



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. 2024-03:
Authorizing the Executive Director to represent the Commission**

WHEREAS, THE STATE ETHICS COMMISSION met virtually in regular session, on Friday, April 5, 2024, at 9:00 a.m. via video teleconference;

WHEREAS, under NMSA 1978, Section 2-11-2(E)(2) (1994), the definition of “lobbyist” in the Lobbyist Regulation Act, NMSA 1978, §§ 2-11-1 to -10 (1977, as amended through 2021), excludes “any elected or appointed officer of the state or its political subdivisions or an Indian tribe or pueblo acting in his [or her] official capacity;”

WHEREAS, from time to time, considering the nature of the Commission’s business and its interests, an individual must represent the Commission or speak on the Commission’s behalf in ways that are not already provided for in the State Ethics Commission Act, NMSA 1978, §§ 10-16G-1 to -16 (2019, as amended through 2023) or 1.8.1.8 NMAC (providing the duties and powers of the director);

WHEREAS, under NMSA 1978, Section 10-16G-6(B)(6) (2019), the Executive Director shall perform “other duties as assigned by the [C]ommission;” and

WHEREAS, under 1.8.1.8(Q) NMAC; the Executive Director shall “perform other duties as may be assigned from time to time by the [C]ommission;”

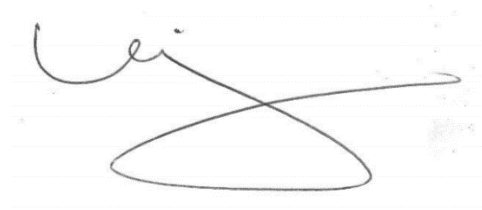
NOW, THEREFORE, BE IT RESOLVED by the State Ethics Commission that:

1. The Executive Director may speak, as the Director, in any matter that relates to legislative activity, including providing commentary on a bill or joint resolution, a

request for a gubernatorial message or veto, or any other statement or request regarding legislative activity that reasonably relates to the Commission's work.

2. Whenever the Commission is named as the deponent subject to Rule 1-030(B)(6) NMRA, the Commission designates the Executive Director to testify on the Commission's behalf. The Executive Director may also designate another individual to testify on the Commission's behalf.
3. The Commission hereby ratifies the Executive Director testifying on the Commission's behalf in prior Rule 1-030(B)(6) depositions of the State Ethics Commission.
4. Whenever the Commission authorizes the Executive Director to petition a district court for a subpoena related to the general counsel's investigation of an administrative matter, pursuant to 1.8.3.12 NMAC, if that matter is set for a hearing, then the Commission also authorizes the Executive Director to petition a district court for a subpoena to compel the presence of witnesses at a hearing pursuant to 1.8.3.14(J)(1) NMAC.

Adopted by the State Ethics Commission this 5th day of April, 2024.

A handwritten signature in black ink, appearing to read 'W. Lang', written on a set of horizontal lines. The signature is fluid and cursive, with a large loop at the end.

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