# STATE OF NEW MEXICO WATER QUALITY CONTROL COMMISSION

In the Matter of:	)	MOTION TO DISMISS
MARISELA ORNELAS, d/b/a VISION MOBILE HOME PARK, LLC,	) ) )	
Respondent.	) )	No.: WQCC 20

HERE COMES Marisela Ornelas, owner of Vision Mobile Home Park, LLC, a corporation in good standing with the State of New Mexico since 2018. Respondent requests that New Mexico Environment Department amend its ADMINISTRATIVE COMPLIANCE ORDER REQUIRING COMPLIANCE AND ASSESSING A CIVIL PENALTY and the accompanying ATTACHMENT 1 – PENALTY CALCULATIONS to indicate Respondent as "VISION MOBILE HOME PARK, LLC" and strike the Respondent's name of "MARISELA ORNELAS, D/B/A VISION MOBILE HOME PARK, LLC."

This Motion is being brought in accordance with the New Mexico Administrative Code, Title 20.1.1.307(C) in that while being prepared effort was made to determine if there was concurrence in the above and it was indicated there was no concurrence.

### I. <u>ARGUMENT</u>

- I am Charles Patton, Vice President of Compliance, for Vision Mobile Home Park, LLC
  [hereafter referred to as "Respondent's Corporation"] and am preparing this Motion to
  Dismiss on behalf of Respondent's Corporation Ion Pro Per.
- 2. As a matter of accepted law, Marisela Ornelas is not a party to this matter as she has had the benefit of corporate protection provided under state and federal law since 2018. Please See Attached Exhibit "A": Record, Secretary of State, State of New Mexico, Printout 02/08/2021.
- 3. That being the case, Respondent recognizes that the mis attribution may well have been her fault given that the first reference is made in the draft of the "Ground Water Quality Bureau Discharge Permit Issued under 20.6.2 [DP-1691]" dated 12/3/2019 [hereafter referred to as "DP-1691"].
- 4. In telephonic discussions with Mr. Chris Vigil [hereafter referred to as "AG Vigil"], Assistant General Counsel, New Mexico Environment Department [hereafter referred to as the "Department"], on 02/08/2021, AG Vigil indicated, possibly correctly, that the misattribution might have occurred due to Respondent's failure to indicate on her application for DP-1691 that she was at the time of application now a corporation as indicated above, and not acting as an individual. If this is the case, Respondent apologizes for this misattribution and for any confusion or trouble this may have caused all respective parties.

5. In addition, during the same discussion, Mr. Vigil indicated that the department denies

concurrence. He very helpfully pointed out that in fact the matter has not been calendared

yet with the Water Quality Control Commission [hereafter referred to as the

"Commission"] so that Motion Practice is premature.

6. This motion does not indicate Respondent's desire not to be compliant in resolving this

matter. The main issue is that because she owns a corporation in good standing with the

State of New Mexico, she wants to ensure that her corporation and not her is being sued

here as this affects settlement, compliance, attribution of liability and resolution of this

very important matter before the Commission.

II. RELIEF REQUESTED

7. As indicated in the opening of this motion, Respondent simply requests that the Department

amend its caption and references in its ADMINISTRATIVE COMPLIANCE ORDER

REQUIRING COMPLIANCE AND ASSESSING A CIVIL PENALTY and the

accompanying ATTACHMENT 1 - PENALTY CALCULATIONS to indicate

Respondent as "VISION MOBILE HOME PARK, LLC" and strike the Respondent's name

of "MARISELA ORNELAS, D/B/A VISION MOBILE HOME PARK, LLC."

**Bob Patton** 

Digitally signed by Charles Patton

Date: 2021.02.08 12:21:05 -07'00'

Charles Patton,	Date
Vice President of Compliance	
Vision Mobile Home Park, LLC.	

#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2021, a true and accurate copy of the Motion to Dismiss was served electronically to email: <a href="mailto:Pamela.Jones@state.nm.us">Pamela.Jones@state.nm.us</a> and to AG Vigil at

Christopher J. Vigil@state.nm.us with an additional copy emailed to

<u>ChristopherJ.Vigil@state.nm.us</u> all sent from Ms. Ornelas' email, <u>ehpestates@gmail.com</u>. As well, the original, signed copy was sent by Certified U.S. Mail to:

Commission Administrator Water Quality Control Commission P.O. Box 5469 Santa Fe, NM 87502

/s/ Charles Patton
Vice President of Compliance
Vision Mobile Home Park, LLC
2091 Locust Road
Montrose, CO 81401

### EXHIBIT "A"



**Entity Details** 

Business ID#: 5738814

Status: Active

VISION MOBILE HOME Entity Name:

PARK, LLC

Standing: Good Standing

DBA Name: Not Applicable

Entity Type and State of Domicile

Domestic Limited Liability

State of Incorporation: New Mexico

**Entity Type:** 

Company

Statute Law Code: 53-19-1 to 53-19-74

Formation Dates

Reporting Information

Period of Existence and Purpose and Character of Affairs

Outstanding Items

Not Applicable

Registered Agent:

No Records Found.

