

**STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT**

STATE ETHICS COMMISSION,

Plaintiff,

v.

GLEND A GREENE,

Defendant.

No. D-623-CV-2023-00049
~~DeLaney, Jennifer E.~~

COMPLAINT

1. The Governmental Conduct Act, NMSA 1978, §§ 10-16-1 to -18 (1967, as amended through 2023), requires public officials to treat their government office as a public trust and not to abuse the powers and resources of their office.

2. Defendant Glenda Greene failed in this regard by using the powers and resources of the office of Mayor of the City of Lordsburg not for the public's interest, but for her own personal benefit, by (i) directing the then-Chief of Police to stop a May 27, 2023 DWI investigation of her; and (ii) following that investigation, by retaliating against the Chief of Police by creating a new Lieutenant's position, deciding not to support the Chief's reappointment, causing the Chief to believe he would not be reappointed, and giving him the Hobson's choice of applying for the newly-created Lieutenant's position.

3. To enforce New Mexico's Governmental Conduct Act and to deter public corruption, the abuse of office, and the use of the powers and resources of government office for personal benefit by elected officials, Plaintiff State Ethics Commission brings this civil enforcement action to remedy violations of Section 10-16-3 of the Governmental Conduct Act.

PARTIES

4. Plaintiff State Ethics Commission is an independent state agency established by Article V, Section 17(A) of the New Mexico Constitution with constitutional and statutory authority to enforce New Mexico's ethics laws, including the Governmental Conduct Act. *See* NMSA 1978, § 10-16G-9 (2021); NMSA 1978, § 10-16-18(B) (2019). The Commission's principal place of business is in Bernalillo County. On November 3, 2023, the Commission authorized Commission staff to bring this civil enforcement action. *See* State Ethics Comm'n Res. 2023-06 (Nov. 3, 2023), attached hereto as Exhibit 1.

5. At all times material to this complaint, Defendant Glenda Greene served as the elected Mayor of the City of Lordsburg. Upon information and belief, Defendant is a resident of Hidalgo County, New Mexico.

JURISDICTION AND VENUE

6. The Court has jurisdiction under Article VI, Section 13 of the New Mexico Constitution.

7. Venue is proper in this Court.

FACTUAL ALLEGATIONS

8. Defendant Greene is currently the Mayor of Lordsburg and has held that office since January 2022.

9. As Mayor of Lordsburg, at all times material to this complaint, Defendant Greene was the chief executive officer for the Lordsburg municipality, exercising the powers within the municipality that are ordinarily conferred upon sheriffs of counties. *See* NMSA 1978, § 3-11-4(A)–(B) (1965).

10. As Mayor of Lordsburg, at all times material to this complaint, Defendant Greene served as the chief executive and administrative officer of the Lordsburg municipal government, and each department head, including the Chief of Police, answered to her directly.

11. As Mayor of Lordsburg, at all times material to this complaint, Defendant Greene exercised authority: (i) to appoint municipal personnel, including employees of the Lordsburg Police Department, subject to council approval; (ii) to appoint temporary municipal personnel; (iii) to suspend appointed municipal personnel; and (iv) to discharge appointed municipal personnel upon council approval. *See* NMSA 1978, § 3-11-6(A)–(B), (D) (1965).

12. As Mayor of Lordsburg, at all times material to this complaint, Defendant Greene exercised supervisory and disciplinary authority over municipal personnel, including employees of the Lordsburg Police Department. *See* NMSA 1978, § 3-11-6(C)(1)–(3) (1965).

A. *Defendant Greene used her authority as Mayor to interfere with and to attempt to stop the Lordsburg police officers' traffic stop and DWI investigation of her.*

13. On May 27, 2023, at approximately 9:53 pm Mountain Time, Lordsburg Police Officer Jesus Salcido initiated a traffic stop of a vehicle that Defendant Greene was operating for traffic violations. After stopping the vehicle, Officer Salcido recognized the driver to be the Mayor, Defendant Greene.

14. Immediately upon being stopped, Defendant Greene addressed Officer Salcido by his first name, saying “Jesus, Chuy.”

15. Officer Salcido commenced a DWI investigation based on his observations that Defendant Greene showed outward signs of intoxication, including a strong smell of alcohol emanating from her facial area, and that there was also a child present in the vehicle.

16. Shortly after Officer Salcido stopped Defendant Greene, Lordsburg Police Sergeant Miguel Estrada arrived at the scene to assist. Sergeant Estrada advised Officer Salcido to proceed with the investigation like he would with anyone else.

17. During the traffic stop and DWI investigation, Defendant Greene became upset, raised her voice, asked the Lordsburg police officers to let her go, and repeatedly demanded access to her cell phone. Sergeant Estrada allowed Defendant Greene to use her cell phone so that she could contact someone to take the child home.

18. At approximately 10:00 pm Mountain Time, Sergeant Estrada contacted then-Lordsburg Chief of Police Aaron Salazar.

19. Chief Salazar agreed with Sergeant Estrada's concerns that investigating and potentially arresting Defendant Greene put Sergeant Estrada and Officer Salcido in a conflict of interest, considering that Defendant Greene, as the Mayor, had supervisory authority over Lordsburg Police Department employees.

