

No. 25-113

IN THE
Supreme Court of the United States

BREANNA RENTERIA, *et al.*,

Petitioners,

v.

NEW MEXICO OFFICE OF THE
SUPERINTENDENT OF INSURANCE, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

SUPPLEMENTAL BRIEF OF PETITIONERS

EDWARD D. GREIM

Counsel of Record

MATTHEW R. MUELLER

KATHERINE E. MITRA

GRAVES GARRETT GREIM LLC

1100 Main Street, Suite 2700

Kansas City, MO 64105

(816) 256-3181

edgreim@gravesgarrett.com

Counsel for Petitioners

June 9, 2026

393499

COUNSEL PRESS

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INTRODUCTION

Petitioners agree with the Government's recommendation that this Court "should hold the petition for a writ of certiorari pending its decision in *St. Mary Catholic Parish v. Roy*, cert. granted, No. 25-581 (Apr. 20, 2026)," Govt.1, but only if this Court is disinclined to grant the petition for certiorari.

Petitioners do disagree with the Government's assessment that the Court should forgo review of this case, particularly Question 4 (the preemption question), now. Both the First Amendment Free Exercise Clause issues and Supremacy Clause issues are properly presented to this Court. Both issues necessitate review at the earliest possible opportunity to remedy Petitioners' ongoing irreparable injury. Petitioners therefore respectfully ask the Court to grant the petition for certiorari, or, in the alternative, to hold the entire petition pending its decision in *St. Mary Catholic Parish*.

I. THE GOVERNMENT RIGHTLY RECOMMENDS THAT THIS COURT HOLD THE PETITION IF IT IS DISINCLINED TO GRANT NOW.

If this Court is not inclined to grant Petitioners' petition for certiorari outright, Petitioners agree with the Government's recommendation to hold the petition for writ of certiorari pending this Court's decision in *St. Mary Catholic Parish v. Roy*, cert. granted, No. 25-581 (Apr. 20, 2026). Govt.1.

As the Government correctly recognizes, the Free Exercise issues in this case significantly overlap with the Free Exercise issues presented in *St. Mary Catholic Parish*. Accordingly, if this Court resolves *St.*

Mary Catholic Parish in favor of the petitioners, it would also resolve this case in favor of Petitioners.

II. THIS COURT SHOULD REVIEW AND DECIDE THIS CASE NOW.

The Government is wrong, however, that this case is not suitable for review now.

A. Petitioners' Free Exercise Claim May Not Be Resolved by *St. Mary Catholic Parish*.

The Government correctly identifies the overlap between Question 1 in *St. Mary Catholic Parish v. Roy*, cert. granted, No. 25-581 (Apr. 20, 2026), and the Free Exercise questions (particularly, Question 2) in this case. Govt.15-16. If the answer to *St. Mary Catholic Parish* Question 1 is that, in proving the lack of general applicability under *Employment Division v. Smith*, 494 U.S. 872 (1990), plaintiffs need not show “categorical exemptions for identical secular conduct” (Petition at i) but may instead only show exemptions that undermine the state’s interest “in a similar way” *Fulton v. City of Philadelphia*, 593 U.S. 522, 534 (2021), then the Tenth Circuit in Petitioners’ case erred. For here, the Tenth Circuit panel imposed even greater demands than the *St. Mary Catholic Parish* panel: it required not only that New Mexico allow categorical exemptions for identical secular conduct, but that the secular entities’ *purposes* for engaging in that identical conduct be the same as the religious entities’ *purposes*—not just a higher standard, but a likely insurmountable standard given that in most contexts secular and religious entities inherently operate for different purposes. *See* App.A.23a-24a. *Ipsa facto*, if

St. Mary Catholic Parish establishes that not even the “categorical exemptions for identical secular conduct” standard controls, then the Tenth Circuit’s higher “identical purposes” requirement must also fall.

