

SEC Office
800 Bradbury Dr. SE,
Suite 215
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 December 9, 2022 | 9:00AM-1:00PM
[Zoom Recording](#)

[Subject to Ratification by Commission]

1. Call to Order

Chairman Lang called the meeting to Order at 9:02 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

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

4. Approval of October 14, 2022 Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the October 14th 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.

Commission Meeting Items

5. Advisory Opinion No. 2022-10

Deputy General Counsel Rebecca Branch presented an overview of advisory opinion 2022-10, which addresses the following questions:

1. An individual served as a deputy secretary of a state agency. After leaving the agency, may the individual work on a contractual basis for a healthcare corporation during the year after the individual separated from the state agency?

2. After the one-year separation period may this individual join the healthcare corporation as an employee?

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

Chair Lang sought a motion to adopt Advisory Opinion 2022-10. Commissioner Bluestone 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 2022-10 unanimously.

6. Resolution 2022-07

General Counsel Walker Boyd provided an overview of Resolution 2022-07 and sought a motion from the Commission to adopt the resolution. Chair Lang sought a motion to adopt Resolution 2022-07. Commissioner Carruthers moved to adopt the resolution; Commissioner Foy-Castillo seconded. After a brief discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Resolution 2022-07 unanimously.

7. Update on Settlements of litigated and pre-litigated matters

Director Farris provided an update on recent settlements, including the lawsuit filed against Mr. Gabriel Vargas and Double Eagle Real Estate for violations of the Governmental Conduct Act, which resulted in a \$13,000 payment to the SEC. Special Counsel KC Manierre provided an update on a settlement with Ms. Mary Lou Kern, the former Colfax County Manager for revolving door violations of the Governmental Conduct Act, resulting in a \$500 payment to the SEC.

Commissioner Carruthers mentioned that even though the Commission is enforcing maximum penalties for violations, these penalties are perhaps still too minor. Commissioner Bluestone agreed with Commissioner Carruthers' sentiments and stated that the Commission and its staff should advocate for higher penalties, especially in cases of revolving door violations.

Commissioner Baker agreed and emphasized a need to increase penalties authorized by the Commission.

8. 2022 Annual Report

Director Farris offered an overview of the draft 2022 annual report and the legislative priorities of the Commission. Chair Lang sought a motion to adopt the 2022 Annual Report. Commissioner Solimon moved to adopt the report; Commissioner Carruthers seconded. After a discussion on the merits and role of the State Ethics Commission on legislative efforts, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the 2022 Annual Report unanimously.

9. Executive Session

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(3) (administrative adjudicatory proceedings), 10-15-1(H)(7) (attorney-client privilege pertaining to litigation), and 10-15-1(H)(2) (limited personnel matters). Commissioner Bluestone moved to enter executive session; Commissioner Foy-Castillo 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:

Discussion regarding current and potential litigation:

- Commission authorization of civil action regarding violations of Sections 10-16-3 and 10-16-3.1(C), and 10-16-4(A) of the Governmental Conduct Act by an elected official of a local public body
- Commission authorization of civil action regarding violations of the Procurement Code by a state employee
- Commission authorization of civil action regarding violations of Section 10-16-4(C) of the Governmental Conduct Act by a former public official
- Update for the Commission regarding Resolution 2022-05

Discussion of administrative matters under the State Ethics Commission Act subject to settlement approval:

- Administrative Complaint No. 2022-18
- Administrative Complaint No. 2022-32
- Administrative Complaint No. 2022-33
- Administrative Complaint No. 2022-34

Discussion regarding administrative matters under Revised Uniform Law on Notarial Acts:

- 2022-NP-05 (*In re commission of Perez*)
- 2022-NP-10 (*In re commission of Miller*)
- 2022-NP-12 (*In re commission of Hanson*)
- 2022-NP-13 (*in re commission of Galloway*)
- 2022-NP-15 (*In re commission of Munch*)
- 2022-NP-16 (*In re commission of Cordova*)
- 2022-NP-17 (*In re commission of Al-Assi*)

Discussion regarding administrative matters under State Ethics Commission Act

- Administrative Complaint No. 2022-044
- Administrative Complaint No. 2022-043
- Administrative Complaint No. 2022-042
- Administrative Complaint No. 2022-041
- Administrative Complaint No. 2022-039
- Administrative Complaint No. 2022-037
- Administrative Complaint No. 2022-06
- Administrative Complaint No. 2022-032
- Administrative Complaint No. 2022-030
- Administrative Complaint No. 2022-027
- Administrative Complaint No. 2022-015

Executive Director 2022 evaluation

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---

10. Authorizations on Civil Litigation

Director Farris asked the Commission for the following motions on the following litigative matters:

- **Commission authorization of civil action regarding violations of Sections 10-16-3 and 10-16-3.1(C), and 10-16-4(A) of the Governmental Conduct Act by an elected official of a local public body:** Director Farris sought a motion to authorize the attorney staff to file a civil action against Yvonne Otero, the Torrance County Clerk, for violations of the Governmental Conduct Act, and to refer the case to the District Attorney of the Seventh Judicial District to initiate removal proceedings. 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 unanimously.
- **Commission authorization of civil action regarding violations of the Procurement Code by a state employee:** Director Farris sought a motion to authorize the staff to send a demand letter, and if necessary, file a civil action against Bernadine Martin, the District Attorney for the 11th Judicial District for violations of the Procurement Code. 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 unanimously.
- **Commission authorization of civil action regarding violations of Section 10-16-4(C) of the Governmental Conduct Act by a former public official:** Director Farris sought a motion to authorize the staff to send a demand letter, and if necessary, file a civil action against Stephanie Stringer, the former chair of the Water Quality Control Commission, for violations of the Governmental Conduct 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 unanimously.

11. Actions on Administrative Complaints Nos. 2022-044, 2022-043, 2022-042, 2022-041, 2022-039, 2022-037, 2022-006, 2022-030, 2022-027, 2022-015, 2022-018, 2022-032, 2022-033, and 2022-034

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

- **In administrative case 2022-044, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Solimon 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 unanimously.
- **In administrative case 2022-043, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Solimon moved as stated above; Commissioner Foy-Castillo

seconded as stated above. Chair Lang conducted a roll-call vote. Commissioners Bluestone, Carruthers, Foy-Castillo, Solimon, Villanueva, and Chair Lang voted in the affirmative. Commissioner Baker was recused from the vote. The motion was approved.

- **In administrative case 2022-042, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Solimon 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 unanimously.
- **In administrative case 2022-041, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Solimon 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 unanimously.
- **In administrative case 2022-039, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Solimon 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 unanimously.
- **In administrative case 2022-037, motion for an order of dismissal under 9(C) and (D):** Commissioner Foy-Castillo 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 unanimously.
- **In administrative case 2022-006, motion for a 90 day extension:** Commissioner Carruthers 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 unanimously.
- **In administrative case 2022-030, motion for a 90 day extension:** Commissioner Foy-Castillo moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. Chair Lang conducted a roll-call vote. Commissioners Baker, Carruthers, Foy-Castillo, Solimon, Villanueva, and Chair Lang voted in the affirmative. Commissioner Bluestone recused himself from the vote. The motion was approved.
- **In administrative case 2022-027, motion for a 90 day extension:** Commissioner Carruthers 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 unanimously.

- **In administrative case 2022-015, motion for an authorization to seek subpoena:** 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 unanimously.
- **In administrative case 2022-018, motion for settlement approval:** 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 unanimously.
- **In administrative case 2022-032, motion for settlement approval:** Commissioner Baker 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 unanimously.
- **In administrative case 2022-033, motion for settlement approval:** Commissioner Carruthers 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 unanimously.
- **In administrative case 2022-034, motion for settlement approval:** 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 unanimously.

12. Administrative Matters Under Revised Uniform Law on Notarial Acts (RULONA), Case Nos. 2022-NP-05, 2022-NP-10, 2022-NP-12, 2022-NP-13, 2022-NP-16 and 2022-NP-17

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

- **In 2022-NP-05, *In re notary public commission of Perez*, motion to issue a dismissal of the NCA and complaint:** 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-10, *In re notary public commission of Miller*, motion to issue a dismissal of the complaint:** 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 2022-NP-12, *In re notary public commission of Hanson*, motion to issue a dismissal of the complaint:** 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 2022-NP-13, *In re notary public commission of Galloway*, motion to issue a Default Order:** 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 2022-NP-15, *In re notary public commission of Munch*, motion to issue a dismissal of the complaint:** Commissioner Foy-Castillo 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 2022-NP-16, *In re notary public commission of Cordova*, motion to issue a dismissal of the complaint:** 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 2022-NP-17, *In re notary public commission of Al-Assi*, motion to approve the settlement agreement:** 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.

13. Selection of Next Meeting

Chair Lang confirmed that the next meeting would take place on February 3, 2022. The meeting will be held over Zoom.

14. Public Comments

Tony Ortiz, a member of the NM Ethics Watch, praised the quantity and quality of the Commission’s work. NM Ethics Watch and other ethics groups are involved in efforts to modernize the legislature, and they hope the Commission can be a part of those conversations.

No additional public comments were made.

15. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 1:25 PM.

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