20. In view of those concerns, Chief Salazar recommended that Sergeant Estrada and Officer Salcido contact the New Mexico State Police to take over the investigation of Defendant Greene.

21. After Chief Salazar and Sergeant Estrada concluded their conversation, approximately ten minutes later, Defendant Greene called Chief Salazar on his personal cell phone and instructed Chief Salazar to "call off" his men.

22. Chief Salazar responded to Defendant Greene that he could not do that and that the matter had been conflicted to the New Mexico State Police to conduct the DWI investigation. Defendant Greene then ended the conversation.

23. The New Mexico State Police did not arrive to the scene for nearly forty minutes. While they waited, and in plain view of the Lordsburg police officers, Defendant Greene used her cell phone, chewed gum, and, following the arrival at the scene of Vanessa Haynes, drew from a vaporizer that Haynes passed to Defendant Greene.

24. After completing his investigation, New Mexico State Police Officer Spencer Roberts did not arrest Defendant Greene. A ride home for Defendant Greene was arranged.

25. On or about May 28, 2023, Chief Salazar returned to work and instructed Sergeant Estrada and Officer Salcido to write an incident report regarding the traffic stop and DWI investigation of Defendant Greene.

26. The Lordsburg Police Department generates incident reports anytime there is a call out or investigation performed by the department, but no arrests are made.

27. The Lordsburg Police Department's investigation of Defendant Greene generated significant interest from Lordsburg residents and local media, who requested and received public records relating to the incident.

28. On or about June 5, 2023, Defendant Greene contacted Chief Salazar to ask under what circumstances incident reports are made. Chief Salazar informed Defendant Greene that the Lordsburg Police Department produces an incident report any time there is an investigation.

29. The following day, personnel from the Mayor's office contacted the Lordsburg Police Department's administrative assistant and requested printed copies of the twenty most recent incident reports.

B. *Defendant Greene used her authority as Mayor to retaliate against Chief Salazar for refusing to stop the DWI investigation and for preparing an incident report about the investigation.*

30. Following the May 27, 2023 stop and DWI investigation of Defendant Greene, Defendant Greene decided to demote Chief Salazar from his position as Chief of Police.

31. Before the May 27, 2023 stop and DWI investigation, Defendant Greene never complained or raised an issue about Chief Salazar as the Chief of Police to Martha Salas, Lordsburg's Financial Director.

32. On or about June 29, 2023, Mayor Greene emailed Financial Director Salas and Lordsburg City Clerk Linda Farnsworth regarding the creation of a new job position of Lieutenant within the police department, requesting that a Captain's position be changed to Lieutenant in order to reduce the position's pay and rank.

33. Also, on or about June 29, 2023, Defendant Greene held a meeting with Chief Salazar. At the meeting, Defendant Greene informed Chief Salazar that she had received many complaints about him. When Chief Salazar asked for specifics, Defendant Greene made a vague reference to an incident at a little league game when Chief Salazar was on vacation from June 22, 2023, to June 25, 2023.

34. During the June 29, 2023 meeting, Defendant Greene caused Chief Salazar to believe that she would not reappoint him as Chief of Police in January 2024.

35. Also during the June 29, 2023 meeting, Defendant Greene informed Chief Salazar that she was creating a new Lieutenant position within the Lordsburg Police Department.

36. Chief Salazar understood that, by creating a new Lieutenant position and informing him of the new position, Defendant Greene was suggesting that he apply for a demotion to Lieutenant.

37. Lordsburg is a small community with few job opportunities, and Chief Salazar supports a family with his municipal salary.

38. Having reasonably concluded that that Defendant Greene was giving him the choice of either losing his job or demoting to the newly created Lieutenant position, Chief Salazar submitted a letter of interest regarding the newly created position.

39. On July 10, 2023, Defendant Greene scheduled a meeting with Chief Salazar and requested that Financial Director Salas be present for that meeting.

40. At the July 10, 2023 meeting, Defendant Greene, while smiling at Chief Salazar, asked Chief Salazar if he was sure he wanted to apply for a demotion. While Chief Salazar responded yes, all persons present at the meeting knew that Defendant Greene had forced Chief Salazar to apply for the demotion.

41. To personally retaliate against Chief Salazar for refusing to interfere with Defendant Greene's stop and DWI investigation and for producing an incident report about that investigation, Defendant Greene: (i) decided not to reappoint Chief Salazar as Chief of Police when he was up for reappointment in January 2024; (ii) caused Chief Salazar to believe he would not be reappointed as Chief of Police; (iii) created a new Lieutenant position for Chief Salazar to demote into; and (iv) suggested that Chief Salazar apply for a demotion into the newly created Lieutenant position.

42. On or about July 21, 2023, Defendant Greene appointed Joseph Marquez as the new Chief of Police.

43. On July 26, 2023, the Lordsburg City Council approved Chief Salazar's demotion to Lieutenant and approved Marquez as the new Chief of Police.