Yet disposition of *St. Mary Catholic Parish* will not necessarily decide Petitioners’ claims. This Court could decide *St. Mary Catholic Parish* on Question 2, which does not overlap with Petitioners’ claims, without reaching Question 1.¹ Such a result would leave Petitioners’ Free Exercise claims unresolved. And in the interim, Petitioners continue to suffer irreparable harm from New Mexico’s discrimination against health care sharing ministry members’ religious exercise. Given these circumstances, this Court should grant the petition to resolve Petitioners’ claims concurrently.

B. There Are No Obstacles to Review Petitioners’ Preemption Claim.

This Court should also grant the petition to resolve Question 4, the preemption question. This question has no overlap with *St. Mary Catholic Parish* and will not be addressed by that case. The Government does not dispute the importance of this question for the Court. Rather, the Government raises several objections based on the preceding litigation and the posture of the state court litigation involving Gospel Light, the entity that runs the ministry. None of these concerns warrant denial of the Petition.

¹ Question 2 in *St. Mary Catholic Parish* asks: “Whether *Carson v. Makin*, [596 U.S. 767 (2022),] displaces the rule of *Employment Division v. Smith* only when the government explicitly excludes religious people and institutions.” Pet. at i-ii, *St. Mary Catholic Parish*, *supra* (No. 25-581).

1. It is already settled that New Mexico is applying state law against Petitioners' ministry.

The Government primarily argues that Question 4 hinges on an unsettled factual issue based in state law—specifically, “whether Gospel Light is engaged in the business of insurance as a matter of New Mexico law.” Govt.17. But that is not the case.

State officials have already unequivocally determined that Gospel Light is engaged in the business of insurance under New Mexico law and that Gospel Light is a legitimate health care sharing ministry (“HCSM”) under the Patient Protection and Affordable Care Act (“ACA”). Vol.II.0240 (finding that Gospel Light “has transacted the business of insurance in this state”); Pet.App.D.131a-132a (adopting that finding, imposing a fine, and ordering Gospel Light to cease operations “until [it] complies with the requirements of the New Mexico Insurance Code”); Vol.II.0274 (stipulation that Gospel Light meets the definition of an HCSM as set forth in the ACA (26 U.S.C. §5000A(d)(2)(B)).² Because the State has concluded that Gospel Light is subject to the New Mexico Insurance Code (“NMIC”) due to its *status as an HCSM*, and not because of any non-HCSM activities, these determinations are not “fact-bound.”

The State has successfully brought enforcement proceedings against Gospel Light based on these findings, ordered Gospel Light to cease and desist, and imposed a fine of \$2,510,000 against Gospel Light for its conduct. Pet.App.D.124a-132a.

² All “Vol.____” citations are to the record on appeal filed in the Tenth Circuit in *Renteria v. Kane*, No. 23-2123 (10th Cir.)

And since the time Petitioners filed their petition for a writ of certiorari, on January 5, 2026, a New Mexico court agreed with OSI's interpretation of state law, affirmed OSI's final order on appeal, and denied Gospel Light's motions to reconsider. App.1a-13a. In other words, New Mexico has already decided that it can force an entity the ACA recognizes as an HCSM to refrain from HCSM activities in New Mexico. Because New Mexico has never wavered on these issues of state law, they are properly presented for this Court's preemption analysis.

Put another way, the preemption question here centers on whether "state action" by the New Mexico Executive Branch, the enforcement arm of the State, as currently approved and affirmed by a New Mexico court, conflicts with federal law and thereby violates the Supremacy Clause. *Gade v. Nat'l Solid Wastes Mgmt. Ass'n*, 505 U.S. 88, 107 (1992). "Whatever the purpose or purposes of the state law, pre-emption analysis cannot ignore the effect of the challenged state action . . ." *Id.* Even where state enforcement of state law conflicts with the actual state law, that enforcement policy can be preempted by federal law. *See, e.g., Livadas v. Bradshaw*, 512 U.S. 107, 134-35 (1994) (holding that state official's policy of not enforcing claims secured by state law was preempted). In *Livadas*, this Court held that when a state official engages in unconstitutional enforcement under the Supremacy Clause, the action's adherence to state law is entirely irrelevant to the preemption analysis. *Id.* at 118-19. The state official's enforcement policy or action is unconstitutional because it violates federal law—regardless of the enforcement action's compliance with state law. *Id.* at 118-19. In other words, the accuracy of the state official's

interpretation of state law in enforcement proceedings does not matter.

