



STATE ETHICS COMMISSION

Jeremy Farris, Executive Director
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Hon. William F. Lang (Chair)
Jeffrey L. Baker
Stuart M. Bluestone
Hon. Celia Castillo
Hon. Dr. Terry McMillan
Ronald Solimon
Dr. Judy Villanueva

Jeremy D. Farris, Executive Director

November 13, 2023

Via electronic mail only

Mayor Glenda Greene
Lordsburg City Hall
409 W. Wabash St.
Lordsburg, NM 88045
glendagreene@cityoflordsburg.org

Re: Letter before claim

Dear Ms. Greene,

I am the director of the New Mexico State Ethics Commission, an independent state agency authorized to enforce the civil compliance provisions of the Governmental Conduct Act, NMSA 1978, §§ 10-16-1 to -18 (1967, as amended 2023). *See* NMSA 1978, § 10-16-18(B) (2019); NMSA 1978, § 10-16G-9(A)(6), (F) (2021). On November 3, 2023, the Commission authorized and instructed the Commission's attorneys to make a demand and to commence a civil action against you for violations of the Governmental Conduct Act. *See* Attachment 1, State Ethics Comm'n Res. No. 2023-06: Authorizing a demand and civil action to enforce the Governmental Conduct Act. I write to apprise you of the Commission's claims and to offer a pre-litigation settlement.

I. Factual background

Based on the Commission's investigation, the Commission understands the following events to have transpired: You were elected as Mayor of Lordsburg in November 2022. On May 27, 2023, during a traffic stop and a subsequent driving-while-intoxicated ("DWI") investigation, you used your position as Mayor and as the supervisor of the Lordsburg Police Department ("LPD") to attempt to avoid the DWI investigation. Subsequently, in your position as Mayor, you personally retaliated against the Chief of Police for not stopping the LPD officers from conducting their investigation and for the subsequent preparation of a corresponding LPD incident report.

More specifically, on May 27, 2023, at approximately 9:00 pm, you were stopped by LPD officers for traffic violations, including failure to maintain your lane of traffic and striking the curb of the sidewalk. When the officer approached the vehicle, you immediately addressed him by his first name in an incredulous manner. The LPD officers noticed outward signs of intoxication and observed a child in the front passenger seat, and you admitted to them you consumed at least four alcoholic beverages that evening. Once the LPD officers decided to commence a DWI investigation, you repeatedly requested that the officers let you go. The officers informed you that they could not allow that to happen.

You also demanded access to your cell phone, which an LPD officer initially denied. You raised your voice, became upset, and repeatedly demanded access to your phone. You were permitted access to your cell phone for the purposes of finding someone to take the child home. Using your cell phone, you called the then-Chief of Police on his personal phone. When he answered, you told him to “call off your guys,” and to let you go home. The Chief told you that he could not do that, and that the matter had already been conflicted to the New Mexico State Police. You then ended the call. The following day, LPD officers prepared incident reports of the investigation.

After the DWI investigation, you used your authority as Mayor of Lordsburg to personally retaliate against the former Chief of Police for his refusing to give you preferential treatment during a criminal investigation and for preparing a corresponding incident report. To this end, you decided not to reappoint him as Chief of Police in January 2024, caused him to understand that he would not be reappointed as Chief of Police, created a new Lieutenant position, informed him of the new position, and caused him to apply for a demotion into the newly created position, given his reasonable expectation that, because of your decision and communications, he would lose his position as Chief.

II. The Commission’s claims and offer of pre-litigation settlement

Your conduct, as described above, violated Subsection 10-16-3(A) of the Governmental Conduct Act. That statute provides:

A legislator or public officer or employee shall treat the legislator’s or public officer’s or employee’s government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

NMSA 1978, § 10-16-3(A) (2011).

