



**STATE ETHICS
COMMISSION MEETING**

April 14, 2023

PUBLIC MATERIALS

PUBLIC MATERIALS
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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
Dr. Judy Villanueva, Member

Friday, April 14th, 2023, 9:00 a.m. to 12:00 p.m. (Mountain Time)

Meeting Link: [Here](#)

Meeting ID: 893 3537 1759

Passcode: Hello123

Public Meeting

Chairman Lang Calls the Meeting to Order

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes of February 3, 2023 Commission Meeting

Commission Meeting Items

Action Required

- | | |
|--|-----|
| 4. Advisory Opinion 2023-03
(Farris) | Yes |
| 5. Notice of Proposed Rulemaking
(Farris) | Yes |
| 6. Settlement in <i>State Ethics Commission v. Working Families Organization, Inc.</i> , D-506-CV-2022-00942
(Farris) | No |
| 7. Public Comment (before executive session) | No |

Upon applicable motion, Commission goes into 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).

8. Discussion regarding administrative matters under State Ethics Commission Act:
(Farris)

- a. Administrative Complaint No. 2022-027 (90-day extension)
- b. Administrative Complaint No. 2022-045 (90-day extension)

9. Discussion regarding potential litigation:
(Farris)

- a. Commission authorization of civil action regarding violations of the Procurement Code and the Governmental Conduct Act by state officials and employees

Upon applicable motion, Commission returns from executive session.

10. **Actions on Administrative Complaints** Yes

Administrative Matters under State Ethics Commission Act:
(Farris)

- a. Administrative Complaint No. 2022-027 (90-day extension)
- b. Administrative Complaint No. 2022-045 (90-day extension)

11. **Authorization of Civil Actions** Yes

- a. Commission authorization of civil action regarding violations of the Procurement Code and the Governmental Conduct Act by state officials and employees

12. Discussion of next meeting: No
(Lang)

13. Public Comment No

14. Adjournment

For inquires or special assistance, please contact Suha Musa at Ethics.Commission@sec.nm.gov

SEC Office
800 Bradbury Dr. SE,
Suite 215
Albuquerque, NM 87106



Hon. William F. Lang
Jeffrey L. Baker
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Judy Villanueva

STATE ETHICS COMMISSION

Commission Meeting Minutes of February 3, 2023 | 9:00AM-12:00PM

[Subject to Ratification by Commission]

1. Call to Order

Chairman Lang called the meeting to Order at 9:05 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 Carruthers moved to approve the agenda; Commissioner Foy-Castillo 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 December 9, 2022 Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the December 9th 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. Administrative Hearings Office Presentation

Chief Hearing Officer of the Administrative Hearing Office Brian VanDenzen offered a brief introduction to the AHO, its staff, and its function as it relates to the SEC.

6. Settlement with Bernadine Martin and Christina Esquibel related to Procurement Code

Special Counsel Caroline Manierre discussed a settlement agreement with Bernadine Martin, the 11th District Attorney, and Christina Esquibel, the Chief Procurement Officer that has resulted in increased training to better comply with the Procurement Code.

7. Legislative Session Update

Director Jeremy Farris offered the Commission an update regarding the legislative session in terms of budget increases and legislation to watch.

8. Advisory Opinion 2023-01

Commission General Counsel Walker Boyd provided an overview of the opinion which addressed the question:

A legislator owns and was, until elected to the legislature, the chief executive officer (CEO) of a corporation that provides services to the state pursuant to contracts and grant agreements. The legislator has resigned as CEO but continues to hold an ownership interest in the corporation. The legislator asks what the law requires with respect to any legislative matters or duties that may affect the legislator's interest in the corporation or otherwise present a conflict of interest.

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

Chair Lang sought a motion to adopt Advisory Opinion 2023-01. Commissioner Baker moved to adopt the opinion; Commissioner Villanueva seconded. After a discussion on the merits of the opinion, Commissioner Bluestone asked to strike a sentence on page SEC 22 of the materials: “Even if an appearance, representation, or assistance is otherwise permitted by Section 10-16-9(B), the requester is still prohibited from “[making] references to the legislator’s legislative capacity except as to matters of scheduling, from communications on legislative stationery and from threats or implications relating to legislative actions.” The Commission accepted the amendment and Chair Lang conducted a roll-call vote. Commissioner Baker voted present. All remaining Commissioners voted in the affirmative and approved Advisory Opinion 2023-01.

