

800 Bradbury Dr. SE
Suite 215
Albuquerque, NM 87106
(505) 827 7800
www.sec.state.nm.us



Hon. William F. Lang (*Chair*)
Jeffrey L. Baker
Stuart M. Bluestone
Hon. Garrey Carruthers
Hon. Celia Foy Castillo
Ronald Solimon
Judy Villanueva

STATE ETHICS COMMISSION

CONTACT

For Immediate Release:

01/21/2022

Jeremy Farris
Executive Director
jeremy.farris@state.nm.us

Sonny C. Haquani
Director of Communications
sonny.haquani@state.nm.us
505.554.7706

PRESS RELEASE

Albuquerque, NM, January 21, 2022 – The State Ethics Commission announced Friday that in response to an inquiry from the Commission’s Executive Director, the candidate committee, New Mexicans for Michelle, paid a \$4,200 excess contribution to the public election fund. On October 1, 2021, the candidate committee received contributions from Intrepid Potash that exceeded the lawful limit on contribution amounts by \$4,200. On December 21, 2021, and January 19, 2022, Commission staff inquired into whether the candidate committee had refunded the contribution and asked that it be deposited in the public election fund, as required by the Campaign Reporting Act. On January 20, 2022, the candidate committee confirmed that it had sent a check for \$4,200 to the State of New Mexico, for deposit into the public election fund.

The public election fund provides public financing for eligible candidates seeking election to appellate court and district court offices. Contribution limits and disclosure requirements are critical components of state laws that ensure free and fair elections, and enforcement of these laws is one of the Commission’s core responsibilities.

Related materials to this matter are attached. For more information about the State Ethics Commission, visit www.sec.state.nm.us.

SARA BERGER LAW

P.O. Box 90504

Portland, OR 97290

Licensed in New Mexico and Oregon

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(971) 322-6458

EMAIL

sara@sarabergerlaw.com

January 20, 2022

Jeremy Farris
Executive Director
State Ethics Commission
800 Bradbury Drive Southeast, Suite 215
Albuquerque, NM 87106
Via email: Jeremy.Farris@state.nm.us

Re: Refund of \$4,200 to Intrepid Potash

Dear Mr. Farris:

This firm represents New Mexicans for Michelle, a New Mexico candidate campaign committee. I write in response to your recent letter dated January 19, 2022.

New Mexicans for Michelle refunded the inadvertent excess contribution of \$4,200 to Intrepid Potash via check dated December 22, 2021. *See* attached. Based on your letter dated December 21, 2021, since the committee had not yet refunded the contribution to the donor, the committee also paid the excess contribution to the State of New Mexico on January 7, 2022. *See* attached.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

/s/ Sara Berger

SARA BERGER

Encls.

New Mexicans for Michelle
PO 25422
Albuquerque, NM 87125

New Mexico Bank and Trust
Albuquerque, NM
95-654/1070

1951

12/22/2021

PAY TO THE ORDER OF Intrepid Potash

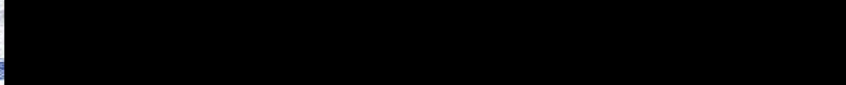
\$ **4,200.00

Four thousand two hundred and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Intrepid Potash
1717 N Downing St
c/o Stratton-Carpenter & Assoc.
Denver, CO 80218 USA

MEMO Contribution Refund (Over Contribution Limit)



New Mexicans for Michelle
12/22/2021

Intrepid Potash

Contribution Refund (Over Contribution Limit)

1951
4,200.00

NM Bank and Trust

Contribution Refund (Over Contribution Limit)

4,200.00

New Mexicans for Michelle
12/22/2021

Intrepid Potash

Contribution Refund (Over Contribution Limit)

1951
4,200.00

PAYMENT RECORD

NM Bank and Trust

Contribution Refund (Over Contribution Limit)

4,200.00



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Details on Back Intuit® CheckLock™ Secure Check

New Mexicans for Michelle
PO 25422
Albuquerque, NM 87125

New Mexico Bank and Trust
Albuquerque, NM
95-654/1070

1952

01/06/2022

PAY TO THE ORDER OF State of New Mexico

\$**4,200.00

Four thousand two hundred and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

