

SEC Office  
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Albuquerque, NM 87106



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

## **STATE ETHICS COMMISSION**

**Commission Meeting Minutes of April 1, 2022 | 9:00AM-12:30PM**

Virtually Via Zoom

[View Recording Here](#)

### **[SUBJECT TO RATIFICATION BY COMMISSION]**

#### **CALL TO ORDER AND ROLL CALL**

The meeting was called to order by Chair Lang. The roll was called; the following Commissioners were present:

Jeffrey Baker, Commissioner  
Stuart Bluestone, Commissioner  
Hon. Garrey Carruthers, Commissioner  
Hon. Celia Foy Castillo, Commissioner  
Judy Villanueva, Commissioner  
Hon. William Lang, Chair

The following Commissioner was absent:

Ronald Solimon, Commissioner

#### **1. APPROVAL OF AGENDA**

Chair Lang sought a motion to approve the agenda. Commissioner Carruthers moved to approve the agenda; Commissioner Foy Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the agenda unanimously.

#### **2. APPROVAL OF FEBRUARY 4, 2022 COMMISSION MEETING MINUTES**

Chair Lang sought a motion to approve the minutes of the February 4, 2022 Commission meeting. Commissioner Baker moved to approve the minutes; Commissioner Carruthers seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

#### **3. OVERVIEW OF 2022 PROJECTS: OFFICE GROWTH, FINANCIAL DISCLOSURE ACT**

Director Farris provided an overview of Commission projects and developments for 2022 and highlighted the following updates:

- The Commission has hired a new attorney, Caroline “KC” Manierre who is serving as the Commission’s Special Counsel.
- The Commission is expanding its office space, recently signing a 5-year lease at the UNM Science and Technology Park for suites 215 and 217 in 800 Bradbury Dr.
- In July, The Commission will have additional funding for staff and will begin hiring additional non-attorney staff.
- By way of projects, the Commission staff are continuing work on an initiative to enforce the Financial Disclosure Act more comprehensively throughout the state.
- Commission staff are also beginning an initiative to audit the contributions and expenditures for candidates and committees involved in the most significant statewide election contests to ensure compliance with the Campaign Reporting Act.

#### 4. **ADVISORY OPINION 2022-03**

Director Farris provided an overview of advisory opinion 2022-03, which addresses the following questions:

*1. A Member of the House of Representatives has a son who is a fencing and welding contractor. Can the son legally bid on state projects like right-of-way fences for the Department of Transportation or other state projects?*

*2. The son of the spouse of the Member is a building contractor who holds a GB-98 license and a degree in engineering. Can the son bid on state funded jobs that are offered by schools, cities, villages, state agencies, et al.?*

(To read the full opinion, visit [www.NMOnesource.com](http://www.NMOnesource.com)).

- Chair Lang sought a motion to adopt advisory opinion 2022-03. Commissioner Bluestone moved to adopt the opinion; Commissioner Foy Castillo seconded. After a discussion on the merits of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved advisory opinion 2022-03 unanimously.

#### 5. **ADVISORY OPINION 2022-04**

Director Farris provided an overview of advisory opinion 2022-04, which addresses the following question:

*The Taos County Cooperative Weed Management Area (“Taos CWMA”) has applied for a \$19,949 grant from the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department to address noxious weeds on forest-adjacent land located in Taos County and owned by Southern Methodist University. The Taos Chapter of the Native Plant Society of New Mexico (“Taos NPSNM”), a 501(c)(3) organization, is one of the members of the Taos CWMA and has agreed to be the fiscal sponsor for the project. If the Forestry Division grants the funds, the Taos CWMA members (which include several governmental entities) and the Southern Methodist University will provide matching in-kind contributions valued at \$19,949. Under the match, the*

*Southern Methodist University will provide all of the labor to complete the project. The Forestry Division “has indicated that the proposal has been approved, but they are concerned that this project might in some way violate NM’s anti-donation law.” The request asks the Commission’s attorney staff to provide an opinion.*

(To read the full opinion, visit [www.NMOnesource.com](http://www.NMOnesource.com)).

- Chair Lang sought a motion to adopt advisory opinion 2022-04. Commissioner Carruthers moved to adopt the opinion; Commissioner Baker seconded. After a discussion on the merits of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved advisory opinion 2022-04 unanimously.

#### **6. ADVISORY OPINION 2022-05**

Director Farris provided an overview of advisory opinion 2022-05, which addresses the following questions:

*1. May New Mexico political committees that make contributions to candidates, officeholders, and candidates solicit unlimited contributions from allowable persons on behalf of political committees that make only independent expenditures?*

*2. If the answer to question 1 is yes, may candidates and officeholders solicit unlimited contributions from allowable persons for an independent expenditure committee that will make expenditures to support the candidate or officeholder who is soliciting funds on the committee’s behalf?*

(To read the full opinion following its issuance, visit [www.NMOnesource.com](http://www.NMOnesource.com)).

- Chair Lang sought a motion to adopt advisory opinion 2022-05. Commissioner Bluestone moved to adopt the opinion; Commissioner Foy Castillo seconded. After a discussion on the merits of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved advisory opinion 2022-05 unanimously.

#### **7. EXECUTIVE SESSION**

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(2) (limited personnel matters), 10-15-1(H)(3) (administrative adjudicatory proceedings), and 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Carruthers moved to enter executive session; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and entered executive session.