Livadas is instructive here. Here, as there, state executive officials have taken an enforcement action that violates federal law. OSI, just as the California Commissioner of Labor in *Livadas*, has authority to bring such actions pursuant to state law and, in doing so, interpret state law. *Cf. id.* at 112 n.5. No federal court had to independently decide or second-guess whether New Mexico officials and the New Mexico court are correct in their read of state law. *Cf. Govt.18.*³ Nor must Gospel Light exhaust all state court appeals for Petitioners to challenge this determination. Petitioners need not wait around for New Mexico’s state courts—where its Executive Branch is already batting 1.000—to repeatedly ratify the Executive Branch’s past and ongoing misconduct. Rather, because New Mexico has brought an enforcement action based in state law, and a New Mexico court has affirmed that interpretation, there is a settled and continuing application of state law that conflicts with federal law and warrants review.

2. State court litigation brought by another party should not affect the decision to review.

Second, the Government contends that this Court should decline review because Petitioners’ preemption arguments “are subject to ongoing state-court litigation by Gospel Light, which is not a

³ And as Judge Carson pointed out in dissent, the majority did in fact accept as true that Gospel Light engaged in the business of insurance and was thereby subject to the NMIC. Pet.App.A.62a (dissent); Pet.App.A.23a-24a (majority).

petitioner here, and whose state-court litigation may significantly affect the scope of relief available” in a few different ways. Govt.16-17.

1. The Government first argues that state court litigation could render the preemption claims moot if a state appellate court eventually reverses the determination that Gospel Light is engaged in the business of insurance. Govt.17. This argument does not counsel against review for several reasons. First, that relief will not come anytime soon, if at all, considering that appellate review is still far from reaching the merits stage of New Mexico’s slow-moving intermediate appellate courts. Second, even if in a few years New Mexico state courts unexpectedly reverse course and hold that Gospel Light is not selling insurance under state law, Petitioners would still need to ensure regulators give Gospel Light the freedom to operate as an HCSM in New Mexico. So the case would not be automatically mooted. Third, any hypothetical relief does not obviate Petitioners’ ongoing irreparable injury. Finally, federal courts and state courts routinely engage in parallel litigation. The mere presence of related state court litigation by a non-party does not counsel against review.

2. The Government also argues that Gospel Light’s state court litigation may have a preclusive effect on this litigation if the state appellate courts “render a final judgment affirming OSI’s order against Gospel Light before this Court reaches the preemption question.” Govt.17. That is not true. To begin, it’s unclear why that would not already be the case when a trial court has entered a final judgment affirming OSI’s order. App.5a-13a. Respondents have obviously known of (and indeed, have obtained) these trial court orders and yet have never raised the

specter of preclusion in any of the federal proceedings or in their prior filings here. That is likely because Respondents recognize that Petitioners are not a party to those state court proceedings. *See Taylor v. Sturgell*, 553 U.S. 880, 892-93 (2008).⁴ This Court should look past the Government's novel position on *res judicata*.

3. The Government contends that Gospel Light may later be positioned to have the Court review the same federal preemption question presented if the state courts rule against it. Govt.18. But again, Petitioners face an irreparable injury, and Petitioners have no authority to force Gospel Light to bring these hypothetical claims based on a hypothetical decision from a state appellate court at an unknown date.

4. Although not expressly argued, at the heart of the Government's arguments is the vague suspicion that *Younger v. Harris*, 401 U.S. 37 (1971), should somehow bar Petitioners' claims. But as even the Government admits, the district court's *Younger* abstention decision only applied to Gospel Light—not Petitioners. Govt.18. And no one other than the Government—not Respondents, the district court, or the Tenth Circuit—has ever identified a *Younger* problem with Petitioners' proceeding since it began several years ago. The Court should reject this novel argument now.

⁴ Furthermore, if New Mexico's appellate courts agree with the trial court and its regulators, it would answer the Government's first objection that there is supposedly an undecided issue of state law.