State of New Mexico
490 Old Santa Fe Trail
Santa Fe, NM 87502

Michelle MP

MEMO State Ethics Commission Fine



New Mexicans for Michelle
01/06/2022

State of New Mexico

State Ethics Commission Fine

1952

4,200.00

NM Bank and Trust

State Ethics Commission Fine

4,200.00

New Mexicans for Michelle
01/06/2022

State of New Mexico

State Ethics Commission Fine

1952

4,200.00

PAYMENT RECORD

NM Bank and Trust

State Ethics Commission Fine

4,200.00



STATE ETHICS COMMISSION

Jeremy Farris, Executive Director
800 Bradbury Drive Southeast, Suite 215
Albuquerque, NM 87106
505.490.0951 | jeremy.farris@state.nm.us

Hon William F Lang (Chair)
Jeffrey L Baker
Stuart M Bluestone
Hon Garrey Carruthers
Hon Celia Foy Castillo
Ronald Solimon
Dr Judy Villanueva

Jeremy D Farris, Executive Director

January 19, 2022

Via Electronic Mail Only

New Mexicans for Michelle
John Wertheim, Treasurer
2015 Dietz Pl. NW
Albuquerque, NM 87107
info@newmexicansformichelle.com
jwertheim@gmail.com
(505) 450-4199

Re: Refund of \$4,200 to Intrepid Potash

Dear New Mexicans for Michelle and Mr. Wertheim,

I am writing to follow up on my December 21, 2021 request regarding the excess contribution of \$4,200 that New Mexicans for Michelle (hereinafter “you”) received from Intrepid Potash. In view of the upcoming meeting of the State Ethics Commission on February 4, 2022, I would appreciate any response that you can provide to this correspondence.

In your 2021 Second Bi-Annual Report, submitted to the Office of the Secretary of State on October 11, 2021, you reported a monetary contribution from Intrepid Potash, received on October 1, 2021, in the amount of \$25,000.00 received on October 1, 2021. You subsequently amended your 2021 Second Bi-Annual Report on October 20, 2021 to identify three separate contributions from Intrepid Potash, two contributions in the amount of \$10,400.00 and one in the amount of \$4,200.00, all received on October 1, 2021. With respect to the amended report of the \$4,200.00 contribution, you noted that the contribution was “Collected in Error, To Be Refunded.” I am writing (i) to request proof that you refunded the \$4,200.00 contribution; and (ii) to state the date on which the excess contribution was refunded.

As you know, this letter follows an administrative matter regarding this excess contribution.



[REDACTED]

Separate from the Commission's authority to adjudicate administrative complaints, the Commission has the authority to pursue civil remedies for violations of the Campaign Reporting Act. *See* NMSA 1978, §§ 1-19-34.6(C) (2021); 10-16G-9(F) (2021). To adequately assess your compliance with the Campaign Reporting Act, I make the above-mentioned request, for four reasons: First, [REDACTED] a representation by a candidate's campaign committee that a contribution was "collected in error, *to be refunded*" is not the same thing as an excess contribution being, in fact, refunded. *See* Ex. 1, New Mexicans for Michelle's 2021 Second Bi-Annual Report, p 628 (Oct. 20, 2021) (emphasis added). Second, under Subsection 1-19-34.7(G) of the Campaign Reporting Act, "[a]ll contributions in excess of the limits imposed by the provisions of this section *shall be deposited in the public election fund* upon a finding by the secretary of state that the contribution limits have been exceeded." NMSA 1978, § 1-19-34.7(G) (2019) (emphasis added). Third, under 1.10.13.22(A) NMAC, the excessive contribution could have been permissibly returned to Intrepid Potash only *before* the [REDACTED] October 29, 2021. *See* 1.10.13.22(A) NMAC. Fourth, despite the amended 2021 Second Bi-Annual Report, the New Mexico Campaign Finance System currently shows Intrepid Potash as a top contributor with contributions in the amount of \$24,600.00—an amount that does not reconcile with your amended 2021 Second Bi-Annual Report. *See* Ex. 4, Screenshot of New Mexico Campaign Finance System (Jan. 19, 2021). Therefore, to adequately assess your compliance with the Campaign Reporting Act, I request that you provide proof that you refunded the \$4,200.00 contribution to Intrepid Potash and confirm the date on which that amount was refunded.