9. Advisory Opinion 2023-02

Director Farris provided an overview of the opinion which addressed the question:

A legislator's children own and operate a company that has contracts with state agencies to provide those state agencies with services. The contracts are awarded through a competitive process, i.e., by submitting bids or proposals in response to an invitation to bid (ITB) or request for proposals (RFP). The company rents storage space from the legislator, and the legislator has no other financial interest in the corporation. The legislator asks what conduct and disclosure requirements apply to him because of his relationship with his children's business.

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

Chair Lang sought a motion to adopt Advisory Opinion 2023-02. Commissioner Carruthers moved to adopt the opinion; Commissioner Baker seconded. After a discussion on the merits of the opinion, Commissioner Bluestone recommended an amendment to strike a sentence on page SEC 26 of the materials: “If an exception applies and operates to permit a legislator to “appear for, represent or assist another person in a matter before a state agency,” the legislator is

nonetheless prohibited from making “references to the legislator’s legislative capacity except as to matters of scheduling,” from “communicat[ing] on legislative stationery,” and “[making] threats or implications relating to legislative actions.” The Commission accepted the amendment and Chair Lang conducted a roll-call vote. Commissioner Baker voted present. All remaining Commissioners voted in the affirmative and approved Advisory Opinion 2023-02.

10. Advisory Letter 2022-024

Director Farris provided an overview regarding the Commission staff’s interpretation of Section 10-16-9(B) of the Governmental Conduct Act. He recommended an amendment to the statute that is based on pages SEC 38 and 39 of the meeting materials.

Commissioner Baker moved to adopt this recommendation; Commissioner Carruthers seconded. After a discussion on the merits of the amendment and statute, along with an amendment to the language in Sections B and C by Commissioners Bluestone and Foy-Castillo, Commissioner Baker moved to adopt the amended recommendation; Commissioner Carruthers seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the recommended statutory language unanimously.

---Beginning of 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 Foy-Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and entered executive session.

1. Discussion regarding current and potential litigation:

- a. Update to the Commission concerning *State Ethics Commission v. Working Families Organization, Inc.*, D-506-CV-2022-00942
- b. Update to the Commission concerning Commission Resolution 2022-05
- c. Update to the Commission concerning Commission Resolution 2022-08
- d. Update to the Commission concerning Commission Resolution 2022-09
- e. Update to the Commission concerning Commission Resolution 2022-10

At this point, Boyd, Branch and Randall left the executive session.

2. Discussion regarding administrative matters under State Ethics Commission Act:

- a. Administrative Complaint No. 2022-038
- b. Administrative Complaint No. 2022-040
- c. Administrative Complaint No. 2022-046
- d. Administrative Complaint No. 2022-047
- e. Administrative Complaint No. 2023-001
- f. Administrative Complaint No. 2022-015

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---

13. Selection of Next Meeting

Chair Lang confirmed that the next meeting would take place on April 14, 2023. The meeting will be held over Zoom.

14. Public Comments

Mr. Andres Valdez raised concerns regarding SEC procedures and determinations around case 2022-047.

No additional public comments were made.

15. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 1:07 PM.

[Subject to Ratification by Commission]



STATE ETHICS COMMISSION

[Draft] ADVISORY OPINION NO. 2023-03

April 14, 2023¹

QUESTION PRESENTED²

A District Court provides alcohol-and-drug-treatment services and supplies—including life skills training, alternative therapeutic training, exercise classes, fitness memberships, personal hygiene supplies, cleaning supplies, gardening supplies, and gift cards—to individuals participating in treatment court. Does the District Court’s provision of these services and supplies violate Article 9, Section 14 of the New Mexico Constitution?

¹ This is an official advisory opinion of the State Ethics Commission. Unless amended or revoked, this opinion is binding on the Commission and its hearing officers in any subsequent Commission proceeding concerning a person who acted in good faith and in reasonable reliance on the opinion. NMSA 1978, § 10-16G-8(C) (2019).

² The State Ethics Commission Act requires a request for an advisory opinion to set forth a “specific set of circumstances involving an ethics issue.” NMSA 1978, § 10-16G-8(A)(2) (2019). “When the Commission issues an advisory opinion, the opinion is tailored to the ‘specific set’ of factual circumstances that the request identifies.” State Ethics Comm’n, Advisory Op. No. 2020-01, at 1-2 (Feb. 7, 2020) (quoting § 10-16G-8(A)(2)). For the purposes of issuing an advisory opinion, the Commission assumes the facts as articulated in a request for an advisory opinion as true and does not investigate their veracity. On February 22, 2023, the Commission received a request for an advisory letter that detailed the issues as presented herein. See 1.8.1.9(B) NMAC. While the request was not initially submitted by a “public employee” as the State Ethics Commission Act defines that term, see NMSA 1978, § 10-16G-2(J) & (K) (2021), Commissioner Jeff Baker made the same request for an advisory opinion.