3. Petitioners preserved all claims.

The Government argues that “Petitioners also failed to preserve one of their preemption arguments”—*i.e.* the ACA preempts the NMIC’s nondiscrimination provision. Govt.17.

Here too the Government’s argument is one that not even Respondents raise. Moreover, Petitioners were not obligated to preserve this “argument[.]” *Id.* This Court’s “traditional rule is that [o]nce a federal claim is properly presented, a party can make any argument in support of that claim; parties are not limited to the precise arguments they made below.” *Lebron v. Nat’l R.R. Passenger Corp.*, 513 U.S. 374, 379 (1995) (quotation omitted). Everyone agrees that Petitioners “pressed their preemption claim enough to preserve it for appeal.” *See, e.g.*, Pet.App.A.26a (Tenth Circuit majority opinion). Accordingly, Petitioners are free to raise new arguments in support of that claim. *Lebron*, 513 U.S. at 379. Their point about the NMIC nondiscrimination provision is “not a new claim within the meaning of [this Court’s traditional] rule, but a new argument to support what has been [their] consistent claim.” *Id.* (citation omitted).

CONCLUSION

For the foregoing reasons, this Court should grant the petition, or in the alternative, hold the petition pending disposition of *St. Mary Catholic Parish v. Roy*, and stay lower court proceedings in the interim.

Respectfully submitted,

EDWARD D. GREIM

Counsel of Record

MATTHEW R. MUELLER

KATHERINE E. MITRA

GRAVES GARRETT GREIM LLC

1100 Main Street, Suite 2700

Kansas City, Missouri 64105

edgreim@gravesgarrett.com

(816) 256-3181

Counsel for Petitioners

June 9, 2026

APPENDIX

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**APPENDIX A — ORDER DENYING MOTION TO
RECONSIDER OF THE STATE OF NEW MEXICO
FOR THE COUNTY OF SANTA FE, FIRST
JUDICIAL DISTRICT, FILED JANUARY 5, 2026**

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

No. D-101-CV-2023-00660

OFFICE OF SUPERINTENDENT OF
INSURANCE AND JENNIFER A. CATECHIS,
IN HER OFFICIAL CAPACITY OF INTERIM
SUPERINTENDENT OF INSURANCE,

Appellees,

vs.

GOSPEL LIGHT MENNONITE CHURCH MEDICAL
AID PLAN DBA LIBERTY HEALTHSHARE,

Appellant.

Filed January 5, 2026

**ORDER DENYING APPELLANT'S MOTION
TO RECONSIDER THE COURT'S RULING
MADE IN ITS ORIGINAL CAPACITY**

This Matter came before the Court on the Appellant's
Motion to Reconsider the Court's Ruling in Its Original

Appendix A

Capacity; the Appellees appearing by and through their attorney, the Appellant appearing by and through its attorneys; and the Court, having reviewed the pleadings filed in connection with the Motion and considering all matters of record, has determined that a hearing is unnecessary.

The Court in its discretion may rely upon the pleadings filed in this matter if the written submissions are sufficient to resolve the matters presented. *See National Excess Insurance Co. v. Bingham*, 1987-NMCA-109, ¶9, 106 N.M. 325, 327, 742 P.2d 537, 539 (Ct App. 1987).

To be clear, the Federal District Court and the Tenth Circuit analyzed the controlling law, and this Court adopts and incorporates the *analyses* of the Federal Courts of the controlling law. The Appellant's attempt to argue outside the record and create a new record is not persuasive. The Court having considered the pleadings and all matters of record and being otherwise fully advised in the premises finds that the Motion is not well taken and should be denied.

IT IS THEREFORE ORDERED that the Appellant's Motion to Reconsider the Court's Ruling Made in Its Original Capacity is Denied.

/s/ Francis J. Mathew
Francis J. Mathew, District Court Judge

3a

**APPENDIX B — ORDER DENYING
APPELLANT’S MOTION OF THE STATE OF
NEW MEXICO, COUNTY OF SANTA FE, FIRST
JUDICIAL DISTRICT, FILED JANUARY 5, 2026**

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
1/5/2026 10:55 AM
KATHLEEN VIGIL CLERK OF THE COURT
Edith Suarez-Munoz

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

No. D-101-CV-2023-00660

OFFICE OF SUPERINTENDENT OF INSURANCE
and JENNIFER A. CATECHIS, in her official capacity
of Interim Superintendent of Insurance,

Appellees,

vs.

