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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 August 5, 2022 | 9:00AM-12:00PM

Virtually Via Zoom: [Watch Here](#)

[Subject to Ratification by Commission]

1. Call to Order

Chairman Lang Calls the Meeting to Order at 9:01 AM.

2. Roll Call

The roll was called; the following Commissioners were present:

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

3. Approval of Agenda

Executive Director Farris sought an amendment to the agenda, striking Administrative Case 2021-017, agenda items 11a and 12a, because the case had been dismissed by a hearing officer following the Deputy General Counsel's findings that the complaint was not supported by probable cause. Commissioner Carruthers moved to amend the agenda; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the amendment unanimously. Chair Lang sought a motion to adopt the agenda as amended. Commissioner Baker moved to adopt the agenda; Commissioner Foy Castillo seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the agenda unanimously.

4. Approval of June 10, 2022 Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the June 10, 2022 Commission meeting. Commissioner Baker moved to approve the minutes; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

Commission Meeting Items

5. Advisory Opinion 2022-07

Director Farris provided an overview of advisory opinion 2022-07, which addresses the following question:

At the May 16, 2022, Albuquerque City Council meeting, the Council passed Floor Amendment No. 13 to the City's operating budget bill. According to an "explanation" contained in the amendment and to an official press release, the amendment added "\$250,000 for a Council directed sponsorship to Planned Parenthood of New Mexico." The operating budget bill was passed and then signed by Mayor Tim Keller.

The questions presented to the State Ethics Commission are:

- 1. Does the 'Council-directed sponsorship to Planned Parenthood of New Mexico,' a private corporation, violate Article IX, Section 14 of the Constitution?*
- 2. Does the 'Council-directed sponsorship to Planned Parenthood of New Mexico' violate the Procurement Code?*

(To read the full opinion following its issuance, [click here](#).)

Chair Lang sought a motion to adopt Advisory Opinion 2022-07. Commissioner Baker moved to adopt the opinion; Commissioner Carruthers 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 2022-07 unanimously.

6. Advisory Opinion 2022-08

Director Farris provided an overview of advisory opinion 2022-08, which addresses the following question:

May a political committee make a coordinated expenditure on an advertisement that advocates both the election of clearly identified candidates and the passage of a clearly identified ballot question?

(To read the full opinion following its issuance, [click here](#).)

Chair Lang sought a motion to adopt Advisory Opinion 2022-07. Commissioner Carruthers 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 2022-07 unanimously.

7. Advisory Opinion 2022-09

General Counsel Walker Boyd provided an overview of advisory opinion 2022-08, which addresses the following question:

An individual serves as an appointed officer of a public post-secondary educational institution. The individual's spouse is an employee of the institution. May the officer participate in the review and approval of a contract that will increase the wages paid to the officer's spouse?

(To read the full opinion following its issuance, [click here](#).)

Chair Lang sought a motion to adopt Advisory Opinion 2022-07. Commissioner Carruthers moved to adopt the opinion; Commissioner Bluestone 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 2022-07 unanimously.

8. Executive Session

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 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.

---Beginning of Executive Session---

The following matters were discussed in executive session:

- **Discussions regarding litigated matters:**
 - a. *State Ethics Comm'n v. Vargas & Double Eagle Real Estate LLC*, D-202CV-2021-06201 (2d Jud. Dist. Ct.)
 - b. *In re State Ethics Commission Petition for Issuance of a Subpoena Duces Tecum Pursuant to NMSA 1978, 10-16G-10(J)*, No. A-1-CA-39841 (N.M. App.), and *Dow v. Martin*, No. S-1-SC-38928 (N.M.)

