



STATE ETHICS COMMISSION

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

**Resolution No. 2022-04: Authorizing a demand and
civil action to enforce the Governmental Conduct Act**

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION
("Commission") met in Santa Fe, on October 14, 2022, at 9:00 a.m.;

WHEREAS, the Commission has the power to investigate violations and bring a
civil action to enforce the Governmental Conduct Act;

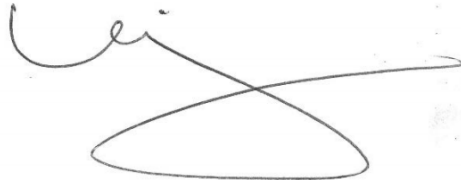
WHEREAS, the Commission has reason to believe that Mary Lou Kern has
violated Section 10-16-8 of the Governmental Conduct Act by (i) representing a
person in the person's dealings with the government on a matter in which she
participated personally and substantially while a public officer or employee, in
violation of Subsection 10-16-8(B); and (ii) representing for pay a person before
the state agency or local government agency at which she served or worked, in
violation of Subsection 10-16-8(D);

WHEREAS, the Executive Director has sought the approval of the Commission to
initiate a civil action under NMSA 1978, Sections 10-16-18(B) and 10-16G-9(F)
against Kern, and has explained the proposed civil action and remedies to be
sought, to civil penalties, injunctive relief, and other equitable remedies;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics
Commission:

1. The Commission's staff are authorized to demand that Kern comply with the Governmental Conduct Act and to prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Governmental Conduct Act and any other relief that the court deems just and proper.
2. If Commission staff file a lawsuit against Kern, then the Executive Director is instructed to provide regular updates on the status of the suit at the Commission's meetings during closed session. Commission staff shall communicate with the Chair as necessary between Commission meetings.
3. The Executive Director is authorized to enter an agreement to settle or dismiss claims brought against Kern, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 14th day of October 2022.

A handwritten signature in black ink, appearing to read 'W. Lang', with a large, stylized flourish underneath.

The Hon. William F. Lang
New Mexico State Ethics Commission
Chair