GOSPEL LIGHT MENNONITE CHURCH MEDICAL
AID PLAN DBA LIBERTY HEALTHSHARE,

Appellant.

Filed January 5, 2026

Appendix B

**ORDER DENYING APPELLANT'S MOTION
TO RECONSIDER THE COURT'S RULING
AFFIRMING APPELLEES' FINAL ORDER**

This Matter came before the Court on the Appellant's Motion to Reconsider the Court's Ruling Affirming Appellees' Final Order; the Appellees appearing by and through their attorney, the Appellant appearing by and through its attorneys; and the Court, having reviewed the pleadings filed in connection with the Motion and considering all matters of record, has determined that a hearing is unnecessary.

The Court in its discretion may rely upon the pleadings filed in this matter if the written submissions are sufficient to resolve the matters presented. *See National Excess Insurance Co. v. Bingham*, 1987-NMCA-109, ¶ 9, 106 N.M. 325, 327, 742 P.2d 537, 539 (Ct App. 1987).

The Appellant's attempt to argue outside the record on appeal is not persuasive. The Court having considered the pleadings and all matters of record and being otherwise fully advised in the premises finds that the Motion is not well taken and should be denied.

IT IS THEREFORE ORDERED that the Appellant's Motion to Reconsider the Court's Ruling Affirming Appellees' Final Order is Denied.

/s/ Francis J. Mathew

Francis J. Mathew, District Court Judge

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**APPENDIX C — AMENDED DECISION
AFFIRMING FINAL ORDER OF THE STATE OF
NEW MEXICO FOR THE COUNTY OF SANTA FE,
FIRST JUDICIAL DISTRICT,
FILED SEPTEMBER 24, 2025**

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

No. D-101-CV-2023-00660

OFFICE OF SUPERINTENDENT OF
INSURANCE AND JENNIFER A. CATECHIS,
IN HER OFFICIAL CAPACITY OF INTERIM
SUPERINTENDENT OF INSURANCE,

Appellees,

vs.

GOSPEL LIGHT MENNONITE CHURCH MEDICAL
AID PLAN DBA LIBERTY HEALTHSHARE,

Appellant.

Filed September 24, 2025

**AMENDED DECISION AFFIRMING FINAL
ORDER OF JENNIFER A. CATECHIS, INTERIM
SUPERINTENDENT OF INSURANCE**

THIS MATTER came before the Court on the Appeal
from the Final Order of Jennifer A. Catechis, Interim

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Superintendent of Insurance, dated February 22, 2023 in Docket No. 2021-0085, pursuant to Rule 1-074, NMRA; the Appellant being represented by Harrison, Hart & Davis, LLC (Carter B. Harrison, Esq., Nicholas T. Hart, Esq. and Daniel J. Gallegos, Esq.) and Commonwealth Law Offices, P.C. (J. Michael Sharman, Esq.); the Appellees being represented by Office of Legal Counsel, Office of Superintendent of Insurance (Alyssa Herrera, Esq. and Jacqueline Ortiz, Esq.); the Court having heard arguments of counsel, reviewed the pleadings and all matters of record and being fully advised in the premises, finds after Remand by the New Mexico Court of Appeals in Case No. A-1-CA-42047 that the Final Order of Jennifer A. Catechis, Interim Superintendent of Insurance, dated February 22, 2023 in Docket No. 2021-0085 should be affirmed.

Based upon the pleadings and all matters of record, this Court finds:

1. This Court has jurisdiction over the parties hereto and the subject matter hereof.
2. This review is governed by Rule 1-074, NMRA, and the Court's original jurisdiction.
3. The Decision appealed from is not arbitrary or capricious, and it is otherwise in accordance with law as supported by substantial evidence.
4. The Court cannot reverse a Decision because it may disagree with the result.

