



STATE ETHICS COMMISSION

Commission Meeting Minutes of December 13, 2024, 9:00AM **[Subject to Ratification by Commission]**

Call to Order

Chair Lang called meeting to order at 9:03 AM.

1. Roll Call

Chair Lang called roll; the following Commissioners were present:

Hon. William F. Lang, Chair (attended virtually)
Jeffrey L. Baker (attended virtually)
Stuart M. Bluestone (attended virtually)
Hon. Celia Castillo (attended virtually)
Hon. Gary Clingman (attended virtually)
Hon. Terry McMillan (attended virtually)
Dr. Judy Villanueva (attended virtually)

2. Approval of Agenda

No motions were made to amend the agenda. Chair Lang sought a motion for approval of 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 October 4, 2024, Commission Meeting Minutes

Chair Lang sought a motion for approval of the minutes of the October 4, 2024, meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Baker seconded. Hearing no discussion or objections the October 4, 2024, meeting minutes were approved unanimously.

Commission Meeting Items

4. 2024 Annual Report *(Farris, Bierle)*

Executive Director Jeremy Farris presented a draft of the SEC's 2024 annual report for submission to the Legislature and Governor Michelle Lujan Grisham, including legislative recommendations for the First Session of the Fifty-Seventh Legislature. Director Farris highlighted several key achievements and initiatives, including the Commission's fifth unmodified opinion, the expansion of the agency to 10 full-time employees, the SEC's FY26 budget request, the restructuring of the agency into divisions focused on enforcement, compliance, and administrative services, and the launch of the informal complaint portal. Deputy Director Amelia Bierle provided an overview of the Commission's draft recommendations for amendments to the Lobbyist Regulation Act. Director Farris also outlined the Commission's draft proposal for the establishment of a non-reverting fund for the SEC.

Motion to approve the annual report. Chair Lang sought a motion for approval of the annual report. Commissioner Villanueva moved to approve the report as drafted; Commissioner Baker seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the annual report unanimously.

The Commissioners entered a discussion to clarify elements of the report and proposed legislative recommendations.

5. Advisory Opinion 2024-06
(Manierre)

Chief Compliance Counsel Manierre provided an overview of Advisory Opinion 2024-06, which addresses whether the Indian Affairs Department's proposed grants to non-profit Indigenous Centers, delivered through professional services contracts or memorandums of understanding/agreements, would violate the Anti-Donation Clause of the New Mexico Constitution. The opinion concludes that such grants would not violate the clause, provided the Department receives sufficient legal consideration under the agreements or the agreements qualify for an exception under the Anti-Donation Clause, such as providing care and maintenance for sick or indigent persons.

Chair Lang sought a motion to approve Advisory Opinion 2024-06. Commissioner Baker moved to approve Advisory Opinion 2024-06; Commissioner Bluestone seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2024-06 unanimously.

---Begin Executive Session---

Chair Lang sought a motion to enter executive session. Commissioner Castillo moved to enter executive session under NMSA 1978, §§ 10-15-1(H)(3) (administrative adjudicatory proceedings) and 10-15-1(H)(7) (attorney-client privilege pertaining to litigation); Commissioner McMillan seconded the motion. Hearing no discussion, Chair Lang conducted a roll call vote, Commissioners voted unanimously to enter executive session.

6. Discussion regarding administrative matters under RULONA:
(Branch)

- a. 2024-NP-04
- b. 2024-NP-11
- c. 2024-NP-12

7. **Discussion regarding administrative matters under State Ethics Commission Act:**
(Boyd, Randall)

- a. Administrative Complaint No. 2024-06
- b. Administrative Complaint No. 2024-36
- c. Administrative Complaint No. 2024-37
- d. Administrative Complaint No. 2024-40
- e. Administrative Complaint No. 2024-61
- f. Administrative Complaint No. 2024-73
- g. Administrative Complaint No. 2024-74
- h. Administrative Complaint No. 2024-75
- i. Administrative Complaint No. 2024-76
- j. Administrative Complaint No. 2024-77
- k. Administrative Complaint No. 2024-78
- l. Administrative Complaint No. 2024-79
- m. Administrative Complaint No. 2024-81

8. **Discussion regarding current and potential litigation:**
(Farris, Woods)

- a. Authorization for civil action (and any related demand, negotiation and mediation efforts) to enforce Procurement Code and Governmental Conduct Act.

