



STATE ETHICS COMMISSION

Commission Meeting Minutes of June 6, 2025, 9:00AM [Subject to Ratification by Commission]

Call to Order

Chair Lang called the meeting to order at 9:00 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

Chair Lang sought a motion for approval of the agenda. Commissioner Baker moved to approve the agenda; Commissioner Castillo seconded. Hearing no discussion or objections the agenda was approved unanimously.

3. Approval of April 4, 2025, Commission Meeting Minutes

Chair Lang sought a motion for approval of the minutes of the April 4, 2025 meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Castillo seconded. Hearing no discussion or objections, the April 4, 2025 meeting minutes were approved unanimously.

Commission Meeting Items

4. FY26 Operating Budget (Farris, George)

Executive Director Farris and Chief Financial Officer George presented the FY26 operating budget of approximately \$1.88 million. Director Farris requested Commission approval for the budget. Chair Lang sought a motion to approve the budget. Commissioner Baker moved to approve; Commissioner Bluestone seconded. After some discussion Chair Lang conducted a roll call vote, and the FY26 Operating Budget was approved unanimously.

5. **Advisory Opinion 2025-02** – The Governmental Conduct Act and Outside Employment
(*Chato*)

Chief Compliance Counsel Chato provided an overview of Advisory Opinion No. 2025-02, which in summary states that Governmental Conduct Act does not prohibit a public employee from having a second paying job so long as the employee discloses the job to the employee's employer, the employee is not being paid for work already performed as a public employee, and there is no conflict between the employee's public employment and secondary employment such that the positions are otherwise incompatible.

Chair Lang sought a motion to approve Advisory Opinion 2025-02. Commissioner Bluestone moved to approve Advisory Opinion 2025-02; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2025-02 unanimously.

6. **Advisory Opinion 2025-03** – District Legislative Aide Employment with Another State Agency (*Chato*)

Chief Compliance Counsel Chato provided an overview of Advisory Opinion No. 2025-03, which in summary states that a district legislative aide is permitted to hold full time employment with another state agency so long as the district legislative aide meets the requirements of each position, discloses the position, and does not take any official acts in one position that would affect the other. Chato recommended one edit to the opinion, specifically to footnote four which Chato explained should include a citation to Section 10-6-5.

Chair Lang sought a motion to approve Advisory Opinion 2025-03 with the recommended edit. Commissioner Bluestone moved to approve Advisory Opinion 2025-03 with the recommended edit; Commissioner Castillo seconded. After some discussion Chair Lang conducted a roll call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2025-03 unanimously.

7. **Advisory Opinion 2025-04** – Campaign Expenditures for Legal Expenses
(*Chato*)

Chief Compliance Counsel Chato provided an overview of Advisory Opinion No. 2025-04, which in summary states a legislator may use campaign funds to cover legal expenses so long as the funds are reasonably attributable to the legislator's duties of office, and are not used to fulfill a commitment, obligation, or expense of the legislator that would exist even if the legislator were not in office. A candidate may use campaign funds to cover legal expenses

that are reasonably attributable to the candidate's campaign. A candidate, legislator, or former legislator would be permitted to use campaign funds on legal expenditures related to an affirmative defamation suit as a plaintiff only where the lawsuit is reasonably attributable to the candidate's campaign or the legislator or former legislator's legislative duties of office. A candidate, legislator, or former legislator would be prohibited, however, from converting any monetary recovery from a defamation lawsuit funded by campaign funds for the candidate, legislator, or former legislator's personal use.

Chair Lang sought a motion to approve Advisory Opinion 2025-04. Commissioner Bluestone moved to approve Advisory Opinion 2025-04; Commissioner Castillo seconded. After some discussion Chair Lang conducted a roll call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2025-04 unanimously.