Last, if you have yet to refund the excess contribution, or if you returned the excess contribution after October 29, 2021, please send the State Treasurer a payment made to the State of New Mexico in the amount of \$4,200.00 for deposit in the public election fund. *See* § 1-19-34.7(G); *see also generally* NMSA 1978, § 1-19A-10 (2003, as amended 2021) (creating the public election fund).

Thank you for your efforts to maintain compliance with the Campaign Reporting Act.

Very truly yours,

/s/ Jeremy Farris
Jeremy Farris
Executive Director
State Ethics Commission

cc: Sara Berger, Sara Berger Law (via email only: sara@sarabergerlaw.com)



OFFICE OF THE SECRETARY OF STATE

Bureau of Elections, Ethics Administration
 325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501
 Phone: (505) 827-3600 Toll-Free: (800) 477-3632
 Fax: (505) 827-8403

2021 Second Bi-Annual report

FORM A

Candidate's Name Michelle Lujan Grisham
 Date Submitted: 10/20/2021 Date Due: 10/11/2021

1.	Full name of Candidate Michelle Lujan Grisham	Office Sought or Held Governor
	Mailing Address P.O. Box 25422	City, State & Zip Code Albuquerque, NM 87107
	Phone # (505) 343-1304	Fax #
2.	Full name of Campaign Committee New Mexicans for Michelle	Phone # (505) 795-5164
	Mailing Address 2015 Dietz Pl NW	City, State & Zip Code Albuquerque, NM 87107
		Fax #
3.	Full name of Treasurer John V Wertheim	Phone # (505) 450-4199
	Mailing Address 1709 Sigma Chi Rd NE	City, State & Zip Code Albuquerque, NM 87106
		Fax #
	Name & Street Address of Financial Institution Where bank account is maintained (Bank Account Located in New Mexico) NM Bank & Trust. 3701 4th Street NW , Albuquerque , NM 87107	

4.	FINANCIAL SUMMARY	Opening Balance
a.	OPENING BALANCE for reporting period ("0" If first report, or CLOSING BALANCE FROM LAST REPORT)	\$134,276.22
b.	Total Monetary Contributions this Reporting Period (Form B1 + Form B3)	\$2,532,552.72
c.	Total Expenditures this Reporting Period (Form C+ Form C1)	\$553,882.98
d.	Total Amount Raised from one or more Special Events Special Event Worksheet(s) attached Yes X No	\$0.00
e.	Closing Balance this Reporting Period (4a + 4b + 4d - 4c)	\$2,112,945.96
f.	Total Loans To the Committee this Reporting Period (Form A1)	\$0.00
g.	Total Unpaid Campaign Debt (Form A1)	\$0.00
h.	Total In-Kind Contributions this Reporting Period (Form B2)	\$1,853.70

2021 Second Bi-Annual report

Report of Expenditures and Contributions

Form A 1

Candidate's Name Michelle Lujan Grisham
Date Submitted: 10/20/2021 Date Due: 10/11/2021

1.	TOTAL DEBT CARRIED FORWARD	\$0.00
2.	TOTAL LOAN CONTRIBUTIONS	\$0.00
3.	TOTAL DEBT PAID	\$0.00
4.	TOTAL LOANS FORGIVEN	\$0.00
5.	TOTAL UNPAID DEBT	\$0.00

10/1/2021	Deborah A. Armstrong 2015 Dietz Pl NW Albuquerque, NM 87107 Monetary Contribution	Other - Management Consultant	\$5,000.00
10/1/2021	Deborah Bancroft 665 BURNT RIDGE RD ONALASKA, WA 98570 Monetary Contribution	Individual	\$5.00
10/1/2021	Democrats Reshaping America (DREAMPAC) 50 E St SE, Ste 1 Washington, DC 20003 Monetary Contribution	Political Action Committee	\$2,500.00
10/1/2021	Diego Candelas 1000 MONROE ST ANTHONY, NM 88021 Monetary Contribution	Individual	\$20.00
10/1/2021	Drug Policy Action Fund for New Mexico 131 W 33rd St, Fl 15 New York, NY 10001 Monetary Contribution	Political Action Committee	\$2,500.00
10/1/2021	Edward L. Romero 1521 Eagle Ridge Rd NE Albuquerque, NM 87122 Monetary Contribution	Other - Retired	\$1,000.00
10/1/2021	International Association of Firefighters Interested In Registration And Education PAC 1750 New York Ave NW Washington, DC 20006 Monetary Contribution	Political Action Committee	\$5,200.00
10/1/2021	Intrepid Potash 1717 N Downing St, c/o Stratton- Carpenter & Assoc. Denver, CO 80218 Monetary Contribution	Other Fertilizer Manufacturer	\$25,000.00
10/1/2021 AMENDED	Intrepid Potash 1717 N Downing St, c/o Stratton- Carpenter & Assoc. Denver, CO 80218 Monetary Contribution	Other Fertilizer Manufacturer	\$10,400.00