ANSWER

No.

ANALYSIS

I.

Treatment courts—also known as drug courts—have been a part of the adjudication and resolution of criminal offenses in New Mexico since 1995. *See* New Mexico Treatment Courts Report: FY2022, at 11, *available at* <https://www.nmlegis.gov/handouts/CCJ%20082222%20Item%203%20FY2022%20DTJ-Treatment%20Court%20Report.pdf>. While each District Court and Magistrate Court has the authority to create and operate a treatment court, they must do so in compliance with the New Mexico Treatment Court Standards issued by the New Mexico Supreme Court. *See In the Matter of the Approval of the N.M. Treatment Court Standards*, No. 21-85000-002 (N.M. Jan. 22, 2021) (“N.M. Treatment Court Standards”), at Appendix K-1(b); *see generally* N.M. Const., art. VI, § 3 (providing the Supreme Court with “a superintending control over all inferior courts”). As of April 2022, twelve of New Mexico’s thirteen judicial districts conduct at least one drug court. *See* New Mexico Treatment Courts Report: FY2022, at 39.

To fund the treatment courts, the Legislature created both a “drug court fund” and a “magistrate drug court fund,” which are non-reverting funds in the state treasury. *See* NMSA 1978, § 34-9-14.1 (2003) (magistrate drug court fund); NMSA 1978, § 34-9-14.2 (2018) (drug court fund). While the treatment courts were originally funded by grants, the Legislature now appropriates funds to the Administrative Office of the Courts (“AOC”) for the operation of the drug courts. *See, e.g.*, Laws 2022, Ch. 54, § 4 (appropriating \$4,357,200 to AOC for the operation of the drug courts). In addition to legislative appropriations, the treatment courts also continue to be partially funded by grants, including crime reduction grants provided by state agencies under the Crime Reduction Grant Act, NMSA 1978, §§ 31-28-1 to -6 (2019, as amended through 2022). All monies received in the drug court fund and the magistrate drug court fund are expended on warrants of the Secretary of the Department of Finance and Administration, upon vouchers signed by court administrators or the AOC director. *See id.*

Treatment court participants, ordinarily in lieu of sentencing on a criminal conviction, are “required to participate in a comprehensive and integrated program

of alcohol, drug and other related treatment and rehabilitation services as approved by the treatment court.” *See* N.M. Treatment Court Standards, at 4-1. To provide these treatment and rehabilitation services to treatment court participants, the District Courts and Magistrate Courts expend appropriated funds and other public monies. As the request indicates, these expenditures include life skills training services, therapeutic services, exercise classes, fitness memberships, personal hygiene supplies, cleaning supplies, gardening supplies, and gift cards in small amounts for fuel and meals, which are distributed to treatment court participants in recognition of their accomplishments and compliance with treatment court goals.

According to the request, the Department of Finance and Administration, whose mission is to ensure the fiscal accountability of public funds, declined to approve a purchase order created by a District Court for fuel gift cards for treatment court participants absent a legal opinion that the purchase does not violate Article IX, Section 14 of the New Mexico Constitution, commonly known as the “Anti-Donation Clause.” The State Ethics Commission has the authority to enforce and to interpret the Anti-Donation Clause. NMSA 1978, § 10-16G-9(A) & (F) (2021); NMSA 1978, § 10-16G-8(A) (2019); 1.8.1.9(A) NMAC.

II.

The District Court’s purchases of fuel cards and other expenditures in aid of treatment court participants do not violate the Anti-Donation Clause.

The Anti-Donation Clause provides “Neither the State nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation[.]” N.M. Const. art. IX, § 14. Except where an exception applies, the Anti-Donation Clause prohibits “donations” of property or money by the State, a county, a school district or a municipality to a private person for which the government entity receives nothing of value in return. *See, e.g., State ex rel. Mechem v. Hannah*, 1957-NMSC-065, 63 N.M. 110 (invalidating state-backed certificates issued to cattle ranchers to defray cost of hay during drought). The Constitution includes several exceptions to this prohibition. *See* N.M. Const. art. IX, § 14(A)–(H).

