



STATE ETHICS
COMMISSION MEETING

May 12, 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

May 12, 2023, 9:00 a.m. to 12:00 p.m. (Mountain Time)

Meeting Link: [Here](#)

Meeting ID: 859 7079 9686

Passcode: 607754

Public Meeting

Chairman Lang Calls the Meeting to Order

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes of April 14, 2023 Commission Regular Meeting
4. Approval of Minutes of April 20, 2023 Commission Special Meeting

Commission Meeting Items

Action Required

- | | |
|--|-----|
| 5. Presentation and approval of FY24 operating budget
(<i>Farris</i>) | Yes |
| 6. Public Comment (pre-closed 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).

7. 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

8. Discussion of administrative matters under the State Ethics Commission Act subject to settlement approval:
(*Randall*)
 - a. Administrative Complaint No. 2022-015

9. 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*)

10. 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
 (*Farris*)
 - m. Administrative Complaint No. 2022-06
 - n. Administrative Complaint No. 2022-045

Upon applicable motion, Commission returns from executive session

11. **Authorization of Civil Actions**

Yes

- e. Commission authorization of civil action regarding violations of the Governmental Conduct Act by a local public official

12. Actions on Administrative Complaints

Yes

Administrative Matters under State Ethics Commission Act:

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

Administrative Matters under Revised Uniform Law on Notarial Acts:

- 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*)

13. Discussion of next meeting:

No

(Lang)

14. Public Comment

No

15. 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
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]



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

Meeting Link: [Here](#)

Special Commission Meeting Minutes of April 20, 2023

1. Call to Order

Chairwoman Foy Castillo called the meeting to Order at 5:01 PM.

2. Roll Call

The roll was called; the following Commissioners were present:

Jeffrey L. Baker, Commissioner
Stuart M. Bluestone, Commissioner
Ronald Solimon, Commissioner
Dr. Judy Villanueva, Commissioner
Hon. Celia Foy Castillo, Chair

3. Approval of the Agenda

Chair Foy Castillo sought a motion to approve the agenda. Commissioner Solimon moved to approve the agenda; Commissioner Villanueva seconded. Chair Foy Castillo conducted a roll call vote. All present Commissioners voted in the affirmative and approved the agenda unanimously.

Commission Meeting Items

4. Appointment of the Honorable Richard C. Bosson (Ret.) and Matthew P. Holt as temporary commissioners pursuant to NMSA 1978, Section 10-16G-7(G) (2019) and 1.8.2.10 NMAC.

Director Farris sought a motion for the appointments of the Honorable Richard C. Bosson (Ret.) and Matthew P. Holt as temporary commissioners pursuant to NMSA 1978, Section 10-16G-7(G) (2019) and 1.8.2.10 NMAC. Chair Foy Castillo sought a motion for the appointments. Commissioner Bluestone moved to appoint Judge Bosson and Mr. Holt as temporary commissioners; Commissioner Baker seconded. Seeing no discussion, Chair Foy Castillo conducted a roll call vote. All present Commissioners voted in the affirmative and approved the appointments unanimously.

5. Oath of Office for the Honorable Richard C. Bosson (Ret.) and Matthew P. Holt as temporary commissioners.

Commission General Counsel Boyd administered the oath of office for both Judge Bosson and Mr. Holt to serve as temporary commissioners.

--Beginning of Executive Session--

Chair Foy Castillo sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Solimon moved to enter executive session; Commissioner Baker seconded. Hearing no discussion, Chair Foy Castillo conducted a roll-call vote. All Commissioners voted in the affirmative and entered executive session.

6. 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

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 Procurement Code and the Governmental Conduct Act by state officials and employees
 - i. Commissioner Bluestone moved that the Commission authorize the filing of a civil action regarding violations of the Governmental Conduct Act by state officials and employees. Commissioner Holt seconded the motion. Hearing no discussion, Chair Bosson conducted a roll-call vote. Commissioners Bluestone, Holt, Solimon and Villanueva voted in the affirmative. Commissioners Baker, Foy Castillo, and Bosson voted in the negative. The motion failed for lack of consent of “at least two members of the largest political party in the state and two members of the second largest political party in the state” under NMSA 1978, Section 10-16G-3(H).
 - ii. Commissioner Bluestone moved that the Commission authorize the filing of a civil action regarding violations of the Procurement Code by state officials and employees by seeking declaratory injunctive relief, authorizing staff to pursue pre-filing settlement discussions, and authorizing staff to enter a settlement agreement subject to Commission approval. Commissioner Foy Castillo seconded the motion. Hearing no discussion, Chair Bosson conducted a roll-call vote. All Commissioners voted in the affirmative and passed the motion unanimously.

8. Public Comment

No public comments were made.

9. Adjournment

Chair Bosson sought a motion to adjourn. Commissioner Foy-Castillo moved to adjourn; Commissioner Bluestone seconded. Hearing no discussion, Chair Bosson conducted a voice vote. All Commissioners voted in the affirmative and the meeting adjourned at 7:15 pm.

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

BU **PCode** **Department**
 41000 0000 0000000000

S-8 OPBUD

(Dollars in Thousands)

	FY23 OPBUD	FY23 PCF Projection	FY24 GAA OPBUD with Transfers	FY24 Comp Package	FY24 Other Adjustments	FY24 OPBUD-3	FY24 Other Recurring	Final FY24 OPBUD
111 General Fund Transfers	1,236.3	0.0	1,460.2	0.0	0.0	1,460.2	50.0	1,510.2
112 Other Transfers	0.0	0.0	0.0	50.0	0.0	50.0	(50.0)	0.0
REVENUE, TRANSFERS	1,236.3	0.0	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
REVENUE	1,236.3	0.0	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
EXPENSE								
200 Personal Services and Employee Benefit	924.5	798.3	1,122.7	50.0	0.0	1,172.7	0.0	1,172.7
300 Contractual services	200.0	0.0	200.0	0.0	0.0	200.0	0.0	200.0
400 Other	111.8	0.0	137.5	0.0	0.0	137.5	0.0	137.5
EXPENDITURES	1,236.3	798.3	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
EXPENSE	1,236.3	798.3	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
FTE POSITIONS								
810 Permanent	8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00
FTEs	8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00
FTE POSITIONS	8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00

BU **PCode** **Department**
 41000 P410 000000

S-8 OPBUD

(Dollars in Thousands)

		FY23 OPBUD	FY23 PCF Projection	FY24 GAA OPBUD with Transfers	FY24 Comp Package	FY24 Other Adjustments	FY24 OPBUD-3	FY24 Other Recurring	Final FY24 OPBUD
111	General Fund Transfers	1,236.3	0.0	1,460.2	0.0	0.0	1,460.2	50.0	1,510.2
112	Other Transfers	0.0	0.0	0.0	50.0	0.0	50.0	(50.0)	0.0
REVENUE, TRANSFERS		1,236.3	0.0	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
REVENUE		1,236.3	0.0	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
EXPENSE									
200	Personal Services and Employee Benefit	924.5	798.3	1,122.7	50.0	0.0	1,172.7	0.0	1,172.7
300	Contractual services	200.0	0.0	200.0	0.0	0.0	200.0	0.0	200.0
400	Other	111.8	0.0	137.5	0.0	0.0	137.5	0.0	137.5
EXPENDITURES		1,236.3	798.3	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
EXPENSE		1,236.3	798.3	1,460.2	50.0	0.0	1,510.2	0.0	1,510.2
FTE POSITIONS									
810	Permanent	8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00
FTEs		8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00
FTE POSITIONS		8.00	6.00	8.00	0.00	0.00	8.00	0.00	9.00