10/1/2021	Intrepid Potash 1717 N Downing St, c/o Stratton- Carpenter & Assoc. Denver, CO 80218 Monetary Contribution	Other Fertilizer Manufacturer	\$10,400.00
10/1/2021	Intrepid Potash 1717 N Downing St, c/o Stratton- Carpenter & Assoc. Denver, CO 80218 Collected in Error, To Be Refunded	Other Fertilizer Manufacturer	\$4,200.00
10/1/2021	James Toohey PO BOX 562 SANDIA PARK, NM 87047 Monetary Contribution	Individual	\$25.00
10/1/2021	Jan Debont 501 S Beverly Dr Beverly Hills, CA 90212 Monetary Contribution	Individual	\$25.00
10/1/2021	Joan Paula Meeske 106 LA JOYA RD SANTA FE, NM 87501 Monetary Contribution	Individual	\$5.00
10/1/2021	Joe Wu 5519 BENSON CT NW ALBUQUERQUE, NM 87120 Monetary Contribution	Individual	\$5.00
10/1/2021	June S Trone 11417 Skipwith Ln Potomac, MD 20854 Monetary Contribution	Other - Homemaker	\$10,400.00
10/1/2021	Kuster For Congress Inc. PO Box 1498 Concord, NH 03302 Monetary Contribution	Other	\$1,000.00
10/1/2021	Lawrence Reaves, III 1001 Tramway Blvd NE, Apt 231 Albuquerque, NM 87112 Monetary Contribution	Individual	\$5.00
10/1/2021	Lillian K Walker 4512 HARPERS FERRY CT NW ALBUQUERQUE, NM 87120 Monetary Contribution	Individual	\$50.00