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#### **---BEGINNING OF EXECUTIVE SESSION---**

The following matters were discussed in executive session:

- Discussions regarding administrative complaints:

#### Administrative Matters under State Ethics Commission Act:

a. Administrative Complaint No. 2021-017

- b. Administrative Complaint No. 2021-026
- c. Administrative Complaint No. 2021-027
- d. Administrative Complaint No. 2021-028
- e. Administrative Complaint No. 2021-038
- f. Administrative Complaint No. 2022-002
- g. Administrative Complaint No. 2022-004
- h. Administrative Complaint No. 2022-005

Administrative Matters under Revised Uniform Law on Notarial Acts:

- a. 2022-NP-04, *In re notary public commission of Stewart*
- b. 2022-NP-06, *In re notary public commission of Kiro*
- c. 2022-NP-07, *In re notary public commission of Rivera*
- d. 2022-NP-08 *In re notary public commission of Bratcher*
- e. 2022-NP-09 *In re notary public commission of Mates*

- Discussions regarding pending civil litigation
- The matters discussed in the closed meeting were limited to those specified in the motion to enter executive session. After concluding its discussion of these matters, the Commission resumed public session upon an appropriate motion.

---END OF EXECUTIVE SESSION---

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**8. ACTIONS ON ADMINISTRATIVE CASES Nos. 2021-017, 2021-026, 2021-027, 2021-028, 2021-038, 2022-002, 2022-004 & 2022-005**

Director Farris asked the Commission for the following motions on the following administrative cases:

- **In administrative case 2021-017, motion for 90-day extension under Section 11(A) of the State Ethics Commission Act.**  
Commissioner Baker moved as stated above; Commissioner Foy Castillo seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2021-026, motion for 90-day extension under Section 11(A) of the State Ethics Commission Act.**  
Commissioner Foy Castillo moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2021-027, motion to issue an order referring potential violations of the Law Enforcement Training Act to the Law Enforcement Training Academy, the New Mexico Attorney General, and the Secretary of Energy, Minerals and Natural Resources.**  
Commissioner Carruthers moved as stated above; Commissioner Foy Castillo seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2021-028, motion for 90-day extension under Section 11(A) of the State Ethics Commission Act.**

Commissioner Bluestone moved as stated above; Commissioner Carruthers seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2021-038, motion for 90-day extension under Section 11(A) of the State Ethics Commission Act.**

Commissioner Foy Castillo moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2022-002, motion to dismiss the complaint for lack of jurisdiction.**

Commissioner Foy Castillo moved as stated above; Commissioner Carruthers seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2022-004, motion to dismiss all claims in the complaint except for two claims under section 3 of the Governmental Conduct Act as applicable to two of the named individual respondents.**

Commissioner Bluestone moved as stated above; Commissioner Carruthers seconded as stated above. Chair Lang recused from the vote and conducted a roll-call vote. All other Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2022-005, motion to dismiss claims alleged under the Charitable Solicitations Act and the Rules of the State House of Representatives for lack of subject matter jurisdiction.**

Commissioner Carruthers moved as stated above; Commissioner Foy Castillo seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

**9. ADMINISTRATIVE MATTERS UNDER RULONA, CASE Nos. 2022-NP-02, 2022-NP-03, 2022-NP-06, 2022-NP-08, 2022-NP-09**

Director Farris sought motions on the following cases under the Revised Uniform Law on Notarial Acts:

- **In 2022-NP-02, *In re notary public commission of Romero*, motion to enter a default order revoking the Respondent’s notary public commission and disallowing her from applying from another commission until the Notice of Contemplated Action has been resolved.**

Commissioner Baker moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- In 2022-NP-03, *In re notary public commission of Samaniego*, motion to issue a notice of contemplated action against Ms. Samaniego.**  
 Commissioner Foy Castillo moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- In 2022-NP-06, *In re notary public commission of Kiro*, motion to approve a settlement agreement between the Commission and Ms. Kiro which suspends her notary public commission for 90 days, ending on June 30, 2022.**  
 Commissioner Carruthers moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- In 2022-NP-08, *In re notary public commission of Bracher*, motion to issue a notice of contemplated action to Ms. Bratcher.**  
 Commissioner Foy Castillo moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- In 2022-NP-09, *In re notary public commission of Mates*, motion to dismiss the complaint given that the Respondent’s notary commission expired in 2005.**  
 Commissioner Foy Castillo moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

## 10. RESOLUTIONS

**Commissioner Bluestone moved that the Commission to authorize the staff to file a civil action for a Governmental Conduct Act Violation by an elected official.**

Commissioner Carruthers seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

## 11. SELECTION OF NEXT MEETING

Chair Lang confirmed that the next meeting would take place on June 3, 2022 and would still be virtual. Chair Lang clarified that the Commission would aim to hold its next in-person meeting in August.

## 12. PUBLIC COMMENTS

- Communications Director Sonny Haquani offered comments announcing his enlistment in the U.S. Air Force and thanking the Commission and the Staff for the opportunity to serve the state and the Commission over the past two years.

No other public comments were offered.

### **13. ADJOURNMENT**

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned.

**[SUBJECT TO RATIFICATION BY COMMISSION]**