



## STATE ETHICS COMMISSION

### **Commission Meeting Minutes of December 15, 2023, | 11:00AM-1:15PM [Subject to Ratification by Commission]**

#### **Call to Order**

Chair Lang called the meeting to Order at 11:15 AM.

#### **1. Roll Call**

The roll was called; the following Commissioners were present:

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

#### **2. Approval of Agenda**

Chair Lang sought a motion to approve the agenda. Commissioner Castillo moved to approve the agenda. Commissioner Bluestone seconded. Hearing no discussion or objections, the agenda was approved unanimously.

#### **3. Approval of November 3, 2023, Commission Meeting Minutes**

Chair Lang sought a motion for the approval of the minutes from the November 3<sup>rd</sup> 2023 Commission meeting. Commissioner Baker moved to approve the minutes. Commissioner Bluestone seconded. Hearing no discussion or objections, the minutes were approved unanimously.

#### **Commission Meeting Items**

#### **4. Advisory Opinion 2023-08**

General Counsel Boyd gave an overview of the advisory opinion which addressed the question:

*“Central New Mexico Community College (“CNM”) has obtained federal grant funds. The grant agreements between CNM and the federal government permit CNM to expend the federal funds it receives for the purchase of laptops and textbooks for student use. The question posed is whether CNM’s purchase of laptops and textbooks for use by its students nonetheless violates Article IX, Section 14 of the New Mexico State Constitution, commonly known as “the Anti-Donation Clause.”*

Chair Lang sought a motion to adopt Advisory Opinion 2023-08. Commissioner Bluestone moved to adopt the opinion; Commissioner Baker seconded. Hearing no discussion or objections, the advisory opinion was approved unanimously.

#### **5. Advisory Opinion 2023-09**

Special Counsel Caroline Manierre presented an overview of the advisory opinion which addressed the question:

- 1. “May a candidate enter into a contract with a direct family member for goods or services to the candidate’s campaign and pay the family member with campaign funds?”*
- 2. If a candidate uses personal funds to pay a family member for goods or services to the candidate’s campaign, may the candidate report the expenditure as a loan to the campaign and be reimbursed by the campaign?”*

Chair Lang sought a motion to adopt Advisory Opinion 2023-09. Commissioner Baker moved to adopt the opinion; Commissioner Bluestone seconded. Hearing no discussion or objections, the advisory opinion was approved.

#### **6. Annual Open Meetings Act Resolution**

Special Counsel Caroline Manierre presented an overview of the Commission’s proposed annual Open Meeting Act Resolution. Commissioner Castillo moved to adopt the resolution; Commissioner McMillan seconded. Hearing no discussion or objections, the resolution was adopted unanimously.

#### **7. 2023 Annual Report**

Director Farris presented on the Commission’s 2023 Annual Report. After some discussion, Commissioner McMillan moved to adopt the report; Commissioner Castillo seconded. The motion carried unanimously to adopt the 2023 Annual Report.

8. **Public Comment (pre-closed session)**

No public comments were made.

---Beginning of Executive Session---

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(2) (limited personnel matters), 10-15-1(H)(3) (administrative adjudicatory proceedings), and 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Bluestone moved to enter executive session; Commissioner Castillo seconded. Hearing no discussion, the Commission entered executive session.

9. Administrative Matters under Revised Uniform Law on Notarial Acts:  
(Branch)

- a. 2023-NP-03 *In re commission of Marsh* Request for approval of settlement agreement

10. Discussion regarding administrative matters under State Ethics Commission Act:  
(Farris)

- a. Administrative Complaint No. 2023-020
- b. Administrative Complaint No. 2023-023

11. Executive Director 2023 evaluation and salary  
(Lang)

*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---

12. **Action on Administrative matters under the Revised Uniform Law on Notarial Acts:**  
(Branch)

- a. **Commission sought motion to approve settlement agreement 2023-NP-03 *In re commission of Marsh*:** Commissioner Bluestone moved as stated above, Commissioner Solimon seconded. All Commissioners and the Chair voted affirmative and approved the settlement agreement.

13. **Action on Administrative Complaints Nos. 2023-020 and 2023-023:**  
(Farris)

Director Farris asked the Commission for the following motions regarding actions on Administrative Complaints:

- a. **Commission staff sought motion of partial dismissal on Administrative Complaint No. 2023-020:** Commissioner Castillo moved as stated above, Commissioner McMillan seconded. Commissioner Villanueva recused. All other Commissioners and the Chair voted in the affirmative and the matter was partially dismissed.
  
- b. **Commission staff sought motion of dismissal on Administrative Complaint No. 2023-023:** Commissioner Bluestone moved as stated above, Commissioner McMillan seconded. Commissioner Villanueva recused. All other Commissioners present voted in the affirmative and the matter was dismissed.

#### 14. **Discussion of Next Meeting**

Chair Lang confirmed that the next regularly scheduled meeting will take place virtually, February 2<sup>nd</sup> 2024 at 9:00 AM.

#### 15. **Public Comment**

No public comments were made.

#### 16. **Adjournment**

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting was adjourned at 1:15 PM.

*For inquiries or special assistance, please contact [Ethics.Commission@sec.nm.gov](mailto:Ethics.Commission@sec.nm.gov)*