License:

No Records Found.

Contact Information

Mailing Address: 1 ROAD 6367, Kirtland, NM 87417

Principal Place of Business 1 ROAD 6367, Kirtland, NM 87417

Anywhere:

Secondary Principal Place of

Business Anywhere:

Principal Office Outside of New

Mexico:

Not Applicable

Registered Office in State of

Incorporation:

**Motion To Dismiss** New Mexico Environment **Department January** 2021"EXHIBIT A" Page 8 of 10

Principal Place of Business in Not Applicable Domestic State/ Country:

Principal Office Location in NM: Not Applicable

**Registered Agent Information** 

Name: MARISELA ORNELAS

Geographical Location

Address:

1 ROAD 6367, Kirtland, NM Physical Address:

87417

Mailing Address:

1 ROAD 6367, Kirtland, NM

87417

Date of Appointment: 09/06/2018

Effective Date of Resignation:

**Director Information** 

Not Applicable

Officer Information

Not Applicable

**Manager Information** 

Title Address Name Manager MARISELA ORNELAS 1 ROAD 6367, Kirtland, NM 87417 KARISELA RUIZ 1 ROAD 6367, Kirtland, NM 87417 Manager

**Member Information** 

Title **Address** Name

Member ELEGANT HILLS PARK & ESTATES, LLC 28330 ROAD K.2, UNIT 1, Cortez, CO 81321

**Organizer Information** 

Title Name **Address** 

Organizer ELEGANT HILLS PARK & ESTATES, LLC PO BOX 1178, Cortez, CO 81321

Motion To Dismiss

**Incorporator Information** 

**Not Applicable** 

#### **Trustee Information**

#### **Not Applicable**

ing History							L
Filing Date	Filing Type	Fiscal Year End Date	Post Mark	Survivor/ Re- Domesticated Entity	Instrument Text	Processed Date	Filing #
09/06/2018	Business Formation	12/31/2018				09/07/2018	1883924

Back Entity Name History Return to Search

## City of Farmington Liquid Waste Disposal Permit



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Phone #:
Hauler Name of Company or Individual Requesting Permit:
Contact name (printed):
Physical address of source:  Telephone:
Source of waste

INVOICE 30169



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PHONE 505-325-3395

FARMINGTON, NEW MEXICO 87401

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cement, grease, garbage, or other debris... or broken or settled section of pipe.

Signed

NOTE: THIS GUARANTEE MUST BE PRESENTED TO OPERATOR BEFORE ANY RECLEANING operator for Roto-Rooter Sewer and Drain Cleaning Service

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## City of Farmington Liquid Waste Disposal Permit



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Other physical characteristics specify:
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Signature of person requesting permit
Printed name of person requesting permit
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Type of waste requested to be disposed:  Septic  Domestic single family home  Restaurant Grease Traps  Portable Toilets  Commercial (non-industrial)  Restaurant Grease Traps  Restaurant Grease Traps
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### City of Farmington Liquid Waste Disposal Permit



Source of waste

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	Hauler Name of Company or Individual Requesting Permit:				
	Contact name (printed): Signature:				
	Telephone:				
	Physical address of source:				

### City of Farmington Liquid Waste Disposal Permit



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cement, grease, garbage, or other debris... or broken or settled section of pipe.

operator for Roto-Rooter Sewer and Drain Cleaning Service Signed

NOTE: THIS GUARANTEE MUST BE PRESENTED TO OPERATOR BEFORE ANY RECLEANING

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## City of Farmington Liquid Waste Disposal Permit



Source of waste

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Note: The O & M Administrator & Environmental Coordinator or his designee may deny this disposal permit if, in their opinion, the waste will be harmful to the City of Farmington's Wastewater Treatment Plant.
Other physical characteristics specify:
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Printed name of person requesting permit
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Type of waste requested to be disposed:  Septic  Domestic single family home  Residential- multi-unit  Portable Toilets  Restaurant Grease Traps  Portable Toilets  Other Please Specify:
Address of Company or individual Requesting Permit:
Hauler Name of Company or Individual Requesting Permit:
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Physical address of source:  Telephone:  Telephone:

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**DHONE 202-332-3332** FARMINGTON, NEW MEXICO 87401

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NOTE: THIS GUARANTEE MUST BE PRESENTED TO OPERATOR BEFORE ANY RECLEANING

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### City of Farmington Liquid Waste Disposal Permit



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1813 SCHOFIELD LANE

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Date

**WYKISELA ORNELAS** 53-312 **AISION MOBILE HOME PARK LLC** 

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KIRTLAND, NM 87417

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### City of Farmington Liquid Waste Disposal Permit



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### City of Farmington Liquid Waste Disposal Permit



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Hauler Name of Company or Individual Requesting Permit:
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Contact name (printed):
- 11168 MAI MANIAN
Physical address of source: Telephone:
Source of waste

INVOICE 30167



"Away Go Troubles Down the Drain" 1813 SCHOFIELD LANE

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Date

FARMINGTON, NEW MEXICO 87401

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for the period of at no additional cost (or refund your money) in the event that the sewer or pipe fails to function due to root stoppage. This guarantee does not include stoppage caused by paint, rags, leaves, operator for Roto-Rooter Sewer and Drain Cleaning Service

Signed

NOTE: THIS GUARANTEE MUST BE PRESENTED TO OPERATOR BEFORE ANY RECLEANING

INVOICE 30167

"stund Go Troubles Down the Drain"

1813 SCHOFIELD LANE

**DHONE 202-3392** 

FARMINGTON, NEW MEXICO 87401

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OPETATOR FOR ROLD FROM STATE BENEFORMER AND SERVICE THIS GUARANTEE MUST BE PRESENTED TO OPERATOR BEFORE ANY RECLEANING
Signed
at no additional cost (or refund your money) in the event that the sewer or pipe fails to function due to root stoppage. This guarantee does not include stoppage caused by paint, rags, leaves, cement, grease, garbage, or other debris or broken or settled section of pipe.
FOOTER:  for the period offrom the above date, we agree to reclean the above described
 02 ;020 <b>H</b>

Customer PO Estimate Date 8/23/2019 3888009 dol Estimate 9009520

(505) 327-7755 R.A. Biel Plumbing & Heating 1205 TROY KING RD, FARMINGTON, 87401, United States



Kirtland, NM 87417 USA CK 6367 #11 Matthew Soderberg Silling Address

Drip leg on furnace: No drip leg on furnace.

Matthew Soderberg CR 6367 #11 Kirtland, NM 87417 USA Job Address

#### Estimate Details

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\$504.59 Total 65.21\$ Tax 00.681\$ IstoT-du2 Potential Savings \$0.00-\$19.00

Thank you for choosing R.A. Biel Plumbing & Heating

amount arter 13 days. Parts or materials will not be ordered until the initial hair down payment has been received by R. A. biel Plumbing Metering, Inc.

MOTE: Credit card payments will be charged and additional 3% processing fee.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carty fire, vandalism, theft, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. In the event it becomes necessary for us to incur any collection costs or suits to collect under this Agreement, the undersigned promises to pay such additional costs of collection and such sums as the court adjudges reasonable as Attorney's fees on said suit. Payment of half down upon acceptance with balance due upon completion. Interest of 2.0% per month to be charged on past due amount after 15 days. Parts or materials will not be ordered until the initial half down payment has been received by R. A. Biel Plumbing

Estimate 9009012 Job 9003888 Estimate Date 8/23/2019 Customer PO

Kirtland, NM 87417 USA

Job Address Matthew Soderberg CR 6367 #11

> R.A. Biel Plumbing & Heating 1205 TROY KING RD, FARMINGTON, 87401, United States (505) 327-7755



Billing Address Matthew Soderberg CR 6367 #11 Kirtland, NM 87417 USA

### Estimate Details

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Payment of half down upon acceptance with balance due upon completion. Interest of 2.0% per month to be charged on past due amount after 15 days. Parts or materials will not be ordered until the initial half down payment has been received by R. A. Biel Plumbing & Heating, Inc.

MOTE: Credit card payments will be charged and additional 3% processing fee.

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Customer PO Estimate Date 8/23/2019 888E006 **qor** Estimate 9011432

(505) 327-7755 R.A. Biel Plumbing & Heating 1205 TROY KING RD, FARMINGTON, 87401, United States



**Billing Address** Matthew Soderberg CR 6367 #11 Kirtland, WM 87417 USA

Kirtland, NM 87417 USA CR 6367 #11 Matthew Soderberg Job Address

#### **Estimate Details**

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Anount areer 13 days. Parts or materials will not be ordered until the initial field down payment has been received by it. At pier it forming. Metaring, linc.