8. Notice of Proposed Rulemaking *(Chato)*

Chief Compliance Counsel Chato provided the Commissioners with the notice of proposed rulemaking. In 2025, the Commission will propose amendments to its rules of procedure (1.8.1, 1.8.3, and 1.8.5 NMAC) to close gaps and clarify provisions related to the informal complaint process, administrative cases, and RULONA complaints. The proposed changes include formalizing a compliance process in certain informal complaints, clarifying records access for parties, aligning procedures with recent statutory changes, and allowing hearing officers to dismiss complaints for lack of jurisdiction. The public hearing and potential adoption is scheduled for August 1, 2025. Final rules will be filed by August 14 and published on August 26, 2025.

Chair Lang sought a motion to approve the notice of proposed rulemaking. Commissioner Bluestone moved to approve the notice of proposed rulemaking; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, Commissioners voted unanimously to approve the notice of proposed rulemaking.

Commission Meeting Items

---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 Clingman seconded the motion. Hearing no discussion, Chair Lang conducted a roll call vote, Commissioners voted unanimously to enter executive session.

8. Discussion regarding administrative matters under RULONA: *(Branch)*

1. 2024-NP-07

9. Discussion regarding administrative matters under State Ethics Commission Act:
(Goodrich, Randall)

1. Administrative Complaint No. 2025-011
2. Administrative Complaint No. 2025-012
3. Administrative Complaint No. 2025-013
4. Administrative Complaint No. 2025-014
5. Administrative Complaint No. 2025-015
6. Administrative Complaint No. 2025-016
7. Administrative Complaint No. 2025-017

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

1. Commission authorization of a civil action regarding violations of the Campaign Reporting Act during the 2024 election cycle by a political committee.
2. Commission authorization of a civil action regarding violations of the Governmental Conduct Act by a local municipality and its employees.
3. Commission authorization of a civil action regarding violations of the Lobbyist Regulation Act by a lobbyist advertising campaign.

---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).

12. Action on administrative matters under RULONA

1. Commission staff sought a motion for an order of dismissal in 2024-NP-07. Chair Lang sought a motion for approval of the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted roll call vote. Commissioner Bluestone voted no, expressing that he would prefer a more stringent penalty. The remaining Commissioners voted in the affirmative, the motion carried.

13. Action on Administrative Matters under the State Ethics Commission Act
(Goodrich, Randall)

Commission considered the following motions regarding actions on Administrative Complaints:

1. Chair Lang announced that Administrative Case No. 2025-11 was withdrawn.

2. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-12. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
3. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-13. Chair Lang sought a motion for approval of the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
4. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-14. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
5. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-15. Commissioner Castillo recused herself from the matter. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal, Commissioner Castillo recusing.
6. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-16. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner McMillan seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
7. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-17. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.

14. Action on Authorization of Civil Action

(Farris, Woods)

1. Commission staff sought a motion for the authorization of a civil action regarding violations of the Campaign Reporting Act during the 2024 election cycle by New Mexico Building and Construction Trades. Chair Lang sought a motion for approval of the authorization. Commissioner Bluestone moved to approve the authorization; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the authorization.
2. Commission staff sought a motion for approval of the authorization of a civil action regarding violations of the Governmental Conduct Act by the City of Deming and Deming city councilors Joe “Butter” Milo and Irma Rodriguez. Commissioner Castillo recused herself from the matter. Executive Director, Jeremy Farris supplemented the request by seeking authorization to issue a subpoena in furtherance of the civil action. Chair Lang sought a motion for approval of both authorizations. Commissioner Baker moved to approve the authorizations; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the authorizations, with Commissioner Castillo recusing.
3. Commission staff sought a motion for approval of the authorization of a civil action regarding violations of the Lobbyist Regulation Act by New Mexico Safety Over Profit (“NMSOP”). Chair Lang recused himself from substantive consideration of the matter but in open session presided in an administrative capacity only. Chair Lang sought a motion for approval of the authorization. Commissioner Bluestone moved to approve the authorization; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the authorization, with Chair Lang recusing.

15. Discussion of Next Meeting

Chair Lang confirmed the next regularly scheduled meeting will take place on August 1, 2025.

16. Public Comment

There was no public comment.

17. Adjournment

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 12:17 PM.

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