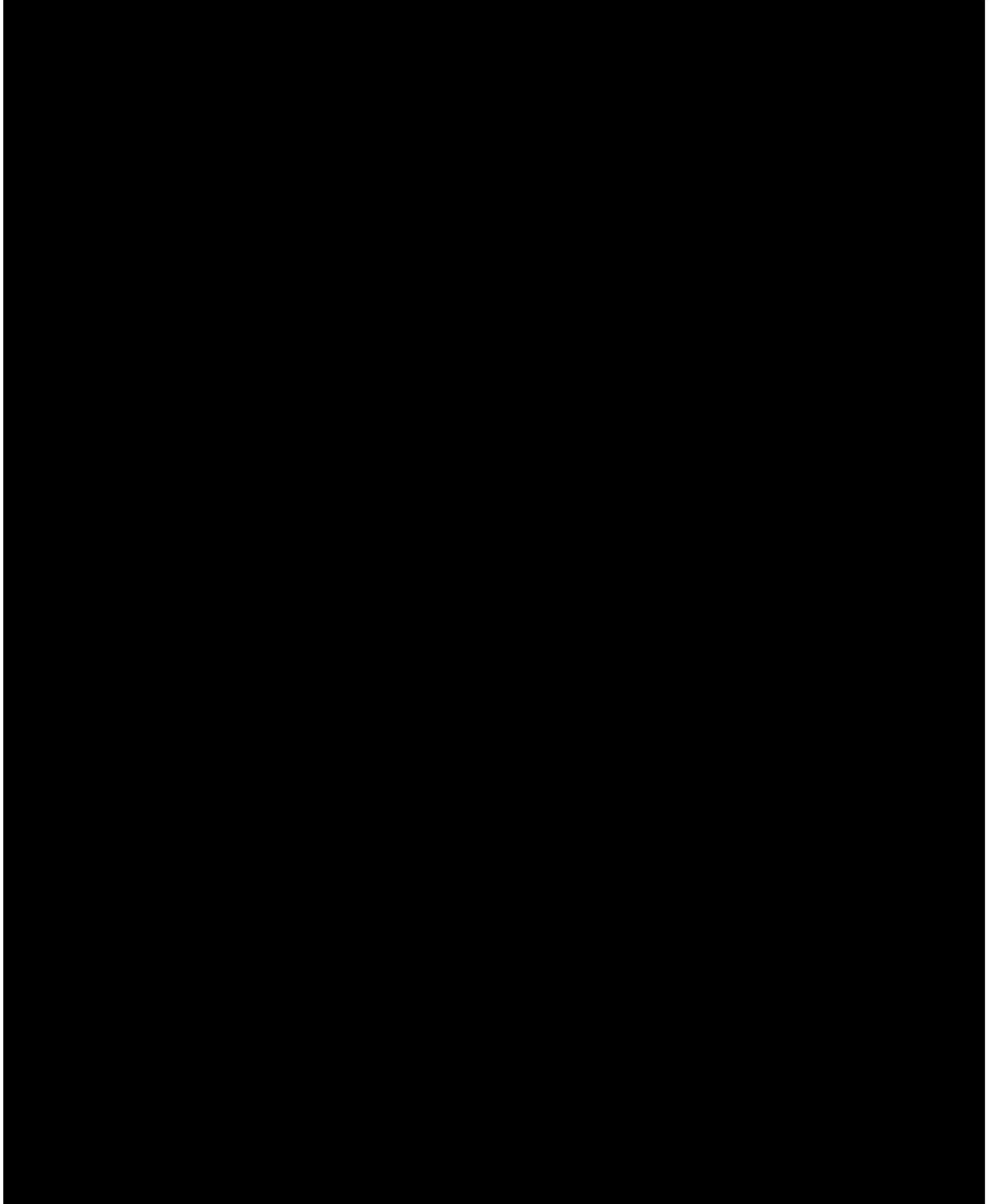
STATE ETHICS COMMISSION

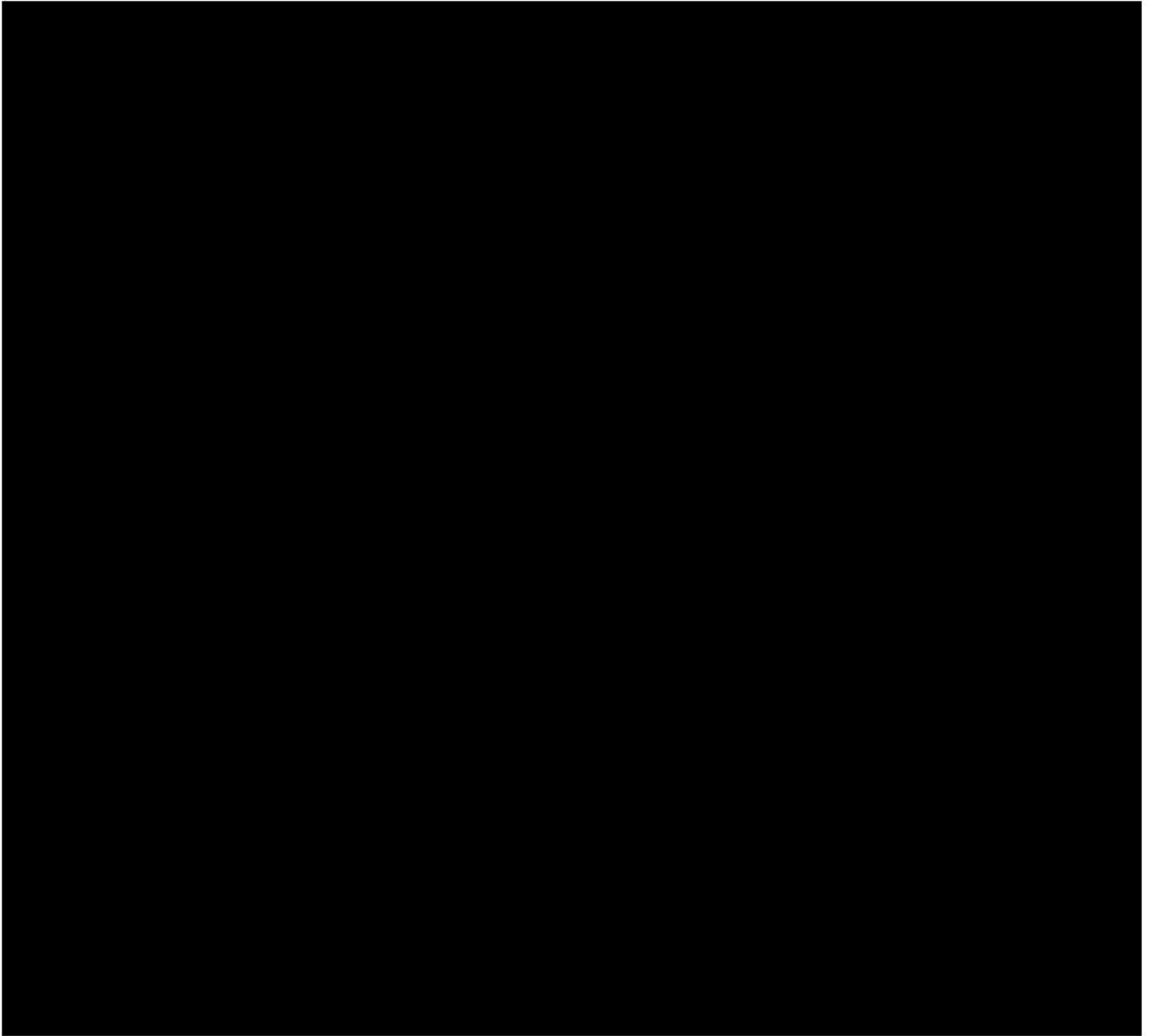
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October 21, 2021





