



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, 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.



STATE ETHICS COMMISSION

Jeremy D. Farris, Executive Director
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Hon. William F. Lang (Chair)
Jeffrey L. Baker
Stuart M. Bluestone
Hon. Garrey Curruthers
Hon. Celia Foy Castillo
Ronald Solomon
Dr. Judy Villanueva

Jeremy D. Farris, Executive Director

April 6, 2023

Matthew Ortiz, Administrative Law Division
New Mexico State Records Center and Archives
1205 Camino Carlos Rey
Santa Fe, NM 87507

Via email only: Matt.Ortiz@srca.nm.gov

Dear Matthew:

The State Ethics Commission respectfully requests a new Part of Title 1, Chapter 8 to be named:
COMPLAINTS AGAINST NOTARIES.

New:

TITLE 1	GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 8	STATE ETHICS COMMISSION
PART 5	COMPLAINTS AGAINST NOTARIES

Sincerely,

Jeremy Farris

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EXHIBIT

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STATE ETHICS
COMMISSION PUBLIC
RULES HEARING

June 2, 2023

PUBLIC COMMENTS

Subject: [EXTERNAL] Re: SEC Rulemaking R23-01

Date: Saturday, May 27, 2023 at 5:27:43 PM Mountain Daylight Time

From: Chris Mechels

To: Commission, Ethics, SEC

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Comment #2 for the upcoming Rulemaking.

Upon further examination of the proposed change to 1.8.1 NMAC it is clear that the change, defining more completely the treatment of "informal complaints", is very important for a continuing, productive Ethics Commission role.

HB466, brought this session by my own "Representative" Andrea Romero seems a direct assault on the Ethics Commission, as it attacks the role of the Commission General Counsel in establishing "probable cause" on a complaint. This seems retaliation for a recent case the Ethics Commission was involved in.

It has always been my concern that the Ethics Commission was created by a very corrupt, and cynical, political culture. Born to be ineffective, with a very restricted role, it has struggled to enlarge its role, and address the corruption. The question has always been whether an "effective" Ethics Commission would be tolerated.

That question seems before us now. HB466 attacks the ability of the Ethics Commission to handle formal complaints. The change proposed for 1.8.1 NMAC could enlarge the role of "informal" complaints. It should have the support of the public and all organizations that care about the public ethics.

Keep up the struggle.

Regards,

Chris Mechels
505-982-7144

On Sat, 27 May, 2023 at 10:42 AM, me <cmechels@q.com> wrote:

To: ethics.commission@state.nm.us

Comment #1 for the upcoming Rulemaking.

This comments concerns 1.8..1.13 NMAC;

While I am pleased with the treatment of "informal" complaints by the SEC I suggest an additional, minor, addition.

I suggest a requirement to inform the complainant if no action is taken. It is common, and extremely frustrating, to the submit a complaint and get no response or closure. This is common practice for instance with the Attorney General's office. Closure is very important, lest the public involvement, already sparse, be further discouraged.

Regards,

Chris Mechels
505-982-7144

Subject: [EXTERNAL] SEC Rulemaking R23-01

Date: Saturday, May 27, 2023 at 10:42:47 AM Mountain Daylight Time

From: Chris Mechels

To: Commission, Ethics, SEC

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Comment #1 for the upcoming Rulemaking.

This comments concerns 1.8..1.13 NMAC;

While I am pleased with the treatment of "informal" complaints by the SEC I suggest an additional, minor, addition.

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Regards,

Chris Mechels
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