

SEC Office
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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 April 14, 2023 | 9:00AM-12:00PM

[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

Director Farris sought an amendment to the agenda to add an item to schedule the Commission's meeting in May. Chair Lang sought a motion to amend and approve the agenda. Commissioner Baker moved to amend the agenda; Commissioner Solimon seconded. Chair Lang sought a motion to approve the agenda. Commissioner Bluestone raised some discussion regarding the addition of a second Public Comment period, and Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the agenda unanimously.

4. Approval of February 3, 2023 Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the February 3, 2023 Commission meeting. Commissioner Solimon 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. Advisory Opinion 2023-03

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

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?

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

Chair Lang sought a motion to adopt Advisory Opinion 2023-03. Commissioner Carruthers moved to adopt the opinion; Commissioner Baker 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 2023-003 unanimously.

5. Notice of Proposed Rulemaking

Director Farris presented the proposed amendments as follows:

- Amendments to 1.8.1 NMAC, at Section 7, new Sections 10-13, and renumbering old Sections 10 through 16 to Sections 14 through 20 (with no changes): 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 7, 9-11, 13-15: These amendments are proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5 of the 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 NMSA 1978 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 of the State Ethics Commission Act, NMSA 1978, and Laws 2023 Chapter 110 (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.

Chair Lang sought a motion to issue the notice of proposed rulemaking. Commissioner Foy-Castillo moved to issue the notice; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and issued the notice of proposed rulemaking unanimously.

6. Settlement in *State Ethics Commission v. Working Families Organization, Inc.*, D-506-CV-2022-00942

Director Farris presented a settlement agreement with Working Families Organization regarding filings of independent expenditures with the Secretary of State’s office and payment of a \$11,000 civil penalty.

7. Public Comment (before Executive Session)

Chris Mechels commended the Commission in moving the Public Comment period up, and asked some clarification regarding the remote availability of the upcoming Rulemaking meeting. He then expressed some concern regarding enforcement of the Rules Act and other statutes outside of the Commission's remit.

8. Selection of Meeting in May 2023

Chair Lang set the next Commission meeting for May 12, 2023 at 9:00 am. This meeting will be held over Zoom.

---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 Baker moved to enter executive session; Commissioner Solimon seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and entered executive session.

**9. 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)

**10. 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

Chair Lang and Commissioner Carruthers recused themselves from both discussion and the vote on the above matter. Both Commissioners left the private session for this discussion, and Commissioner Carruthers was excused from the rest of the meeting.

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---

Commissioner Carruthers was not present for this portion of the meeting.

11. Actions on Administrative Complaints Nos. 2022-027, and 2022-045

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

- **In administrative case 2022-027, motion for a 90-day extension:** Commissioner Baker moved as stated above; Commissioner Villanueva seconded as stated above. Chair Lang conducted a roll-call vote. All present commissioners voted in the affirmative and approved the motion unanimously.

- **In administrative case 2022-045, motion for a 90-day extension:** Commissioner Baker moved as stated above; Commissioner Foy-Castillo seconded as stated above. Chair Lang conducted a roll-call vote. All present commissioners voted in the affirmative and approved the motion unanimously.

12. Authorization of Civil Actions

- a. Commission authorization of civil action regarding violations of the Procurement Code and the Governmental Conduct Act by state officials and employees
 - Commissioner Bluestone moved that given the recusals of Chair Lang and Commissioner Carruthers, the Executive Director be directed to contact a list of pro-tempore commissioners to consider Commission authorization of civil action regarding violations of the Procurement Code and the Governmental Conduct Act by state officials and employees. Commissioner Foy-Castillo seconded as stated above. Chair Lang conducted a roll-call vote. Chair Lang recused himself from the vote. All other present commissioners voted in the affirmative and approved the motion unanimously.

13. Selection of Next Meeting

Chair Lang confirmed that a Commission meeting will be held on May 12 at 9:00 am via Zoom, and then on June 2, 2023. The June 2 meeting will be held in person at the Department of Agriculture's main conference room in Las Cruces and over Zoom.

14. Public Comments

No additional public comments were made.

15. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 11:48 AM.

[Subject to Ratification by Commission]