



## STATE ETHICS COMMISSION

Hon. William F. Lang, Chair  
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Hon. Celia Foy Castillo, Member  
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Judy Villanueva, Member

### **Resolution No. 2022-09: Authorizing a demand and civil action to enforce the Procurement Code**

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 Procurement Code;

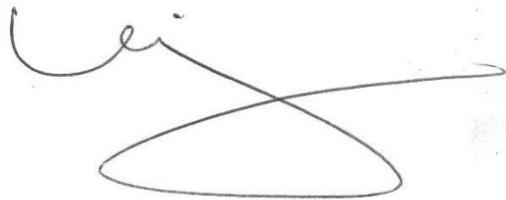
WHEREAS, the Commission has reason to believe that District Attorney  
Bernadine Martin and others in the Office of the District Attorney for the Eleventh  
Judicial District – Division II have violated certain provisions of the Procurement  
Code, NMSA 1978, §§ 13-1-28 to -199 (1984, as amended 2019);

WHEREAS, the Executive Director has sought the approval of the Commission to  
continue investigation and, upon completion thereof, initiate a civil action under  
NMSA 1978, Sections 10-16-18(B), 10-16G-9(F), and 13-1-196 against  
individuals to potentially include District Attorney Martin and others in the Office  
of the District Attorney for the Eleventh Judicial District – Division II, and has  
explained the proposed civil action and remedies to be sought, to include civil  
penalties and any other appropriate court order;

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

1. The Commission's staff are authorized to continue investigation and to demand that District Attorney Martin and others in the Office of the District Attorney for the Eleventh Judicial District – Division II to comply with the Procurement Code, and, upon the completion of the investigation of the Commission staff into violations beyond the apparent violations of the Procurement Code, to prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Procurement Code, and any other relief that the court deems just and proper.
2. If Commission staff file a lawsuit against District Attorney Martin or others in the Office of the District Attorney for the Eleventh Judicial District – Division II, 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 District Attorney Martin 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.

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