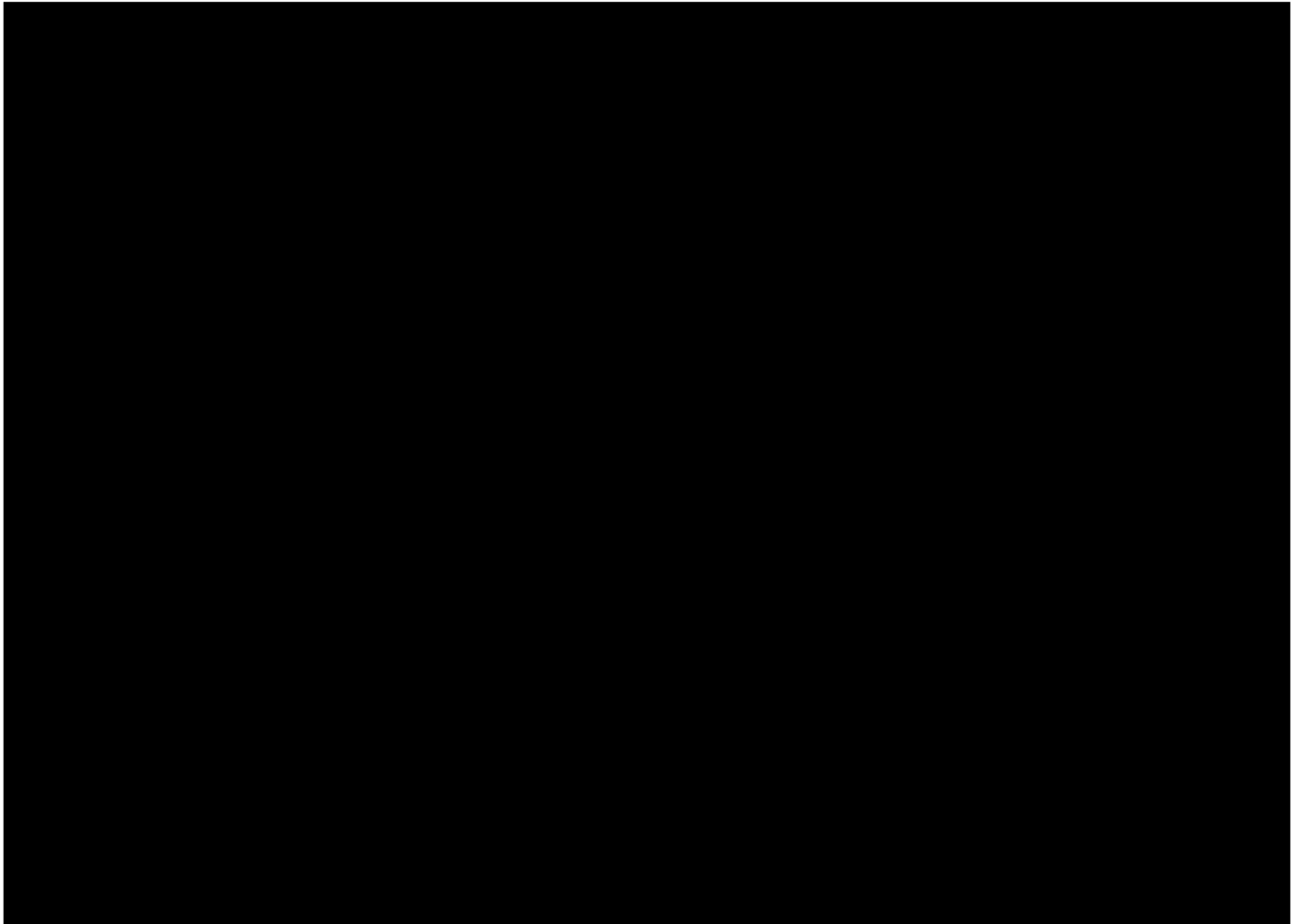
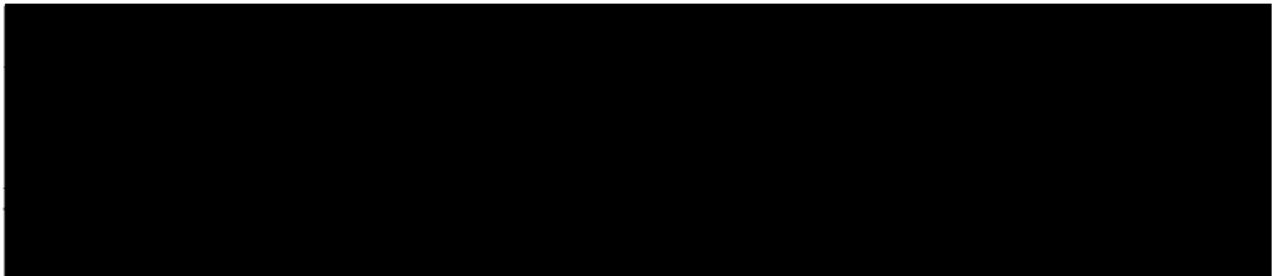
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