---End Executive Session---

Matters discussed in closed meeting were limited to those specified in motion to enter executive session. After concluding discussion of these matters, the Commission resumed public session upon an appropriate motion pursuant to NMSA 1978, § 10-15-1(J).

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

- a. Commission staff sought a motion to approve a settlement with an addendum that the educational component be extended to be taken 12 months into the probation in 2024-NP-04 *In re commission of Cissell*: Chair Lang sought motion for approval of the settlement. Commissioner Bluestone moved to approve the settlement; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the settlement.

- b. Commission staff sought a motion to approve and issue the default order in 2024-NP-11 *In re commission of Arambula*: Chair Lang sought motion for approval of the issuance of the default order. Commissioner Baker moved to approve the issuance of the default order; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the issuance of the default order.
- c. Commission staff sought a motion to dismiss the complaint in 2024-NP-12 *In re commission of Stubbs*: Chair Lang sought motion for dismissal. Commissioner Castillo moved to approve dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the dismissal.

10. Action on Administrative Matters under the State Ethics Commission Act
(Boyd, Randall)

Commission considered the following motions regarding actions on Administrative Complaints:

- a. Commission staff sought a motion to approve the settlement agreement in Administrative Case No. 2024-06. Chair Lang sought motion for approval of the settlement agreement. Commissioner Baker moved to approve the settlement agreement; Commissioner McMillan seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the settlement agreement.
- b. Commission staff sought 90-day extensions related to Administrative Case No. 2024-2024-36: Chair Lang sought motion for approval of the 90-day extension. Commissioner Baker moved to approve the 90-day extension; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the 90-day extension.
- c. Commission staff sought a motion to approve a settlement agreement in Administrative Case No. 2024-37. Chair Lang sought motion for approval of the settlement agreement. Commissioner Bluestone moved to approve the settlement agreement; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the settlement agreement.
- d. Commission staff sought a motion to approve a settlement agreement in Administrative Case No. 2024-40. Chair Lang sought motion for approval of the settlement agreement. Commissioner Castillo moved to approve the settlement agreement; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the settlement agreement.
- e. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction or certification of voluntary compliance by the Secretary of State's office in Administrative Case Nos. 2024-61, 2024-73, 2024-74, 2024-75, 2024-77, 2024-79, and 2024-81. Chair Lang sought a motion for approval of the dismissals. Commissioner Bluestone moved to approve the dismissals; Commissioner Clingman

seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissals.

- f. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-76. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Baker seconded. Commissioner Castillo recused from the discussion and vote on Administrative Case No. 2024-76. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal for which Commissioner Villanueva recused.
- g. Commission staff sought an order referring Administrative Case No. 2024-78 to the New Mexico Department of Justice: Chair Lang sought a motion for approval of the referral. Commissioner Bluestone moved to approve the referral; Commissioner Villanueva seconded. Hearing no further discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the referral.

11. Action on Authorization of Civil Action

(Farris, Woods)

- a. Commission staff sought authorization for the filing of a civil action (and any related demand, negotiation and mediation efforts) against officials in Luna County, the Greater Luna County Economic Development Council Inc., and Christie Ann Harvey to enforce the Procurement Code and the Governmental Conduct Act: Chair Lang sought a motion for authorization. Commissioner Bluestone moved to approve the motion; Commissioner Clingman seconded. Hearing no further discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the authorization for the filing of a civil action (and any related demand, negotiation and mediation efforts) against officials in Luna County, the Greater Luna County Economic Development Council Inc., Christie Ann Harvey to enforce Procurement Code and Governmental Conduct Act.

12. Discussion of Next Meeting

Chair Lang confirmed next regularly scheduled meeting will take place on February 7, 2024.

13. Public Comment

Ramona Goolsby wished Director Farris congratulations on winning public lawyer of the year and well wishes to General Counsel Walker Boyd in his next role. Ms. Goolsby thanked the Commission for its work and provided General Counsel Boyd with a draft of proposed legislation.

Clifford Rees commended and thanked the Commission for its high caliber of work, wished Director Farris congratulations on winning public lawyer of the year, and welcomed General Counsel Walker Boyd to Santa Fe County.

14. Adjournment

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 12:07 PM.

For inquiries or special assistance, please contact Ethics.Commission@sec.nm.gov