STATE ETHICS COMMISSION

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**Hon. William F. Lang** *(Chair)*

**Jeff Baker**

**Stuart M. Bluestone**

**Hon. Garrey Carruthers**

**Hon. Celia Foy Castillo**

**Ron Solimon**

**Judy Villanueva**

**CONCISE EXPLANATORY STATEMENT FOR AMENDMENTS TO 1.8.1 NMAC**

(NMSA 1978, § 14-4-5.5 & 1.24.25.14(F) NMAC)

Submitted to New Mexico State Records Center and Archives: June 6, 2023

1. **Citation to authority authorizing rule**: Paragraph 2 of Subsection A of Section 10-16G-5, State Ethics Commission Act, Section 10-16G-1 NMSA 1978.
2. **Effective date of rule**: July 1, 2023.
3. **Date of adoption of rule**: June 2, 2023.
4. **Date of meeting at which agency voted to approve rule**: June 2, 2023
5. **Reasons for adopting rule**: The purpose of the amendments is to promulgate rules governing the Commission’s initiation, prosecution, and resolution of civil actions to enforce the state’s ethics laws.
6. **Reasons for any change between the initial published amendments to rule and final adopted amendments to rule:**

**Section 1.8.1.7 DEFINITIONS**

No changes.

**Section 1.8.1.10 INFORMAL COMPLAINTS; ASSESSMENTS**

No changes.

**Section 1.8.1.11 INVESTIGATIONS; SUBPOENAS:**

1.8.1.11(A): inserted “violated” between “has” and “or.”

Rationale: The proposed rule contained a grammatical error (tense disagreement between “has” and “violate.” This amendment is cosmetic and corrects the grammatical error.

**Section 1.8.1.12 CIVIL ACTIONS**

No changes.

**Section 1.8.1.13 NO FURTHER ACTION ON INFORMAL COMPLAINT**

No changes.

**Sections 1.8.1.14: REFERENCE TO OTHER DOCUMENTS**

No changes.

**Sections 1.8.1.15: INTERPRETATION OF TERMS**

No changes.

**Sections 1.8.1.16: USE OF PRESCRIBED FORMS**

No changes.

**Sections 1.8.1.17: ADDRESS**

No changes.

**Sections 1.8.1.18: COMMISSION MEETINGS**

No changes.

**Sections 1.8.1.19: COMPUTATION OF TIME**

No changes.

**Sections 1.8.1.20: SEVERABILITY**

No changes.

1. **Reasons for not accepting substantive arguments made through written pre-filed public comment:**

**Section 1.8.1.7 DEFINITIONS**

No substantive arguments received.

**Section 1.8.1.10 INFORMAL COMPLAINTS; ASSESSMENTS**

No substantive arguments received.

**Section 1.8.1.11 INVESTIGATIONS; SUBPOENAS:**

No substantive arguments received.

**Section 1.8.1.12 CIVIL ACTIONS**

No substantive arguments received.

**Section 1.8.1.13 NO FURTHER ACTION ON INFORMAL COMPLAINT**

Chris Mechels submitted a written comment arguing that the Commission should amend proposed 1.8.1.13 NMAC to include a requirement that a complainant to an informal complaint be provided notice if the Commission takes no action on the informal complaint. The Commission elected not to adopt such a requirement in rule because there might be instances in which the requirement could conflict with the confidentiality provisions of the State Ethics Commission Act, *see* NMSA 1978, § 10-16G-13(C). If a complainant wishes to be provided with notice of the Commission’s final action on a complaint and be provided with the Commission’s reasons for taking no action on a complaint, a complainant may submit a sworn administrative complaint with the Commission instead of an informal complaint. *See* NMSA 1978, § 10-16G-10 (2021).

**Sections 1.8.1.14: REFERENCE TO OTHER DOCUMENTS**

No substantive arguments received.

**Sections 1.8.1.15: INTERPRETATION OF TERMS**

No substantive arguments received.

**Sections 1.8.1.16: USE OF PRESCRIBED FORMS**

No substantive arguments received.

**Sections 1.8.1.17: ADDRESS**

No substantive arguments received.

**Sections 1.8.1.18: COMMISSION MEETINGS**

No substantive arguments received.

**Sections 1.8.1.19: COMPUTATION OF TIME**

No substantive arguments received.

**Sections 1.8.1.20: SEVERABILITY**

No substantive arguments received.