Count I: Violations of Subsection 10-16-3(A) of the Governmental Conduct Act

44. The Commission incorporates by reference the foregoing paragraphs of this complaint, as though fully set forth herein.

45. Subsection 10-16-3(A) of the Governmental Conduct Act requires that a public officer “shall treat the . . . public officer or employee’s government position as a public trust,” and prohibits a local elected public official from “us[ing] the powers and resources of public office . . . to obtain personal benefits or pursue private interests.”

46. Defendant Greene breached the public trust, using the powers and resources of her mayoral office, including her authority over the Lordsburg police department, in order to, at a minimum:

a. direct Chief Salazar to stop Officer Salcido’s and Sergeant Estrada’s DWI investigation of her on May 27, 2023;

b. decide not to appoint Chief Salazar as Chief of Police in January 2024 and cause Chief Salazar to believe he would not be reappointed as Chief of Police to personally retaliate against him for refusing to stop Officer Salcido’s and Sergeant Estrada’s DWI investigation of her and for directing the creation of an incident report about the investigation; and

c. create a new Lieutenant’s position, and force Chief Salazar to apply for a demotion into the newly created position to personally retaliate against him for refusing to stop Officer Salcido’s and Sergeant Estrada’s DWI investigation of her and for directing the officers to generate incident reports about the investigation.

47. Defendant Greene's conduct violates Subsection 10-16-3(A) because she failed to treat her office as a public trust, using the powers and resources of her office in order to obtain personal benefits and pursue private interests.

REQUEST FOR RELIEF

WHEREFORE, the State Ethics Commission respectfully requests the Court to enter relief as follows:

- i. Civil penalties in the amount of two-hundred-fifty dollars (\$250.00) for each of Defendant's violations of the Governmental Conduct Act, not to exceed five-thousand dollars (\$5,000), pursuant to NMSA 1978, § 10-16-18(B);
- ii. Assessment of costs under NMSA 1978, § 34-6-40.1(1989);
- iii. Any other appropriate order under the Governmental Conduct Act, as authorized by NMSA 1978, § 10-16-18(B); and
- iv. Such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jeremy Farris

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STATE ETHICS COMMISSION

Hon. William F. Lang, Chair
Jeffrey L. Baker, Member
Stuart M. Bluestone, Member
Hon. Celia Castillo, Member
Hon. Dr. Terry McMillan, Member
Ronald Solimon, Member
Dr. Judy Villanueva, Member

**RESOLUTION NO. 2023-06 Authorizing a demand and civil action to enforce
the Governmental Conduct Act**

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION
("Commission") met virtually on November 3, 2023, at 9:00 a.m.;

WHEREAS, the Commission has the authority to investigate violations and bring a
civil action to enforce the Governmental Conduct Act, NMSA 1978, §§ 10-16-1 to
-18 (1967, as amended through 2023);

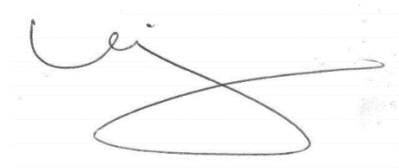
WHEREAS, the Commission has reason to believe that Glenda Greene, the Mayor
of the City of Lordsburg, violated Sections 10-16-3(A) and 10-16-3(C) of the
Governmental Conduct Act;

WHEREAS, the Executive Director has sought the approval of the Commission to
initiate a civil action under NMSA 1978, Sections 10-16-14(E), 10-16-18(B), and
10-16G-9(F) against Greene, and has explained the proposed civil action and
remedies to be sought;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics Commission:

1. The Commission's attorney staff are authorized to demand that Greene comply with the Governmental Conduct Act and to voluntarily remedy her violations of the same and to prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Governmental Conduct Act and any other relief that court deems just and proper.
2. The Commission's staff are further authorized to "seek[] civil injunctive or other appropriate orders" under Section 10-16-14(E) and Section 10-16-18(B) by making a referral to the Sixth Judicial District Attorney's Office to initiate removal proceedings against Greene, including the presentation of sworn evidence to the Sixth Judicial District Attorney or the Attorney General's Office under NMSA 1978, Section 10-4-18 (1909), NMSA 1978, Section 8-5-3 (1933), and any other applicable law, and to offer to assist in removal proceedings based upon conduct that violates the Governmental Conduct Act. The Commission's staff are further authorized to make a referral to the "governing body" of the City of Lordsburg under NMSA 1978, Section 3-10-7 (1953), for removal for "malfeasance in office" and to offer to assist in removal proceedings based upon conduct that violates the Governmental Conduct Act.
3. If Commission staff file a lawsuit against Greene, the Executive Director is instructed to provide regular updates on the status of the suit at the Commission's meetings during closed session. Commission staff shall communicate with the Chair as necessary between Commission meetings.
4. The Executive Director is authorized to enter an agreement to settle or dismiss claims brought against Greene or any other person, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 3rd day of November 2023.

A handwritten signature in black ink on a grid background. The signature is stylized, starting with a cursive 'W' and 'F', followed by a large, sweeping loop that crosses itself.

The Hon. William F. Lang
New Mexico State Ethics Commission
Chair