



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. 2022-08 Authorizing a demand and civil action to enforce the Governmental Conduct Act

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION (“Commission”) met virtually on December 9, 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 Yvonne Otero, the Torrance County Clerk, violated NMSA 1978, Subsections 10-16-3(A) 10-16-3(C), 10-16-3(D) and 10-16-3.1(C) of the Governmental Conduct Act;

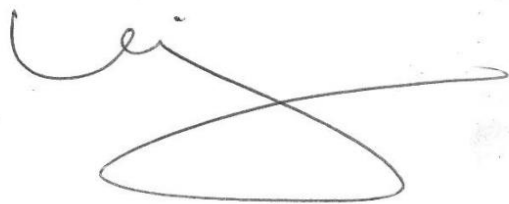
WHEREAS, the Executive Director has sought the approval of the Commission to initiate a civil action under NMSA 1978, Sections 10-16-14(E), 10-16-18(B), and 10-16G-9(F) against Otero, and has explained the proposed civil action and remedies to be sought;

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

1. The Commission’s staff are authorized to demand that Otero 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 court deems just and proper.

2. The Commission's staff are further authorized to "seek[] civil injunctive or other appropriate orders" under Section 10-16-14(E) and Section 10-16-18(B) by making a referral to the Seventh Judicial District Attorney's Office to initiate removal proceedings against Otero, including the presentation of sworn evidence to the Seventh Judicial District Attorney under NMSA 1978, Section 10-4-18, and an offer to assist in removal proceedings based upon conduct that violates the Governmental Conduct Act.
3. If Commission staff file a lawsuit against Otero, 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.
4. The Executive Director is authorized to enter an agreement to settle or dismiss claims brought against Otero or any other person, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 9th day of December 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