At the outset, it is not obvious that the services and associated benefits that treatment courts provide to participants are “donations” in the ordinary sense and meaning of the term, i.e., gifts. *See Village of Deming v. Hosdreg Co.*, 1956-NMSC-111, ¶ 36, 62 N.M. 18. As the request indicates, treatment court

participants accept these services and benefits as a consequence of both their involvement in the criminal justice system and their agreement to abide by numerous conditions set by the treatment courts. The failure to satisfy those conditions involves sanctions. *See* N.M. Treatment Court Standards, at 6-22. The State exercises a great degree of coercive control over the behavior of treatment court participants. Consequently, the benefits that treatment court participants receive are unlike subsidies to a specific and favored industry. *Cf. Chronis v. State ex rel. Rodriguez*, 1983-NMSC-081, ¶ 30, 100 N.M. 342 (holding unconstitutional a “subsidy to the liquor industry”); *Hannah*, 1957-NMSC-065, ¶¶ 39–40, 63 N.M. 110 (holding unconstitutional a subsidy to the livestock industry). Put differently, a carrot (*e.g.*, an incentive in the form of a gift card to a treatment court participant) that the government couples with a stick (*e.g.*, the power to determine whether the participant is sentenced to a period of incarceration) is not necessarily the same thing as a carrot alone. Accordingly, as a threshold question, it is uncertain whether the Anti-Donation Clause applies to these expenditures as “donation[s].” N.M. Const. art. IX, § 14.

However, even if the services and benefits were donations from the Courts to treatment court participants, the Anti-Donation Clause would not prohibit them. The Clause’s first exception provides “[n]othing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.” N.M. Const. art. IX, § 14(A). As in State Ethics Commission Advisory Opinion 2022-07, we make two observations regarding the application of this exception. *See* State Ethics Comm’n Adv. Op. 2022-07, <https://nmonesource.com/nmos/secap/en/item/18594/index.do>.

First, for a governmental entity to provide for the maintenance and care of an individual, the Constitution does not require the targeted recipient to be both sick *and* indigent; the targeted recipient need only be “sick” *or* “indigent.” *See* N.M. Att’y Gen. Op. 83-04 (July 29, 1983) (“A donation for the care and maintenance of either the sick or the indigent is not prohibited.”); N.M. Att’y Gen. Op. 58-135 (June 23, 1958) (quoting N.M. Att’y Gen. Op. 57-26 (Feb. 14, 1957) (“It is our view that such care and maintenance be extended to those who are either sick *or* indigent. It would not seem necessary that a person, in order to secure such assistance, be both sick *and* indigent.” (emphasis original))).

Second, in view of the Supreme Court’s opinion in *Humana of New Mexico v. Board of County Commissioners*, 1978-NMSC-036, 92 N.M. 34, the interpretation of the phrase “for the care and maintenance of sick and indigent persons” is not tied to how the public understood the terms “sick” and “indigent”

in 1912, when the state Constitution (including the exception at issue) was adopted. *See id.* at ¶¶ 12-15 (rejecting an interpretation of “indigent” that fixed its application to the standard of indigence in 1912); *see also* N.M. Const. art. IX, § 14 (1912). Rather, when interpreting Article IX, Subsection 14(A), the *Humana* Court said “[w]ords employed in a constitution are not necessarily static in meaning but grow and change as the conditions of modern society and knowledge grow and change through the passage of years.” *Id.* at 13. Based on the Supreme Court’s approach to the interpretation of Article IX, Subsection 14(A), the Anti-Donation Clause does not prohibit the State from providing for the maintenance and care of individuals who are “sick,” understood by how we conceive, diagnose and treat illness today.

The Anti-Donation Clause does not prohibit the treatment court expenditures that the request describes because, in light of the Treatment Court Standards, treatment court expenditures are clearly targeted to aid persons who suffer from cognizable disorders—persons who, in more antiquated language, might be described as “sick.” N.M. Const. art. IX, § 14(A). For example, the N.M. Treatment Court Standards *require* treatment courts to include for consideration for admission those individuals who: (i) have been arrested or convicted of drug offenses; (ii) have committed offenses while under the influence of or committed to support addiction or dependence; (iii) have violated probation by commission of a drug offense, drug related crime or drug use; (iv) have been arrested or convicted of a crime due to behavior that is the result of mental illness; and (v) have a severe alcohol or other drug abuse problems. *See* N.M. Treatment Court Standards, at 3-2. The standards further *require* treatment courts to “target individuals classified as moderate to high risk and high need” and to require treatment court participants “to participate in a comprehensive and integrated program of alcohol, drug and other related treatment and rehabilitation services[.]” N.M. Treatment Court Standards, at 3-7 & 4-1. The primary goal of those programs “must be abstinence from alcohol, drugs, an other non-prescribed or non-medically indicated mind-altering substances consistent with the judicial requirements of the program.” *Id.* at 4-3. Considering the minimum standards that the Supreme Court requires for all treatment courts, treatment courts provide treatment and rehabilitation services and benefits to individuals who are suffering from alcohol and substance abuse disorders.

