



STATE ETHICS COMMISSION

Commission Meeting Minutes of October 10, 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. Dr. Terry McMillan (excused)
Dr. Judy Villanueva (attended virtually)

2. Approval of Agenda

Executive Director Farris sought a motion to approve the agenda by removing item number 6, "Advisory Opinion 2025-05 Legislator Conflicts of Interest in Public Contracts". Chair Lang sought a motion to amend the agenda. Commissioner Castillo moved to approve the amended agenda; Commissioner Villanueva seconded. Hearing no discussion or objections, the amended agenda was approved unanimously.

3. Approval of September 9, 2025, Commission Meeting Minutes

Chair Lang sought a motion for approval of the minutes of the September 9, 2025 meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Clingman seconded. Hearing no discussion or objections, the September 9, 2025 meeting minutes were approved unanimously.

4. Update on the Commission's Inaugural Ethics Forum

Deputy Director Bierle provided a brief overview of the Ethics Forum that the Commission is hosting on November 5, 2025.

5. Approval of the Commission’s FY27 Budget Request

Executive Director Farris provided an overview of the Commission’s Fiscal Year 2027 (FY27) Budget Request submitted to the Legislative Finance Committee (LFC) and the Department of Finance and Administration (DFA). Farris summarized key differences between the Fiscal Year 2026 (FY26) Budget and the FY27 Budget Request.

Chair Lang called for a motion to approve the FY27 Budget Request. Commissioner Bluestone moved to approve, and Commissioner Baker seconded the motion. Following brief discussion, Chair Lang conducted a roll call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The FY27 Budget Request was approved.

6. Advisory Opinion 2025-05 – Legislative Staff Conflicts of Interest in Public Contracts

Chief Compliance Counsel Chato gave an overview of Advisory Opinion 2025-05, which addresses how the Governmental Conduct Act applies to legislative staff engaging in contracts with public agencies. The opinion explains that legislative staff may enter into contracts with state agencies, including leases, if the contract is awarded through a competitive process and the staff member’s interest is publicly disclosed. Legislative staff may also serve as subcontractors and enter into contracts with local governments. The opinion further outlines conflict-of-interest and disclosure requirements applicable to legislative staff who hold outside employment or business interests.

Chato recommended the inclusion of a clarifying footnote regarding notice for state agency contracts, noting that the RFP template provided by the General Services Department includes an affidavit where current state employees must disclose their current employer which would likely satisfy the notice requirement of Section 10-16-7(A) of the Governmental Conduct Act.

Chair Lang sought a motion to approve Advisory Opinion 2025-05. Commissioner Bluestone moved to approve the opinion with the inclusion of the footnote recommended by Chief Compliance Counsel Chato; Commissioner Castillo seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. Advisory Opinion 2025-05 was approved for issuance.

7. Advisory Opinion 2025-06 – Lobbyist Employer Requirements for Legislative Reception

Commission Staff Attorney Branch gave an overview of Advisory Opinion 2025-06, which addresses whether a grassroots membership organization’s annual legislative reception complies with the Lobbyist Regulation Act and the Gift Act. The opinion explains that the event, as described, appears to be a social gathering with informational speakers and does not violate lobbying or gift restrictions so long as it is not conducted in support of or opposition to specific legislation or official action. The opinion further notes that if the event’s expenditures are made to influence pending legislation, the organization may be required to file an expenditure report. Additionally, individual members who speak with legislators on behalf of the organization’s

legislative agenda may need to register or report as lobbyists, while members who speak solely on their own behalf would fall under a personal advocacy exception.

Branch recommended a minor amendment to correct a typographical error in the draft advisory opinion.

Chair Lang sought a motion to approve the Amended Advisory Opinion 2025-06 as presented. Commissioner Baker moved to approve the Amended Advisory Opinion 2025-06; Commissioner Bluestone seconded. After some discussion Chair Lang conducted a roll call vote. All Commissioners voted in the affirmative and approved the Amended Advisory Opinion 2025-06 for issuance unanimously by all Commissioners present.

8. Advisory Opinion 2025-07 – Campaign Expenditures for Security Expenses.

Chief Compliance Counsel Chato gave an overview of Advisory Opinion 2025-07, which addresses whether campaign funds may be used to pay for security expenses—such as physical security systems, cybersecurity measures, or professional security services—incurred as a direct result of campaign activity or holding public office. The opinion explains that a candidate may use campaign funds for reasonable security expenses attributable to campaign activity, and legislators may do so for expenses reasonably related to the duties of legislative office, provided the costs would not exist absent the campaign or office. The opinion further clarifies that other public officers may not use campaign funds for security expenses arising solely from holding office and highlights recordkeeping and reasonableness considerations consistent with the Campaign Reporting Act and comparable federal guidance.