We Heating, linc.

WOTE: Credit card payments will be charged and additional 3% processing fee.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an attended over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to earry fire, vandalism, theft, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation locatry fire, vandalism, the event it becomes necessary for us to incur any collection costs or suits to collect under this Agreement, the undersigned promises to pay such additional costs of incur any collection and such sums as the court adjudges reasonable as Attorney's fees on said suit.

Estimate 9011179

Job 9003888
Estimate Date 8/23/2019
Customer PO

R.A. Biel Plumbing & Heating 1205 TROY KING RD, FARMINGTON, 87401, United States (505) 327-7755



Billing Address Matthew Soderberg CR 6367 #11 Kirtland, NM 87417 USA

Job Address Matthew Soderberg CR 6367 #11 Kirtland, MM 87417 USA

#### Estimate Details

Pressure relief valve drain for water heater does not come out side Mobile home : To run drain outside home.

	el Plumbing & Pleating	I yauk you for choosing R.A. Bid	
1stoT			
lstoT-du2 xsT			
iva2 laitnato9			
<b>Your Price</b> \$239.00	<b>vpitneuD</b> 00.1	<b>Description</b> Quick Fix - Water Delivery Component Patch 30 day warranty	<b>Iask #</b>
	\$239.00 ive2 leitnefoq lefoT-du2 xsT	00.985\$ 00.1  ive2 leitnetoq  letoT-du2  xeT  letoT	Quick Fix - Water Delivery Component Patch 30 day warranty 30 day warranty Total Savi

Payment of half down upon acceptance with balance due upon completion. Interest of 2.0% per month to be charged on past due amount after 15 days. Parts or materials will not be ordered until the initial half down payment has been received by R. A. Biel Plumbing MOTE. Credit card navments will be charged and additional 30% processing to

MOTE: Credit card payments will be charged and additional 3% processing fee.

MOTE: Credit card payments will be charged and additional 3% processing fee.

All material is guaranteed to be as specifications involving extra costs will be executed only upon written order, and will become an alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, vandalism, theft, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance. In the event it becomes necessary for us to incur any collection costs or suits to collect under this Agreement, the undersigned promises to pay such additional costs of collection and such sums as the court adjudges reasonable as Attorney's fees on said suit.

Customer PO Estimate Date 8/23/2019 888E006 **qor** Estimate 9008768

(202) 327-7755 R.A. Biel Plumbing & Heating 1205 TROY KING RD, FARMINGTON, 87401, United States 1205, 2727-575



Matthew Soderberg Kirtland, NM 87417 USA Kirtland, NM 87417 USA Billing Address

Matthew Soderberg CR 6367 #11 Kirtland, WM 87417 USA Job Address

#### Estimate Details

Drip leg for water heater : No drip leg on water heater and flex comes up from crawl space, it will need to be hard pipe.

\$283.00 \$283.00 \$28.35 \$28.35 \$28.35				
00.82\$-00.0\$ <b>2</b>	tential Saving	od		
<b>Second 1998</b> 100 100 100 100 100 100 100 100 100 10	<b>Your Price</b> \$283.00	<b>VitinenD</b> 00.1	<b>Description</b> Quick Fix with Performance Inspection and Combustion Monitor 6 month warranty	oK 1 B <b>Lesk #</b>

Payment of half down upon acceptance with balance due upon completion. Interest of 2.0% per month to be charged on past due amount after 15 days. Parts or materials will not be ordered until the initial half down payment has been received by R. A. Biel Plumbing

Wheeting, inc. Most send payments will be charged and additional 3% processing fee. Most card payments will be charged and additional 3% processing fee. Most credit card payments will be east pecified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, vandalism, theft, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. In the event it becomes necessary for us to incur any collection costs or suits to collect under this Agreement, the undersigned promises to pay such additional costs of collection and such sums as the court adjudges reasonable as Attorney's fees on said suit.

#### Certificate of Service

I hereby certify that on February 8, 2021 a copy of the foregoing **document** was emailed to the persons listed below. A copy will be mailed first class upon request.

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New Mexico Environment Department
121 Tijeras Ave, NE #1000
Albuquerque, NM 87102
Christopher J. Vigil@state.nm.us
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2091 Locust Road
Montrose, CO 81401
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Pamela Jones, Commission Administrator

Water Quality Control Commission

P.O. Box 5469 Santa Fe, NM 87502

Phone: (505) 660-4305

Email: Pamela.Jones@state.nm.us