Furthermore, these services and benefits effectively promote the “maintenance and care” of treatment court participants. N.M. Const. art. IX, § 14(A). According to the AOC, “[m]ore research has been published on the effects of Adult Drug Courts than all other criminal justice programs *combined.*” New

Mexico Treatment Courts Report: FY2022, at 20. Based on that research, there are dramatic differences in the rates of recidivism between participants and non-participants in treatment courts. *See generally id.* at 18–21. The average graduation rate among New Mexico treatment courts is 57%. *See id.* at 20. Among those graduates, the average three-year recidivism rate is less than 10%. *See id.* It is evident, therefore, that the services that treatment courts provide work to maintain, care for, and rehabilitate individuals who are suffering from alcohol and substance abuse disorders.

The Anti-Donation Clause does not prohibit state agencies, as a matter of New Mexico’s foundational law, from making expenditures to treat, care for, and rehabilitate individuals who suffer from alcohol and substance abuse disorders. The services and benefits that treatment courts provide are “for the care and maintenance of sick and indigent persons.” N.M. Const. art. IX, § 14(A).

CONCLUSION

For the foregoing reasons, the Courts’ provision of alcohol-and-drug-treatment services and supplies—including life skills training, alternative therapeutic training, exercise classes, fitness memberships, personal hygiene supplies, cleaning supplies, gardening supplies, and gift cards—to individuals participating in treatment courts does not violate Article 9, Section 14 of the New Mexico Constitution.

SO ISSUED.

HON. WILLIAM F. LANG, Chair
JEFFREY L. BAKER, Commissioner
STUART M. BLUESTONE, Commissioner
HON. GARREY CARRUTHERS, Commissioner
HON. CELIA FOY CASTILLO, Commissioner
RON SOLIMON, Commissioner
JUDY VILLANUEVA, Commissioner

NOTICE OF RULE MAKING AND PUBLIC RULE HEARING

Notice of Rulemaking: The State Ethics Commission [the commission] will hold a public hearing on the proposed adoption and amendment of certain rules, as detailed below. These amendments are proposed pursuant to Paragraph 2 of Subsection A of Section 10-16G-5, NMSA 1978. No technical scientific information was consulted in drafting these proposed amendments.

Copies of all the proposed amendments may be found at the Commission's website, <https://www.sec.nm.gov>, or at the commission's main office in Albuquerque: the State Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Notice of Public Rule Hearing: The public rule hearing will occur on Friday, June 2, 2023 at 9:00 am in the main conference room of the New Mexico Department of Agriculture at New Mexico State University, 3190 S. Espina, Las Cruces, NM. The public hearing will be conducted in a fair and equitable manner by the commission and shall be recorded. Any interested member of the public may attend the hearing and will be provided a reasonable opportunity to offer public comment, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Suha.Musa@sec.nm.gov. The commission will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least five calendar days before the scheduled hearing.

Notice of Acceptance of Written Public Comment: Written public comments, including presentation of data, views, or arguments about the proposed amendments, from any interested member of the public will be accepted until 5:00 p.m. on Wednesday, May 31, 2023, by submitting them via email to ethics.commission@sec.nm.gov with the subject line "SEC Rulemaking R23-01," or via first class mail or by hand delivery to the commission's Albuquerque office: New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Description of Proposed Amendments: In compliance with Section 14-4-5.2 NMSA 1978, this notice includes the following summary of the proposed amendment, a short explanation of the purpose of the amendment, and specific legal authority authorizing the amendment and proposed new rule. The method and manner of public comment and notice of public hearing on the proposed rules are listed above.

The proposed amendments are as follows:

Amendments to 1.8.1 NMAC, Sections __: These amendments are proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5, State Ethics Commission Act, NMSA (1978). The purpose of the proposed rule is to promulgate rules governing the Commission's initiation, prosecution, and resolution of civil actions to enforce the state's ethics laws.

Amendments to 1.8.3 NMAC, Sections __: These amendments are proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5, State Ethics Commission Act, NMSA (1978). These amendments are for the purpose of improving the efficiency of commission adjudications and to respond to recent amendments to Section 10-16G-10 of the State Ethics Commission Act.

1.8.5 NMAC ("Complaints against Notaries"): This rule is being proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5, State Ethics Commission Act, NMSA (1978), and **Laws 2023 _____ (being SB 246, Section 23(C))**. The purpose of the proposed rule is to promulgate binding rules governing the Commission's receipt, investigation, and adjudication of complaints alleging violations of the Revised Uniform Law on Notarial Acts ("RULONA"), NMSA (1978).