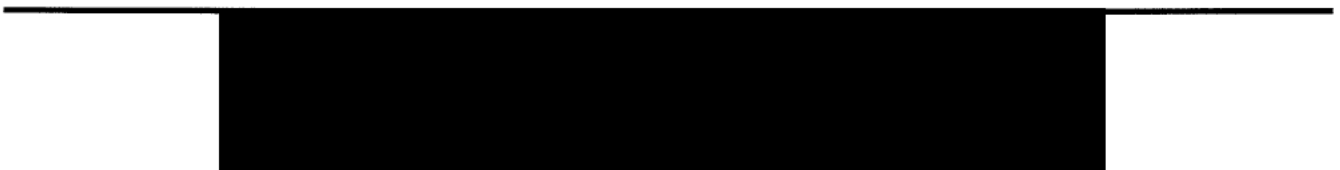
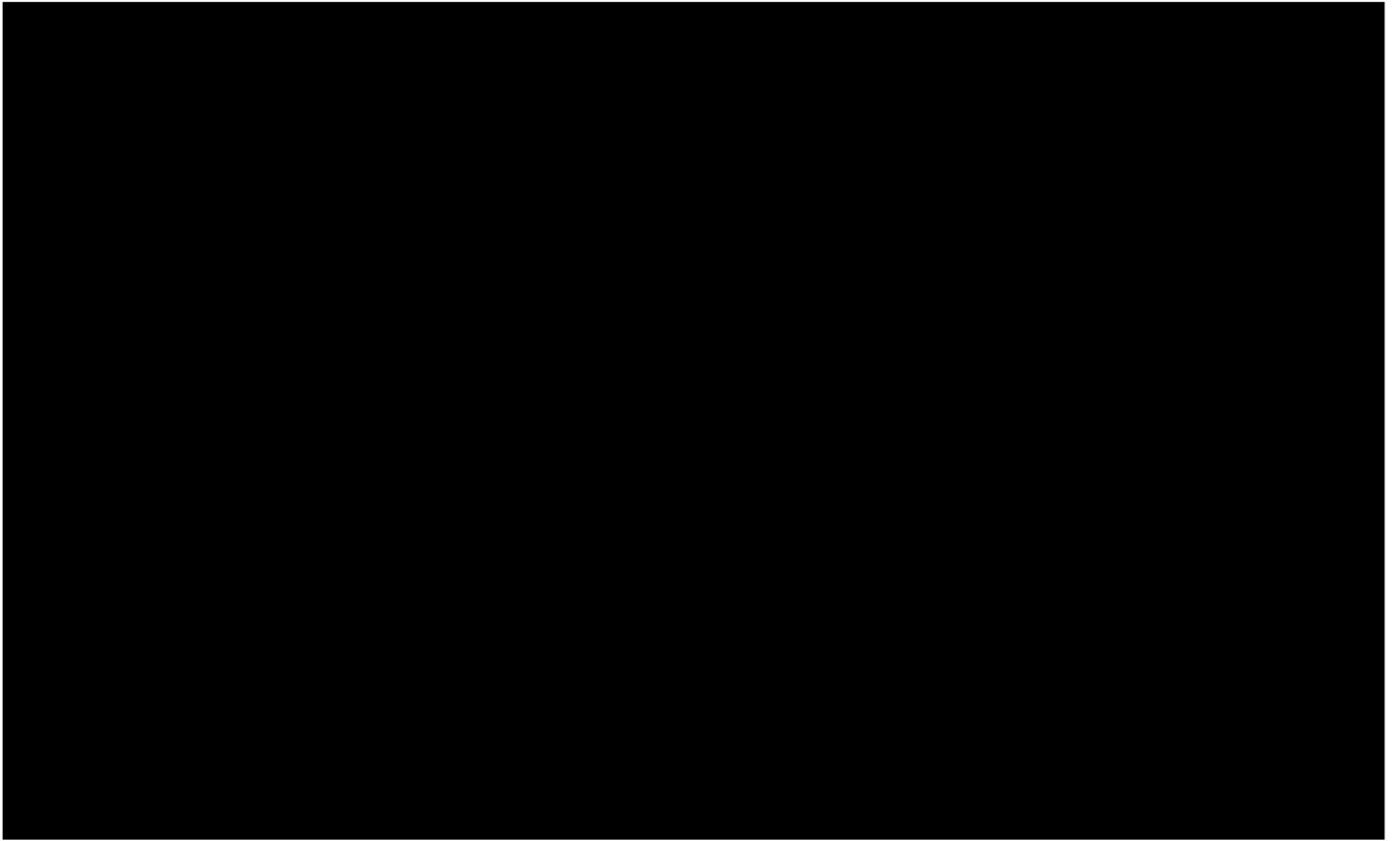
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October 29, 2021