By using your authority as Mayor to direct the then-Chief of Police, who you immediately supervised, to attempt to stop the LPD officers’ investigation, you “used the powers and resources of public office . . . to obtain personal benefits or pursue private interests.” § 10-16-3(A). Then, to personally retaliate the then-Chief of Police for not interfering with the investigation and for overseeing the preparation of a corresponding incident report, you used your authority as Mayor to decide not to reappoint the former Chief when he was up for reappointment in January 2024 and to cause him to believe he would not be reappointed. Furthermore, to personally retaliate against the then-Chief of Police for not interfering with the investigation and for overseeing the preparation of a corresponding incident report, you used your authority as Mayor to create a new Lieutenant’s position and to cause the former Chief to apply for a demotion into the newly-created position based on his reasonable expectation that you would not reappoint him as Chief. This retaliatory conduct also involved the use of the

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“powers and resources” of the office of Mayor of Lordsburg “to obtain personal benefits or pursue private interests.” § 10-16-3(A). By engaging in the foregoing conduct, you breached the public trust in you as the Mayor and supervisor over the LPD in violation of Section 10-16-3(A).

Under the Governmental Conduct Act, the State Ethics Commission may institute a civil action “to prevent a violation of any provision of the Governmental Conduct Act.” *See* NMSA 1978, § 10-16-18(B) (2019). “Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order” *Id.* Further, the Governmental Conduct Act allows for civil penalties in the amount of two-hundred-fifty dollars (\$250.00) for each violation of the statute, not to exceed five-thousand dollars (\$5,000). *See id.*

In lieu of a civil enforcement action that would allege claims under the Governmental Conduct Act, the Commission offers to settle its claims against you in exchange for the following terms:

1. By 9:00am on Monday, November 27, 2023, by your signature below, you agree that your conduct, as described herein, constituted three violations of Section 10-16-3(A) of the Governmental Conduct Act; and
2. By 9:00am on Monday, November 27, 2023, you tender \$750.00, payable to the State of New Mexico, and postmarked to the State Ethics Commission, 800 Bradbury Dr., Ste. 215, Albuquerque, NM, 87106. This amount corresponds to the civil penalties available for three separate violations of the Governmental Conduct Act, as described herein.

In exchange for your agreement, the Commission will refrain from filing a civil enforcement action against you seeking all available relief under the Governmental Conduct Act and court costs. Please be aware that any settlement agreement will be a public record, as will any civil enforcement action.



Glenda Greene

Date: 11/22/23

III. Demand for preservation of evidence

New Mexico law recognizes a duty not to destroy, mutilate, or alter potential evidence for the purpose of defeating recovery in a civil action. Accordingly, please instruct your client to take immediate action to preserve all electronically stored information (“ESI”), copies and backup, along with any paper files which your client maintains, that might contain evidence related to this matter. Accordingly, I request the following actions:

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1. You immediately stop any destruction or alteration of documents or ESI in your possession, custody or control, including e-mail, instant messages, text messages, voice mail, electronic calendars, telephone logs, photographs, word processing documents, spreadsheets, and databases, including all underlying metadata, that might be relevant to this matter.
2. You immediately take steps to secure and preserve any ESI, backup tapes, hard drives, CDs, paper and other archival storage media in your possession, custody or control, including those provided by third-party vendors, that might be relevant to this matter.

Please respond to this request by 9:00am on Monday, November 27, 2023. Please do not hesitate to contact me with any questions.

Sincerely,

/s/ Jeremy Farris

Jeremy Farris

Walker Boyd

Jessica Randall

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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);

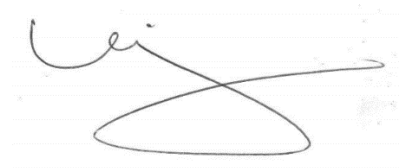
WHEREAS, the Commission has reason to believe that Glenda Greene, the Mayor
of the City of Lordsburg, violated Sections 10-16-3(A) and 10-16-3(C) of the
Governmental Conduct Act;

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 ends in a horizontal line.

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