Chato recommended a clarifying amendment to the draft advisory opinion.

Chair Lang sought a motion to approve the amended Advisory Opinion 2025-07. Commissioner Clingman moved to approve the amended opinion; Commissioner Baker seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. Advisory Opinion 2025-07 was approved for issuance.

Beginning of Public Rule Hearing

NMSA 1978, § 14-4-5.3 & 1.24.25.13 NMAC

9. Chief Compliance Counsel Chato identified the pre-filed documents constituting the rulemaking record, including: the notice of proposed rulemaking, published in the *New Mexico Register*, Volume XXXVI, Issue XVI, on August 26, 2025, which provided for a 30-day written comment period; publication of the notice on the Sunshine Portal and the Commission's website for more than 30 days; the communications providing the Notice to all interested persons and the Legislative Council Service; and public comment received from Chris Mechels and Walker Boyd, which were published on the Commission's website within three business days of receipt. Chato also presented a recommended amendment to proposed rule 1.8.3 NMAC based on public comment, which would clarify that a Commission hearing officer is permitted to choose a virtual hearing as an appropriate venue for an administrative

hearing based on the reasonable concerns of the respective parties, witnesses, and representatives in the proceeding, as well as if a party shows undue burden of a hearing location.

10. The Commission opened the rule hearing for public comment, but no members of the public were present and no public comment was provided during the rule hearing.

End of Public Rule Hearing & Continuation of Commission Open Meeting for Actions on Rules and Other Matters.

1.24.25.14(D) NMAC.

11. Adoption of amendments to rules governing general provisions (1.8.1 NMAC), administrative hearings (1.8.3 NMAC), and notary cases (1.8.5 NMAC)

- I. Adoption of amendments in 1.8.1 NMAC

Chair Lang sought a motion to adopt proposed amendments in 1.8.1 NMAC. Commissioner Bluestone moved to adopt the amendments; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The amendments in 1.8.1 NMAC were adopted.

- II. Adoption of amendments in 1.8.3 NMAC

Chair Lang sought a motion to adopt the proposed amendments in 1.8.3 NMAC and the additional staff recommendation to 1.8.3.14(B). Commissioner Clingman moved to adopt the amendments; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The amendments in 1.8.3 NMAC were adopted.

- III. Adoption of amendments in 1.8.5 NMAC

Chair Lang sought a motion to adopt the proposed amendments in 1.8.5 NMAC. Commissioner Castillo moved to adopt the amendments; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The amendments in 1.8.5 NMAC were adopted.

12. Public Comment

There was no public comment.

Commission Meeting Items

---Begin Executive Session---

Chair Lang sought a motion to enter executive session. Commissioner Baker moved to enter executive session under NMSA 1978, § 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.

13. Discussion regarding administrative matters under RULONA:

- I. 2024-NP-06
- II. 2025-NP-09
- III. 2025-NP-11
- IV. 2025-NP-13

14. Discussion regarding administrative matters under State Ethics Commission Act:

- I. Administrative Complaint No. 2025-24
- II. Administrative Complaint No. 2025-25
- III. Administrative Complaint No. 2025-26
- IV. Administrative Complaint No. 2025-27
- V. Administrative Complaint No. 2025-28
- VI. Administrative Complaint No. 2025-29

15. Discussion regarding current and potential litigation:

- I. State Ethics Commission v. Tafoya Lucero, D-101-CV-2025-02343 (N.M. 1st Jud. D. Ct.)
- II. Authorization of amicus participation in First Choice Women’s Res. Centers, Inc. v. Platkin, 24-781 (U.S.)

---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).

16. Action on administrative matters under RULONA

- I. Commission staff sought a motion for a dismissal and the issuance of a warning letter in 2024-NP-06. Chair Lang sought a motion for the dismissal and issuance of a warning letter. Commissioner Clingman moved to approve the dismissal and issuance of a warning letter; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal and issuance of a warning letter was approved.

- II. Commission staff sought a motion for a default order in 2025-NP-09. Chair Lang sought a motion for the default order to suspend the two notary commissions with an amendment to correct a typographical error. Commissioner Baker moved to approve the default order and amendment; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The default order and amendment were approved.
- III. Commission staff sought a motion for dismissal in 2025-NP-11 because it lacked any matters related to RULONA. Chair Lang sought a motion to dismiss. Commissioner Clingman moved to approve the dismissal; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.
- IV. Commission staff sought a motion for the approval of a settlement agreement in 2025-NP-13. Chair Lang sought a motion to approve the settlement agreement. Commissioner Castillo moved to approve the settlement agreement; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The settlement agreement was approved.

17. Action on Administrative Matters under the State Ethics Commission Act

The Commission considered the following motions regarding actions on Administrative Complaints:

- I. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-24. 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. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.
- II. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-25. