occurs in FY17, and that FY18 the excess pledged revenues go to the debt service according to the following language in the resolution.*

Changes to the amendment:

The language of the new amendment clarifies that the debt service requirement is a combination of both 2009 and 2010 bond series annual payments. This creates a new term called the "Debt Service Requirement" which is then used throughout the rest of the resolution. This new term is also used in the version signed by the Spaceport board. However, in NMFA's new version, this new term is applied to the 125% coverage calculation. I believe this goes beyond the wording in the original resolution. Of course none of this is mentioned in the version signed this week by the Spaceport Board which says anything over 100% gets distributed. (third paragraph in section 4)

The new amendment says "may" instead of "shall."

The new amendment adds the language about the release of the excess pledge revenues "or such other time as may be appropriate under certain situations."

## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Friday, March 6, 2020 9:30 AM  
**To:** Perea, Jeremy, DFA  
**Subject:** Spaceport budget meeting

Hello Jeremy,

Debbie requested I submit more detailed budget info. I'm putting the spreadsheet together, but given the complexity, I think it might be helpful to meet in person to walk through the budget. Do you have any time I can meet with you in Santa Fe next week some time Mon-Weds?

We are almost out of money in category 400 and we will need to make more jet fuel purchases, so I still have the goal of submitting you a BAR on March 11. Even if we do another BAR later to continue to adjust the budget, a BAR right now will make sure there is no interruption in operations and will give us more time to figure out the hiring options.

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORTAMERICA**

**New Mexico Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces, NM 88001  
[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Sunday, March 8, 2020 11:58 PM  
**To:** Hicks, Daniel, NMSA  
**Cc:** Blacker, Guillermo, NMSA  
**Subject:** status update

Hello,

Here is my status update from last week.

- Budget Meeting in Albuquerque. Attended with Dan Hicks and other cabinet secretaries to review Spaceport status. Drove up Tuesday with Dan and returned after the meeting on Wednesday. I sent out action items after the meeting. I also drafted up a description of the Virgin Galactic lease on the THF visitor area, and circulated it for Manager's input.
- BAR. I reformatted budget documents to meet Debbie Romero's request to show expenses by funding type. Documents should be ready to submit to DFA next week to change budget categories. The Governor signs the budget bill on Tuesday, and we can submit the BAR on Wednesday. I will request to skip the training on Wednesday so I can walk the paperwork through signatures in Santa Fe. Otherwise our budget transfers will be deprioritized (probably for two weeks). We are currently running out of money and only have \$50k remaining in category 400. Our electric bill alone will be \$25k.
- Environmental. We are adding to Zia and Sunstone's PO in order to allocate their costs to capital projects instead of operating budget. Completed and sent out new PO line for Ecosphere for Southern Road pullouts. This was completed last week, but wasn't sent to the vendor for some reason. I am researching with Sandra what happened to cause the delay.
- Firefighter sleeping quarters. Issued the PO to purchase the firefighter sleeping quarters. The vendor has scheduled the visit to inspect the site and select the final finishes.
- Art Committee. Had call with Department of Cultural Affairs to start the process for the art committee. Next step is to select staff members who want to participate. I am having a difficult time getting someone from operations to volunteer.
- Capital Projects. Sent a new capital projects spreadsheet showing how all planned capital projects can be funded in the next 12 months. Dan Hicks has signed Guillermo Blacker to create a project plan to submit to Dominic Gabello on how we will complete the capital projects.
- Jim Hinde. I started talking to Jim about extending his contract. I will start drafting an amendment next week to go until April 30.
- Parking lots. The VG parking lot is scheduled to start construction on 3/16 and finishing 5 weeks later
- IT Building. Kari Fresquez and Rick Crawley have been meeting with companies to discuss options for the new building. The construction companies are trying to pressure them into a design/build contract. This is a highly risky way to proceed, and I have been requesting that we separate out the design from the construction to get the best result.
- Spend Plans. Sent out spend plan requests for Aerospace consultants and PR Firms.
- Tax District. Sent synopsis of Tax District info to Shannon Reynolds.
- PCI Compliance Audit. Scheduled for March 16.
- Fiore training. Got training budget from Fiore. The firefighter training expenses have already started hitting our monthly bills and it is extremely high. We are paying to fly people to Louisiana for classes. Chris Lopez has full discretion on Fiore's training plan. I have notified him, but received no response yet.
- Cancelled the DropBox account for the Agency

- Sent in annual insurance application information for airport insurance and pollution insurance
- Drafted a short accounting response plan for the Coronavirus
- Sandra Franco was sick Thurs/Fri
- Paid bills, made purchases, processed travel, paid monthly pcard bill
- Meetings: Manager Sync Meeting, Weekly Ops Meeting, Construction Accounting Conf Call, Budget Meeting in Albuquerque

**Zach De Gregorio, CPA**

**Chief Financial Officer**

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**

4605 Research Park Circle Suite A

Las Cruces, NM 88001

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## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Thursday, March 12, 2020 1:12 PM  
**To:** Hicks, Daniel, NMSA; Blacker, Guillermo, NMSA; Force, Melissa, NMSA; McLaughlin, Scott, NMSA; Gutman, Bill, NMSA; Lopez, Chris, NMSA  
**Subject:** Budget

Hello,  
After a review by six different people, I believe the BAR will go into effect later today with the supplemental coming later. This was more difficult than I expected to get approved. The legislature is NOT happy with spaceport and is frustrated it is taking so long for us to hire people. I'm heading back to Las cruces.

Zach

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)



## Janet McHard

---

**From:** DeGregorio, Zach, NMSA  
**Sent:** Sunday, March 15, 2020 10:08 PM  
**To:** Hicks, Daniel, NMSA; Blacker, Guillermo, NMSA  
**Subject:** weekly status update

Here is my status update from last week:

- Long Manager meetings on Monday to review the EOC training, HR actions, and Capital Projects
- EOC training on Tuesday and Wednesday
- Attended budget meetings in Santa Fe on Thursday to rearrange funding in budget categories to reflect the outcome of the legislative session. There were six reviews, two DFA analysts and Debbie Romero, and two LFC analysts and David Abbey. This was perfect timing, because the Governor bill signings had just completed and everyone had not yet become overwhelmed with the Coronavirus emergency yet. So I went from office to office to get everyone to focus on spaceport all Wednesday morning. This was a positive outcome because they did Spaceport's BAR before any of the other 100 state agencies, and they did it in one day instead of the normal two weeks. Debbie Romero was very happy, because of the detailed funding breakout I provided. In her mind, this resolved any of her budgetary concerns with Spaceport. The LFC was very concerned that we were not hiring people fast enough, given that our request during the session was based on a desperate need for staff. By Friday morning, category 400 (supplies) was increased from 55k to 2.5M.
- Took Friday as a sick day due to back issues. Taking it easy over the weekend will allow me a full recovery by Monday.
- HR. Wrote up summary of accounting HR actions for Dan Hicks.
- Jim Hinde's amendment. Still drafting the new document to extend Jim Hinde's end date
- Helicopter RFP. Completed the revised RFP for helicopter services. Holding release of the RFP pending direction from the new board.
- World Fuel. Received the new change order from World Fuel. It didn't include language I requested. I am evaluating next steps with Kari Fresquez.
- PCI audit. We cancelled the PCI audit on Monday because of the travel ban.
- WSMR payment. There were issues with our CAGE code renewal paperwork. I am still working to resolve so WSMR can submit payment to us.
- Meetings: Manager sync meeting, Capital Projects meeting, EOC training, Budget meetings in Santa Fe

**Zach De Gregorio, CPA**

Chief Financial Officer

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

New Mexico Spaceport Authority

4605 Research Park Circle Suite A  
Las Cruces, NM 88001

# EXHIBIT 37

## Janet McHard

---

**From:** Perea, Jeremy, DFA <Jeremy.Perea@state.nm.us>  
**Sent:** Sunday, August 2, 2020 2:57 PM  
**To:** Keyes, Alicia, EDD  
**Cc:** Janet McHard; Beth Mohr; Clark, Jon, EDD; Romero, Debbie, DFA  
**Subject:** Re: [External] GRT Funds and Spaceport

Hello all,

Here is breakdown of what NMSA has received in GRT (account 405601) and was then placed in Fund 87100 (NMSA Operational Account)

Ledger Group	Fund	Dept	Bud Ref	Class	Fiscal Year	Period	Revenue GF	Revenue GRT	PSEB Budget	AC
REVENUE	87100	P770	117	A0000	2017	1	419,600.00	322,149.00	1,548,400.00	
REVENUE	87100	P770	118	B0000	2018	1	375,900.00	585,000.00	1,614,000.00	
REVENUE	87100	P770	119	C0000	2019	1	975,900.00	700,000.00	2,047,300.00	
REVENUE	87100	P770	120	D0000	2020	1	985,400.00	1,300,000.00	2,254,400.00	

In the chart you can see in the far right yellow column which is the difference between their GF appropriation and their actual 200 category expenditures. In Red you can see what they put from GRT into operations, we can assume some if not all of the short fall in the 200 category from the GF appropriation was covered by RT.

Again, I emphasize once GRT hits fund 87100 we lose how it is spent in detail... therefore we can confidently say they use GRT in operations... but we cannot say X amount was used for salaries due to the commingling.

NMSA uses all General Fund for salaries and then has to make up the remainder and in past conversations with the prior NMSA CFO it was mentioned multiple times that the shortfall was covered in part or in full by GRT depending on how much "excess" they were allowed to use from the total GRT funds.

Please feel free to contact me at anytime.

Thank you,

Jeremy.

---

**From:** Keyes, Alicia, EDD  
**Sent:** Thursday, July 30, 2020 4:19 PM  
**To:** Perea, Jeremy, DFA  
**Cc:** Janet McHard (Jmchard@themchardfirm.com); Beth Mohr; Clark, Jon, EDD; Romero, Debbie, DFA  
**Subject:** GRT Funds and Spaceport

Jeremy,



Can you forward the McHard Firm your findings on the usage of GRT funds at the Spaceport. We will also need to share this information with the State Auditor, which McHard can do in their report. Particularly, we need to know how much money was used for salaries over the past 5 years.

Many thanks,  
Alicia



ALICIA J. KEYS • CABINET SECRETARY ECONOMIC DEVELOPMENT • STATE OF NEW MEXICO • 505-827-0300

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Ledger Group	Fund	Dept	Bud Ref	Class	Fiscal Year	Period	Revenue GF	Revenue GRT	PSEB Budget	ACTUAL PSEB Expense	Gen Fund/PSEB Expenses Diff
REVENUE	87100	P770	117	A0000	2017	1	419,600.00	322,149.00	1,548,400.00	1,474,657.14	-1,055,057.14
REVENUE	87100	P770	118	B0000	2018	1	375,900.00	585,000.00	1,614,000.00	1,465,588.64	-1,089,688.64
REVENUE	87100	P770	119	C0000	2019	1	975,900.00	700,000.00	2,047,300.00	1,890,360.10	-914,460.10
REVENUE	87100	P770	120	D0000	2020	1	985,400.00	1,300,000.00	2,254,400.00	2,331,618.97	-1,346,218.97

# EXHIBIT 38



NMSA Board Meeting Notes  
09/11/2019 at 1:00pm  
NMSA Las Cruces Offices  
4605 Research Park Circle Suite A  
Las Cruces, NM 88001

Attendees:

- Rick Holdridge. Present.
- Laura Conniff. Present.
- Davin Lopez. Present.
- Nathan la Font. Present.
- Rebecca Latham. Present. (via phone)
- Michelle Coons. Present.
- Howie Morales, Lt. Governor
- Martina CDeBaca, Lt. Governor's office. Present via phone.

Rick Holdridge: It being the 11<sup>th</sup> of September at 1:00 I will call this meeting of the NM Spaceport Authority to order. If everyone will rise and recite the pledge of allegiance.

Unison: [pledge of allegiance]

Rick Holdridge: Welcome everyone. I will do the roll call. [took roll call] Please review the agenda to see if there are any changes we want to make. I would like to add an executive session at the end. We cannot make any decisions or do any votes. We will go into that at the end if everyone wants to do that. With that change I will entertain a motion to approve the agenda.

Michelle Coons: I so move.

Nathan LaFont: Second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries. Thank you. We were sent two sets of board meeting minutes. Both the April regular board meeting and the July special meeting. I will entertain a motion to approve the minutes.

Davin: Mr. Chair, can we approve them separately, as I was not present at both meetings.

Rick Holdridge: We can do that. I will take the motion on the April 4 meeting.

Nathan LaFont: So moved.

Davin Lopez: Second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries.

Michelle Coons: I will make the motion on the other meeting.

Nathan LaFont: I will second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries. Thank you.

Dan Hicks gives a presentation on the Spaceport Status. The presentation follows the outline below:

- Spaceport Status (Dan Hicks)
  - Job Creation
  - Aerospace Activity
  - Agency Highlights (FY18-FY19)
  - Updated Org Chart
  - National Space Council
  - NASA video “We Are Going”
  - Updated map of US Spaceports
  - Industry Outreach
  - New Staff (Becky Dean, Corporate Finance)
- Public Relations Update (Rosa Banuelos)
  - Public Relations Contracts Update
  - SA Cup PR Video
  - Virgin Galactic Open House PR Video
- Website Launch Update (Rosa Banuelos)
- Fuel Farm Construction (Chris Lopez)
- Spaceport America Cup Review (Chris Lopez)
  - Participant Information
  - SA Cup Sponsors
  - Competition Highlights of Community Impact
  - SA Cup Video
  - SA Cup Winners
  - SA Cup Group Photo
- Financial Review (Zach DeGregorio)
  - Asset Disposition
  - FY19 Customer Revenue

- FY19 Budget Update
- Spending Growth
- FY21 Budget Request
- Proposal for Legislative Session
- Capital Projects (Dan Hicks)
  - FY21-FY25 Summary
  - Spaceport IT Equipment Refresh
  - Spaceport IT Building
  - Visitor Access Control
  - Spaceport America Welcome Center
  - Spaceport Taxiway
  - Payload Processing Facility

Dan Hicks: Wrapping up the presentation, we have a couple of votes we would like to recommend to the board. Zach DeGregorio will provide a summary.

Zach DeGregorio: The first vote we are recommending is to approve the Economic Impact Study RFP. We have already mentioned this a couple of times today. We would like to put on an Economic Impact Study of Spaceport America. This is something we have been wanting to do for a long time. We put out the RFP on the street. This has been the most competitive RFP we have ever done, and we have done a lot of them. We received submissions from all across the country. People really wanted to get involved in this. I wrote a detailed award memo that I sent to all of you in advance of the meeting today explaining our thought process and reason behind the selection we are recommending. We went through all of the submissions in detail and argued about them as a committee. We are recommending Moss Adams which is a local team from Albuquerque, NM. We feel they offer the most expertise and the highest value for this project.

Davin Lopez: Can you explain what will go into the study? What information will they try and derive?

Zach DeGregorio: We have written an aggressive scope. We are looking for a very detailed, credible report. Spaceport America is an interesting economic event in terms of directed investment into a specific aerospace goal within New Mexico. We want to look at that and see if we can derive what the impact of that is. We are not only asking for ROI metrics, but we are also looking for a five year forecast and a ten year forecast. And we are looking for comparative stats with the other spaceports around the country. You should come away from this report with a good understanding of the benefits and negatives of the spaceport investment so far. We are hoping to use this report to support some of our requests to the legislative session coming up. One of the things we really want is a credible report. We are not necessarily looking to guide the results of the report because we want it to be able to stand on its own.

Dan Hicks: One of the key things out of this report is to ensure we have validation on what some of the other states are doing. Look at a state like Florida. There is never a question in the legislature of Florida of "When are you going to pay back this investment?" Because they realize they have hundreds of thousands of aerospace jobs. It is all about getting the jobs in the state. Today we have more customer revenue coming into Spaceport America than Florida has. But they have jobs all over the "space coast." It is bringing about bringing in the big companies like Blue Origin and Boeing. That is the analysis this report will provide. We want to change the narrative from the NM Legislature from "When are you going to pay back this investment?" We want to change it to show all the jobs that are coming. It is not that we are going to generate revenue to pay back the state. It is the jobs that will have the second and third order effects. This report will help us communicate that story.



Davin Lopez: So what are the outputs? Are we looking at GRT creation? Direct and induced impacts? Will they go through those types of metrics?

Zach DeGregorio: I do not have the full list of metrics in front of me, but the Scope of Work has a list of exact stats that we want to include.

Rick Holdridge: I request that we hear from Moss Adams before we vote.

John Tysseling: I am John Tysseling. I am Consulting Director in the Albuquerque office at Moss Adams. Today we have with us Kurt Lippman who is Moss Adams' Aerospace and Defense leader. And Jet Wales who is heavily involved in aerospace and space technology. The work that we are going to be doing, assuming you grant us the award today, is work that is very consistent with Economic Impact and Fiscal Impact Analysis that are performed everywhere. I have personally been involved with well over 150 impact analyses over my career covering a wide array of different development activities. In this particular case, we reached outside the norm to give you a robust economic and fiscal impact. In particular, Jet and Kurt are two of five partners and managing directors in Moss Adams that will have responsibility for assisting in defining and vetting the development scenarios that we will specify as part of the study. Because this is an emerging industry, there is no real good model with how the next five or ten years are going to evolve. The heart of the RFP called for us to identify the likely scenarios for future development recognizing that all things desired may not come true, or some new things that are not even on the table right now may be a part of Spaceport America. So my team in Albuquerque will primarily be responsible for collecting the data, analyzing and developing the scenarios, but this group of partners and managing directors, who are all deeply involved in aerospace and technology development, will serve as a means to help us define and vet those scenarios before we even present them to you. We will then present those scenarios to you for your comments and assessment as to the validity. We have not decided whether it is four scenarios or six scenarios, but it will be multiple scenarios. And we will do the economic impact analysis on the basis of each of the individual scenarios as a standard way of assessing the economic impacts and fiscal impacts (tax and other government benefits that will be realized). We will report on return on investment as well as give a much more robust kind of economic impact assessment for the purposes of this future, forward-looking type of development activity that Spaceport America engenders. I would close with a comparison to a typical report. We are currently helping to develop the economic impact for the very large scale wind generation and transmission facilities. This is a five billion dollar investment in New Mexico. Those are very linear scenarios. Either you build the transmission lines, or you build the wind turbines. That is just one part of what we are going to have to address here. We are going to have to look at the competitors. We are going to have to look at how quickly things will emerge. We will have to estimate revenues from these activities. It is truly an innovative way of defining what contribution Spaceport America is going to be able to make to the State of New Mexico, the Southwestern region, and the communities that will be affected. I believe it is this story that the legislature is going to want to hear as they consider your budget request. With that I would like to have Jet add any additional comments.

Jet Wales: Thank you. Thank you for having us here. For the benefit of anyone that does not know that much about Moss Adams I will provide a brief description. Moss Adams is an accounting, consulting and financial advisory firm that is headquartered in Seattle. It is over 100 years old and has grown across the Western United States to cover 30 different offices including Albuquerque, which is an important office for us. Across those 30 offices we deal with 15,000 private companies which cut across all business sectors. In Aerospace and Defense, which includes Space technologies, we have hundreds of clients. We have created a specialty practice under Kurt. I spent a lot of my time in that practice dealing with Aerospace, Defense, and Space, whether it is LEO satellites, other types of space systems, or launch

vehicles, or the supply chain that supports launch vehicles. We work with an awful lot of companies and that is why it is a privilege for us to be here and participate in this. We are very excited. Kurt and I have spent many years studying this part of the business. I can speak for the Senior leadership including the CEO, who I spoke with this week about this meeting and this project. They are very excited about this project. So you have the whole firm, that I just described, committed to doing the best job here. John has so much experience doing this, and we are all backing him up. That is Moss Adams, and I would be happy to answer any questions you might have.

Rick Holdridge: We appreciate you coming out. Having been around this board for a long time. This is the first time we have done this type of study with this level of specificity and professional backup. So I am glad we are doing this. I think this is critical to moving forward, with the legislature especially. I don't know if the Lt. Governor agrees with that statement.

Lt Governor Howie Morales: Thank you for that information you shared, and it is absolutely critical. The information you are able to get back will show there is activity. We need to see there is movement from the investment that was made years ago. I think it will pay off well for Spaceport America, or the "Space Valley" as we call it. Thank you for your willingness to undertake this, assuming the board votes to award today. Just know the importance of what this means to Spaceport America.

Laura Conniff: I have been very fortunate to have worked with Moss Adams on a number of the other boards I have served on for various audits. We have always had very good luck working with them.

Rick Holdridge: Are there any other questions or comments before I ask for a motion on this matter (Resolution 2019-004).

Michelle Coons: I so move.

Laura Conniff: Second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries. Thank you.

Rick Holdridge: We are now moving on to our next resolution to approve the FY20/FY21 Financial Plan (Resolution 2019-005).

Zach DeGregorio: This is based on the charts we reviewed with one addition to "assign" available fund balance for FY20/FY21 to operations. This refers to the \$1M that carried over at the end of the fiscal year. We are assigning that to operations so it does not remain "unassigned."

Laura Conniff: So Moved.

Michelle Coons: Second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries. Thank you.

Rick Holdridge: At this time, I would like to close the public session to enter a closed session to discuss a personnel matter exempted under subsection H-2 of the Open Meetings Act. There will be no decisions made and no votes taken. I will take a roll call vote to enter closed session.

- Rick Holdridge. Yes.
- Laura Conniff. Yes.
- Davin Lopez. Yes.
- Nathan la Font. Yes.
- Rebecca Latham. Yes. (via phone)
- Michelle Coons. Yes.
- Howie Morales, Lt. Governor. Yes.

Rick Holdridge: Motion carries. Thank you.

[meeting entered a closed session]

[meeting exited closed session]

Rick Holdridge: I will entertain a motion to adjourn the meeting.

Michelle Coons: I so move.

Laura Conniff: Second.

Rick Holdridge: All in favor?

Unison: Aye

Rick Holdridge: Opposed?

[None]

Rick Holdridge: Motion carries. Thank you.

Meeting is adjourned.

Minutes approved by Spaceport Authority Board on July 9<sup>th</sup>, 2020



Board Chair

Cabinet Secretary Alicia J. Keyes

7/9/2020

Date



# EXHIBIT 39



**NEW MEXICO SPACEPORT AUTHORITY**

**Board Meeting**

**1:00 pm Wednesday, September 11, 2019**

**Spaceport America Main Office (\*new location)**

**4605 Research Park Circle, Suite A**

**Las Cruces, NM 88001**

**All agenda items are subject to possible action by the Spaceport Authority**

1. Call to Order - Rick Holdridge, Chairman
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Approval of Meeting Minutes
  - Board Meeting. April 4, 2019
  - Special Board Meeting. July 2, 2019
6. Spaceport Status Update
7. Vote: RFP Award Economic Impact Study (Resolution 2019-004)
8. Vote: Approve FY20 / FY21 Financial Plan (Resolution 2019-005)
9. Public Comment
10. Adjourn

# EXHIBIT 40





October 18, 2017

Dear members of the NMSA board:

I hereby appoint the following members to the audit committee for the FY17 NMSA financial statements. The audit committee will be invited to attend the exit conference with the NMSA financial auditors (Axiom Certified Public Accountants and Business Advisors LLC) on Monday, October 30, 2017 at 8:30am at the Las Cruces office at 901 E. University Ave, Suite 965L Las Cruces, NM 88001. Attendance may be in person or via conference line.

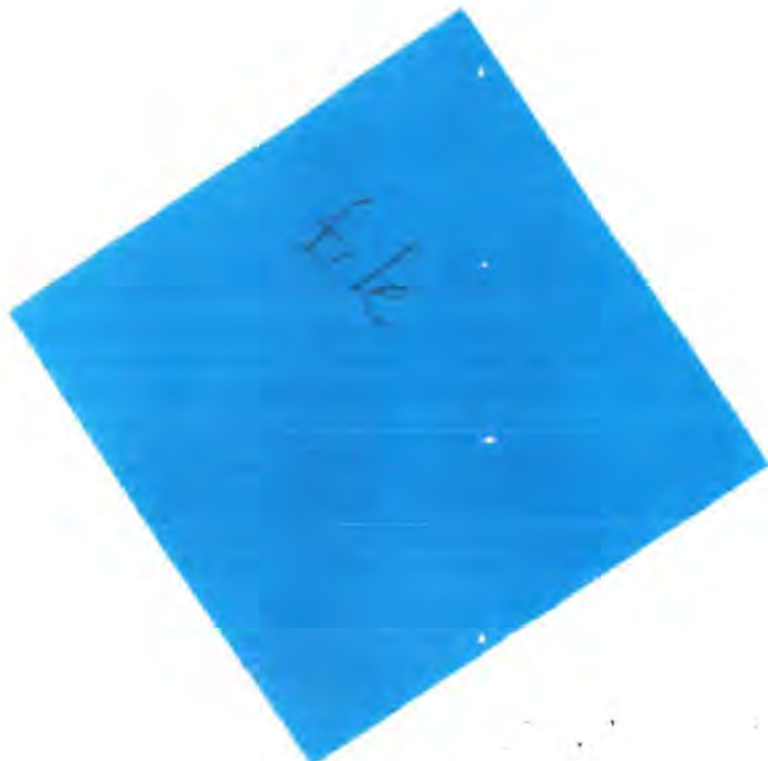
Your responsibilities as members of the audit committee are to attend the Exit Conference meeting along with the NMSA management team. At the Exit Conference, the audit firm will present their audit findings for the agency. Based on the discussion at the meeting regarding any outstanding issues, the audit firm will generate their final audit report which will be published for the public in mid-December.

**Audit committee members:**

- Rick Holdridge
- Davin Lopez
- Nathan LaFont

Sincerely,

Rick Holdridge  
NMSA Board Chairman





## Janet McHard

---

**From:** Rick Holdridge <rholdridge@zianet.com>  
**Sent:** Friday, October 12, 2018 2:43 PM  
**To:** DeGregorio, Zach, NMSA  
**Subject:** [EXT] RE: Audit Committee Letter

Yes, you may use my signature stamp.

### Rick Holdridge, Chairman

*Off (505) 546-5333, Fax (505) 546-5333  
Cell (505) 494-5611*



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**  
901 E. University Ave, Suite 965L  
Las Cruces, NM 88001

**From:** DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>  
**Sent:** Friday, October 12, 2018 1:19 PM  
**To:** Rick Holdridge <rholdridge@zianet.com>  
**Cc:** Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>; Franco, Sandra, NMSA <sandra.franco@spaceportamerica.com>  
**Subject:** Audit Committee Letter

Hello Rick,

Can I use your signature stamp to sign the attached letter assigning board members to the audit committee for the upcoming board meeting?

Let me know. Thank you!

**Zach De Gregorio, CPA**  
**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**



901 E. University Ave, Suite 965L  
Las Cruces, NM 88001  
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October 18, 2019

Dear Members of the NMSA Board:

I hereby appoint the following members to the audit committee for the FY19 NMSA financial statements. The audit committee will be invited to attend the exit conference with the NMSA financial auditors (Pattillo, Brown, and Hill) on Tuesday, October 29, 2019 at 1:00pm at the Pattillo, Brown, and Hill Offices at 5310 Homestead Rd NE, Ste 100, Albuquerque, NM 87110. Attendance may be in person or via conference line.

Your responsibilities as members of the audit committee are to attend the Exit Conference meeting along with the NMSA management team. At the Exit Conference, the audit firm will present their audit findings for the agency. Based on the discussion at the meeting regarding any outstanding issues, the audit firm will generate their final audit report which will be published for the public in mid-December.

Audit committee members:

- Rick Holdridge
- Michelle Coons
- Laura Conniff

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Holdridge".

Rick Holdridge  
NMSA Board Chairman

## Beth Mohr

---

**From:** Rick Holdridge <rholdridge@zianet.com>  
**Sent:** Friday, October 18, 2019 8:53 PM  
**To:** DeGregorio, Zach, NMSA  
**Cc:** Rick Holdridge  
**Subject:** [EXT] RE: Audit committee letter

Yes, you can use my signature for the audit committee members letter.

### **Rick Holdridge, Chairman**

*Off (575) 546-3333, Fax (575) 546-7777  
Cell (575) 494-3611*



**SPACEPORT AMERICA**

**New Mexico Spaceport Authority**  
4605 Research Park Circle Suite A  
Las Cruces, NM 88001

**From:** DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>  
**Sent:** Friday, October 18, 2019 2:48 PM  
**To:** Rick Holdridge <rholdridge@zianet.com>  
**Subject:** Audit committee letter

Hello Rick,

Can I use your signature stamp on this letter appointing the audit committee members?

Also, I spoke with Dan and he agrees with your approach on setting the CEO pay using your board authority. He is going to review the statute with Melissa.

### **Zach De Gregorio, CPA**

**Chief Financial Officer**  
[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)  
Office [+1 575 267 8510](tel:+15752678510)  
Mobile [+1 575 386 6221](tel:+15753866221)



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# EXHIBIT 41

**CODE OF CONDUCT**

Adopted July 2, 2019

**ACKNOWLEDGEMENT:**

I, DANIEL C. HICKS, a <sup>GOV. BY</sup> classified employee, acknowledge that I have received, reviewed, and understand the requirements contained within the Code of Conduct approved by Governor Michelle Lujan Grisham on July 2, 2019. I agree to adhere to its terms and understand that violation of those terms constitutes just cause for dismissal, demotion, or suspension.

Printed Name: DANIEL C HICKS

Signature: Daniel C Hicks

Date: 8 JUL 2019