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Such a ruling “is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in light of the whole record.” *Id.* ¶ 17 (internal quotation marks and citation omitted). Though we must perform a whole record review, “[w]e must be careful not to substitute our own judgment for that of the agency. . . .” *Id.* Rather, “we must consider all evidence bearing on the findings, favorable or unfavorable, to determine if there is substantial evidence to support the result.” *Tom Growney Equip. Co. v. Jouett*, 2005-NMSC-015, 1113, 137 N.M. 497, 113 P.3d 320 (internal quotation marks and citation omitted). “Where the testimony is conflicting, the issue on appeal is not whether there is evidence to support a contrary result, but rather whether the evidence supports the findings of the trier of fact.” *Id.* (internal quotation marks and citation omitted).

Sais v. NM Dept. of Corrections, 2012-NMSC-009, ¶16, 275 P.3d 104.

5. In resolving ambiguities in a statute or regulation which an agency is charged with administering, the Court will generally defer to the agency’s interpretation if it implicates agency expertise but not to its statutory interpretation which is reviewed as a matter of law.

. . . A ruling by an administrative agency is arbitrary and capricious if it is unreasonable or

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without a rational basis, when viewed in light of the whole record. *Snyder Ranches, Inc. v. Oil Conservation Comm'n*, 110 N.M. 637, 639, 798 P.2d 587, 589 (1990); see *Hobbs Gas Co. v. NM Serv. Comm'n*, 115 N.M. 678, 680, 858 P.2d 54, 56 (1993) (stating that burden on review of administrative decision under arbitrary and capricious standard is to show that the decision is “unreasonable or unlawful.”) In making these determinations, we must remain mindful that “in resolving ambiguities in the statute or regulations which an agency is charged with administering, the Court generally will defer to the agency’s interpretation if it implicates agency expertise.” *Atlixco*, 1998-NMCA-134, ¶ 30, 125 N.M. 786, 965 P.2d 370; see *Chavez*, 1996-NMSC-070, ¶ 21, 122 N.M. 579, 929 P.2d 971. Further, “[t]raditionally, cases have uniformly held the hearing of an administrative appeal at the district court level is an appellate procedure, *not a trial de novo*.” *Groendyke Transp., Inc. v. NM State Corp. Comm'n*, 101 N.M. 470, 476, 684 P.2d 1135, 1141 (1984) (emphasis added). “It is not the function of the trial court to retry the case . . . admit new evidence unless under an [statutory] exception . . . or substitute its judgment for that of [an administrative agency].” *Id.* (internal citations omitted). However, we will not defer to the Commission’s or the district court’s statutory interpretation, as this is a matter of law that we review de novo. See *Mutz v. Mun. Boundary*

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Comm'n, 101 N.M. 694, 69798, 688 P.2d 12, 15-16 (1984).

Rio Grande Chapter of the Sierra Club v. New Mexico Mining Commission, 2003-NMSC-005, ¶17, 133 N.M. 97, 61 P.3d 806.

6. Our Supreme Court has determined it to be “imperative” that when governmental agencies adjudicate the legal rights of individuals they “use the procedures which have traditionally been associated with the judicial process.” *Reid v. NM Bd. of Exam’rs in Optometry*, 92 N.M. 414, 416, 589 P.2d 198, 200 (1979). And, while such procedural matters as the rules of evidence or hearsay need not be adhered to by administrative agencies to the same degree as in a court of law, the right to an impartial tribunal is held to the higher standard.

The rigidity of the requirement that the trier be impartial and unconcerned in the result applies more strictly to an administrative adjudication where many of the customary safeguards affiliated with court proceedings have, in the interest of expedition and a supposed administrative efficiency, been relaxed.

Id.; see also *Ohio Bell Tel. Co. v. Pub. Utils. Comm’n*, 301 U.S. 292, 304, 57 S.Ct. 724, 81 L.Ed. 1093 (1937) (suggesting of the adjudicative role of administrative agencies: “All the more insistent is the need, when power

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has been bestowed so freely, that the inexorable safeguard of a fair and open hearing be maintained in its integrity.” (internal quotation marks and citations omitted)).

