

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 25 STATE FIRE MARSHAL
PART 15 COMPLAINTS HEARD BY FIRE SERVICES COUNCIL

10.25.15.1 ISSUING AGENCY: State Fire Marshal
[10.25.15.1 NMAC – N, 4/7/2026]

10.25.15.2 SCOPE: This part governs the filing, consideration and resolution of complaints made to the fire services council.
[10.25.15.2 NMAC – N, 4/7/2026]

10.25.15.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Sections 59A-52-1.1 NMSA 1978.
[10.25.15.3 NMAC – N, 4/7/2026]

10.25.15.4 DURATION: Permanent.
[10.25.15.4 NMAC – N, 4/7/2026]

10.25.15.5 EFFECTIVE DATE: April 7, 2026, unless a later date is cited at the end of a section.
[10.25.15.5 NMAC – N, 4/7/2026]

10.25.15.6 OBJECTIVE: The purpose of this rule is to establish the process by which individuals can make complaints to the fire services council about the performance of the state fire marshal’s office and the process by which the fire services council will consider and resolve complaints.
[10.25.15.6 NMAC – N, 4/7/2026]

10.25.15.7 DEFINITIONS:

A. “Complaint” means a written statement concerning the state fire marshal’s office service delivery performance or administration of Chapter 59A, Article 52 NMSA 1978, but does not include any grievance or concern related to personnel or human resources matters.

B. “Council” means the fire services council.
[10.25.15.7 NMAC – N, 4/7/2026]

10.25.15.8 COMPLAINT PROCEDURE:

A. Initiation of complaint. A person may initiate a complaint in writing on a form approved by the council and submit it to the council at the state fire marshal’s office in Santa Fe, New Mexico. The complaint must contain the following:

- (1) The name, telephone number (if any), email address (if any) and physical address of the complainant;
- (2) The nature of the complaint in a clear and concise manner;
- (3) a clear and concise statement of facts which the complainant alleges shows that performance of the state fire marshal’s office is unsatisfactory or otherwise;
- (4) if applicable, a statement of any laws, rules, regulations or orders that the complainant believes were violated by the state fire marshal’s office; and
- (5) the following statement signed by the complainant: “The factual allegations in the complaint are true and correct to the best of my knowledge and belief,” or an affidavit sworn by the complainant.

B. Responses to complaint and investigation.

(1) Within 10 business days of receipt of a complaint that is filed in substantial compliance with this rule, the council shall provide a copy of the complaint to the state fire marshal’s office.

(2) The state fire marshal’s office shall provide a written response to the complaint within 15 business days of receipt from the council. The state fire marshal’s office may seek an extension of time to answer a complaint.

(3) Unless an extension of time has been granted, if the state fire marshal's office does not submit a response within 15 business days of receipt of the complaint, the council shall move forward with its review and consideration of the complaint and issue its recommendations, if any.

(4) After receipt of the complaint and the response, the council or its designee may conduct any follow-up interviews or investigation as may be necessary to formulate its recommendations

C. Recommendation.

(1) Within 90 business days of receipt by the council of the complaint and response, the council shall issue its formal recommendations, approved by a majority of a quorum at an open meeting, to the state fire marshal's office.

(2) The council shall mail a copy of the formal recommendations to the complainant and the state fire marshal via first class mail and email, if complainant has provided an email address.

(3) The council's recommendations may include recommendations for relief, dismissal of the complaint, or further proceedings as may be necessary and shall be binding on all parties.

(4) If the state fire marshal objects to the council's recommendations, the state fire marshal may provide a statement and any supporting documentation explaining its objections and proposing an alternative resolution to the complaint. The objections and proposed alternative resolution must be provided to the council within 15 business days of the date of the council's recommendations, unless the council believes that circumstances exist that threaten the health, safety or welfare of the public, in which case the state fire marshal must submit its objections within five days. The council shall review any objections and proposed alternatives and either affirm or modify its recommendations within 15 business days.

D. Closure or dismissal of complaint.

(1) Issuance of the council's recommendations will close the complaint and no further action will be taken by the council unless the recommendations include further proceedings or unless the recommendations directly involve the state fire marshal and his or her performance of their statutory duties, in which case, the council shall forward the complaint and the council's recommendations to the secretary of homeland security and emergency management for review and possible action.

(2) The council may dismiss a complaint at any time upon a finding of no jurisdiction or no probable cause.

[10.25.15.8 NMAC – N, 4/7/2026]

HISTORY OF 10.25.15 NMAC: [RESERVED]