



NEW MEXICO STATE ETHICS COMMISSION

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

**RESOLUTION NO. 2025-03 Authorizing a demand and civil action to enforce  
the Procurement Code and Governmental Conduct Act**

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION  
("Commission") met on February 27, 2025, at 1:00 p.m.;

WHEREAS, the Commission has the authority to investigate violations and bring a  
civil action to enforce the Procurement Code, NMSA 1978, §§ 13-1-28 to -199  
(1984, as amended through 2023);

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 the contract between the  
Town of Kirtland and AESC, Inc. dba DTF Engineering, violated the Procurement  
Code;

WHEREAS, the Commission has reason to believe that the contract between the Town of Kirtland and Farmington Construction, and D&G Construction violated the Procurement Code;

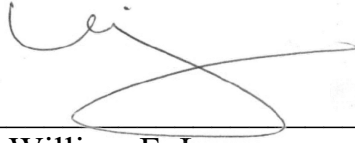
WHEREAS, the Commission has reason to believe that Daniel Flack, the principal owner of DTF Engineering, and acting municipal engineer for the Town of Kirtland, violated the Governmental Conduct Act;

WHEREAS, the Executive Director has sought the approval of the Commission to initiate a civil action under NMSA 1978, Sections 13-1-196, and 10-16G-9(F) to remedy violations of the Procurement Code, the Governmental Conduct Act, and any other laws within the Commission's jurisdiction, 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 compliance with the Procurement Code, to engage in settlement negotiations and mediation, and to prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Procurement Code and any other relief that the court deems just and proper.
2. The Commission's attorney staff are authorized to demand compliance with the Governmental Conduct Act, to engage in settlement negotiations and mediation, 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 the court deems just and proper.
3. If Commission staff file a lawsuit to enforce the Procurement Code and/or the Governmental Conduct, 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 any person in this matter, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 27th day of February 2025.

A handwritten signature in black ink, appearing to read 'W. Lang', written over a horizontal line.

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