



STATE ETHICS COMMISSION

(Convening Specially)

Hon. Richard C. Bosson (Ret.), Chair *Pro Tem*
Jeffrey L. Baker, Member
Stuart M. Bluestone, Member
Hon. Celia Foy Castillo (Ret.), Member
Matthew P. Holt, Member *Pro Tem*
Ronald Solimon, Member
Dr. Judy Villanueva, Member

Special Meeting

Thursday, August 10, 2023
8:30 am
(Mountain Time)

<https://us02web.zoom.us/j/83572277821?pwd=VnJLTkZkYk1aK0IzQTZPQUF3cHI1UT09>

Dial-in Options:

- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 835 7227 7821
Passcode: 833790

Chairman *Pro Tem* Bosson Calls the Meeting to Order

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

Commission Meeting Items

Action

Upon applicable motion, Commission goes into executive session under Section 10-15-1(H)(7) (attorney client privilege pertaining to litigation).

4. Discussion:
(Farris)

- a. Authorization of Executive Director to enter settlement and release of previously authorized civil action regarding violations of the Procurement Code by state officials and employees

Upon applicable motion, Commission returns from executive session.

5. **Authorization** Yes

- a. Authorization of Executive Director to enter settlement and release of previously authorized civil action regarding violations of the Procurement Code by state officials and employees

6. Public Comment No

7. Adjournment

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



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

(Mountain Time)

Meeting Link: [Here](#)

Meeting ID: 815 1940 7550

Passcode: 112589

Special Meeting

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.

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