SENT VIA EMAIL ONLY





Candidates

Michelle Lujan Grisham **DEMOCRATIC**

Compliant

Candidate for Governor

Status Inactive	Candidate Address P.O. Box 25422 Albuquerque, NM 87107	Candidate Email info@newmexicansformichelle.com	Date Registered 12/21/2016
Election(s) 2018 Legacy Election - 2018	Committee Name & Address New Mexicans for Michelle 2015 Dietz Pl NW Albuquerque, NM 87107	Committee Email info@newmexicansformichelle.com	Treasurer John V Wertheim
Date of Last Filing 11/02/2021			

- SUMMARY**
 - CONTRIBUTIONS
 - EXPENDITURES
 - FILINGS
 - FINES
 - DOCUMENTS
- Election Cycle
All

Combined Financial Totals

Total Contributions \$3,037,804.31	Total Expenditures \$3,388,852.79	Top Contributors	
In-Kind Contributions \$1,853.70	Current Debt Balance \$0.00	1. Intrepid Potash	\$24,600.00
Current Cash Balance \$0.00		2. Nobel, Das	\$20,800.00
		3. Chavez, Steven B.	\$20,400.00
		4. Purlife	\$20,400.00
		5. Garrett Development Corporation	\$20,000.00

[View Registration](#)