

SEC Office
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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 May 12, 2023 | 9:00AM-12:00PM [Subject to Ratification by Commission]

1. Call to Order

Chairman Lang called the meeting to Order at 9:01 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. Director Farris sought an amendment to the agenda, adding the settlement in agenda item 8 (2022-015, *Schafer v. Benavidez*) to the open session following executive session. Commissioner Bluestone moved to approve the agenda; Commissioner Baker 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 April 14th Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the April 14th Commission meeting. Commissioner Carruthers moved to approve the minutes; Commissioner Foy-Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

5. Approval of April 20th Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the April 20th Commission meeting. Commissioner Foy-Castillo moved to approve the minutes; Commissioner Solimon seconded. After brief discussion regarding providing the minutes to a vote by the temporarily appointed commissioners, Chair Lang conducted a roll-call vote. Commissioner Carruthers and Chair Lang recused from the vote. All other commissioners voted in the affirmative and approved the minutes.

Commission Meeting Items

6. Presentation and approval of FY24 operating budget

Director Farris presented the FY 24 budget, requesting approval from the Commission. Chair Lang sought a motion to approve the FY24 operating budget. Commissioner Carruthers moved to approve the budget; Commissioner Foy-Castillo seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the budget unanimously.

7. Public Comment (pre-closed session)

No public comments were offered.

---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 Bluestone seconded. After brief 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:
(*Boyd, Branch, Manierre*)
 - a. Request for authorization to file a civil enforcement action against a local public official for violations of the Governmental Conduct Act
2. Discussion of administrative matters under the State Ethics Commission Act subject to settlement approval:
(*Randall*)
 - a. Administrative Complaint No. 2022-015
3. Discussion regarding administrative matters under the Revised Uniform Law on Notarial Acts:
(*Branch*)
 - a. 2022-NP-18 (*In re commission James*)
 - b. 2022-NP-20 (*In re commission Burnett*)
 - c. 2022-NP-21 (*In re commission Gardner*)
 - d. 2022-NP-22 (*In re commission Lopez*)

At this point, Deputy General Counsel Branch left the executive session.

4. Discussion regarding administrative matters under State Ethics Commission Act:
(*Manierre*)
 - a. Administrative Complaint No. 2023-002
 - b. Administrative Complaint No. 2023-003
 - c. Administrative Complaint No. 2023-004
 - d. Administrative Complaint No. 2023-006

- e. Administrative Complaint No. 2023-008
- f. Administrative Complaint No. 2023-009
- g. Administrative Complaint No. 2023-010
- h. Administrative Complaint No. 2023-011
- i. Administrative Complaint No. 2023-012
- j. Administrative Complaint No. 2023-013
- k. Administrative Complaint No. 2023-016
- l. Administrative Complaint No. 2023-017

At this point, Special Counsel Manierre left the executive session.

(Farris)

- m. Administrative Complaint No. 2022-006
- n. Administrative Complaint No. 2022-045

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---

7. Authorization of Civil Actions

- a. Commission authorization of civil action regarding violations of the Governmental Conduct Act by a local public official
 - i. This item was removed from the agenda and meeting due to the recusals of two Commissioners. It will be on a future meeting agenda.

8. Approval of Settlement in Administrative Matter

Deputy General Counsel Randall sought the following motion in the following administrative matter:

- In administrative case 2022-015, motion to approve the settlement agreement: 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 unanimously.

9. Administrative Matters under Revised Uniform Law on Notarial Acts

Deputy General Counsel Branch asked the Commission for the following motions on the following RULONA cases:

- **In 2022-NP-18, in re commission James, motion to issue a dismissal of the complaint:** Commissioner Baker moved as stated above; Commissioner Carruthers seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In 2022-NP-20, in re commission Burnett, motion to approve the settlement agreement:** Commissioner Foy-Castillo moved as stated above; Commissioner

Carruthers seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **2022-NP-21, in re *commission Gardner*, motion to issue a dismissal of the complaint:** Commissioner Bluestone moved as stated above; Commissioner Foy-Castillo seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In 2022-NP-22, in re *commission Lopez*, motion to approve the settlement agreement:** Commissioner Carruthers moved as stated above; Commissioner Bluestone seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

10. Actions on Administrative Complaints Nos. 2023-002, 2023-003, 2023-004, 2023-006, 2023-008, 2023-009, 2023-010, 2023-011, 2023-012, 2023-013, 2023-016, 2023-017, 2022-006 and 2022-045:

Special Counsel Caroline Manierre asked the Commission for the following motions on the following administrative cases:

- **In administrative case 2023-002, motion for an order of dismissal due to a lack of jurisdiction:** 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.
- **In administrative case 2023-003, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Foy-Castillo 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 2023-004, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Bluestone 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 2023-006, the matter was tabled to a later meeting.**
- **In administrative case 2023-008, motion for an order of dismissal due to a lack of jurisdiction:** 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 unanimously.
- **In administrative case 2023-009, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Carruthers moved as stated above; Commissioner Foy-Castillo seconded as stated above. Chair Lang conducted a roll-call vote. Chair Lang recused. All other commissioners voted in the affirmative and approved the motion unanimously.
- **In administrative case 2023-010, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Bluestone 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 2023-011, motion for an order of dismissal due to a lack of jurisdiction:** 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.
- **In administrative case 2023-012, motion for an order of dismissal due to a lack of jurisdiction:** 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 2023-013, motion for an order of dismissal due to a lack of jurisdiction:** 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 unanimously.
- **In administrative case 2023-016, motion for an order of dismissal due to a lack of jurisdiction:** Commissioner Bluestone 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 2023-017, motion for an order of dismissal due to a lack of jurisdiction and to refer the matter to the Florida Commission on Ethics:** Commissioner Carruthers 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.

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

- **In administrative case 2022-006, motion for an authorization to seek a subpoena:** Commissioner Carruthers moved as stated above; Commissioner Villanueva seconded as stated above. Chair Lang conducted a roll-call vote. Commissioners Baker, Carruthers, Foy-Castillo, Solimon, Villanueva and Chair Lang voted in the affirmative. Commissioner Bluestone voted in the negative. The motion was approved.
- **In administrative case 2022-045, motion for an authorization to seek a subpoena:** Commissioner Carruthers moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. Commissioners Baker, Carruthers, Solimon, and Villanueva voted in the affirmative. Commissioners Bluestone, Foy-Castillo, and Chair Lang voted in the negative. The motion failed.

11. Selection of Next Meeting

Chair Lang confirmed that the next meeting would take place on June 2, 2023. The meeting will be held at the New Mexico Department of Agriculture's office on New Mexico State University's campus in Las Cruces, with virtual participation options available as well.

12. Public Comments

No public comments were made.

13. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 11:02 AM.

[Subject to Ratification by Commission]