- **Discussion of administrative matters under the State Ethics Commission Act subject to settlement approval:**
 - a. Administrative Complaint No. 2021-026
 - b. Administrative Complaint No. 2022-008

- **Discussion regarding administrative matters under Revised Uniform Law on Notarial Acts:**
 - a. In re notary public commission of Hyatt, 2022-NP-01
 - b. In re notary public commission of Ratigan, 2022-NP-11

c. In re notary public commission of Fulfer, 2022-NP-14

- **Discussion regarding administrative matters under State Ethics Commission Act:**

- a. Administrative Complaint Nos. 2021-038 & 2022-007 (consolidated)
- b. Administrative Complaint No. 2022-006
- c. Administrative Complaint No. 2022-011
- d. Administrative Complaint No. 2022-014
- e. Administrative Complaint No. 2022-015
- f. Administrative Complaint No. 2022-016
- g. Administrative Complaint No. 2022-017
- h. Administrative Complaint No. 2022-018
- i. Administrative Complaint No. 2022-021
- j. Administrative Complaint No. 2022-022
- k. Administrative Complaint No. 2022-023
- l. Administrative Complaint No. 2022-024
- m. Administrative Complaint No. 2022-025
- n. Administrative Complaint No. 2022-026
- o. Administrative Complaint No. 2022-028

- 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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9. **Actions on Administrative Complaints Nos. 2021-017, 2021-038 & 2022-07, 2022-006, 2022-011, 2022-014, 2022-015, 2022-016, 2022-017, 2022-018, 2022-021, 2022-022, 2022-023, 2022-024, 2022-025, 2022-026, 2022-028, 2021-026, and 2022-08.**

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

- **In administrative case 2021-038 & 2022-07, motion for a 90-day extension:**
Commissioner Carruthers 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 2022-006, motion for a 90-day extension:**
Commissioner Carruthers 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 2022-011, motion for a 90-day extension:**
 Commissioner Carruthers 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 2022-014, motion for a 90-day extension:**
 Commissioner Carruthers 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 2022-015, motion for a 90-day extension:**
 Commissioner Carruthers 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 2022-016, motion for an order of dismissal due to the Secretary of State certifying voluntary compliance:**
 Commissioner Foy Castillo moved as stated above; Commissioner Villanueva seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-017, motion for a 90-day extension:**
 Commissioner Carruthers moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-018, motion for a 90-day extension:**
 Commissioner Carruthers moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-021, motion for an order of dismissal due to the Secretary of State certifying voluntary compliance:**
 Commissioner Bluestone 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 2022-022, motion for an order of dismissal due to a lack of jurisdiction:**
 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 2022-023, motion for an order of dismissal due to a lack of jurisdiction:**
 Commissioner Foy Castillo moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. Commissioner Baker recused himself from the vote. All other Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-024, motion for an order of dismissal due to a lack of jurisdiction:**
 Commissioner Baker moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-025, motion for an order of dismissal due to a lack of jurisdiction:**
 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 2022-026, motion for an order of dismissal due to a lack of jurisdiction:**
 Commissioner Carruthers 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 2022-028, motion for an order of dismissal due to a lack of jurisdiction:**
 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 2021-026, motion to approve the settlement agreement between General Counsel Walker Boyd and the Respondent Rebecca Dow:**
 Commissioner Baker moved as stated above; Commissioner Villanueva seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-08, motion to approve the settlement agreement between General Counsel Walker Boyd and the Respondent Mark Ronchetti:**

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

10. Administrative Matters Under Revised Uniform Law on Notarial Acts (RULONA), Case Nos. 2022-NP-01, 2022-NP-11, and 2022-NP-14

Deputy General Counsel Rebecca Branch sought motions on the following cases under the Revised Uniform Law on Notarial Acts:

- a. **In 2022-NP-01, *In re notary public commission of Hyatt*, motion to issue a default order revoking Ms. Hyatt’s notary public commission and make an appropriate referral to a prosecuting authority:**

Commissioner Carruthers 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.

- b. **In 2022-NP-11, *In re notary public commission of Ratigan*, motion to issue a Notice of Contemplated Action revoking Mr. Ratigan’s notary public commission:**

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

- c. **In 2022-NP-14, *In re notary public commission of Fulfer*, motion to approve a settlement with Mr. Fulfer:**

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.

11. Selection of Next Meeting

Chair Lang confirmed that the next meeting would take place on October 14, 2022. Chair Lang clarified that the Commission would hold its next meeting in the Capitol building in Santa Fe.

12. Public Comments

No public comments were offered.

13. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 11:33 AM.

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