Los Chavez Community Ass’n v. Valencia County, 2012-NMCA-044, ¶22, 277 P.3d 475.

7. Appellant has argued that it has been denied procedural due process because the “two decision makers: (1) the OSI hearing officer who rendered a Recommended Decision following an evidentiary hearing; and (2) the Superintendent who adopted all of the Hearing Officer’s findings of fact and conclusions of law as her own” were not impartial.
8. The appellate courts of New Mexico have not agreed with Appellant’s argument. The New Mexico Legislature has seen fit to provide for the Hearing procedure as conducted by the OSI Hearing Officer and the Interim Superintendent. *See* §59A-4-15, NMSA 1978.
9. “The constitutionality of a statute is presumed. Doubts concerning its constitutionality are to be resolved in favor of legality and, before a statute may be stricken down, it must clearly appear that it offends applicable constitutional provisions.” *Seidenberg v. New Mexico Bd. of Medical Examiners*, 1969-NMSC-028, ¶ 17, 80 N.M. 135, 452 P.2d 469.
10. Appellant has argued federal preemption with respect to the issues before the Court. The Appellant’s

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preemption arguments have been reviewed and rejected by at least two (2) Federal Courts. As noted in Note 13 of Appellant's Statement of Appellate Issues, Appellant filed a separate federal suit against Appellee in *Gospel Light Mennonite Church Medical Aid Plan d/b/a Liberty HealthShare, et al. v. New Mexico Office of the Superintendent of Insurance, et al.*, 1:23-cv-00276 MLG/KK. The Federal District Court, Judge Garcia, rejected the argument. See *Gospel Light Mennonite Church Medical Aid Plan d/b/a Liberty HealthShare, et al. v. New Mexico Office of the Superintendent of Insurance, et al.*, 1:23-cv-00276 MLG/KK, 2023 WL 4546544 (D.N.M. July 14, 2023). The Tenth Circuit also reviewed the Appellant's preemption argument in *Renteria, et al. v. New Mexico Office of the Superintendent of Insurance*, No. 23-2123, 135 A.F.T.R.2d 2025, 2025 WL 635754 (10th Cir. February 27, 2025). It also rejected the Appellant's argument.

This Court adopts the analyses of the Federal Courts, incorporates them herein and likewise rejects the Appellant's preemption argument, finding that New Mexico law is not preempted by federal law in this area.

11. The Appellant or its members also raised a First Amendment challenge to the Final Order claiming impairment by the New Mexico Superintendent of Insurance's action in *Gospel Light Mennonite Church Medical Aid Plan d/b/a Liberty HealthShare, et al. v. New Mexico Office of the Superintendent of*

Appendix C

Insurance, et al., 1:23-cv-00276 MLG/KK, 2023 WL 6686684 (D.N.M. October 12, 2023) and *Renteria, et al. v. New Mexico Office of the Superintendent of Insurance*, No. 23-2123, 135 A.F.T.R.2d 2025, 2025 WL 635754 (10th Cir. February 27, 2025). Again, the Federal District Court and the Tenth Circuit analyzed the controlling law in the area of the First Amendment relating to the exercise of religion and rejected the claims. This Court also rejects the same claims raised in the Appeal herein, adopts and incorporates the analyses of the Federal Courts, finding the Final Order does not violate the First Amendment Rights related to the free exercise of religion under the Federal and New Mexico Constitutions.

12. “The fact that the charges are made by the same body which tries the issues does not, in itself, operate as a disqualification. Neither does zeal in the performance of a public duty disqualify.” *Id.* at ¶ 24. *See also C & D Trailer Sales v. Taxation and Revenue Dept.*, 1979-NMCA-151, 93 N.M. 697, 604 P.2d 835.
13. Jennifer A. Catechis, Interim Superintendent of Insurance did not act arbitrarily, capriciously or contrary to law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the Final Order of Jennifer A. Catechis, Interim Superintendent of

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Appendix C

Insurance, dated February 22, 2023 in Docket No. 2021-0085 is **AFFIRMED**.

/s/ Francis J. Mathew

Francis J. Mathew, District Court Judge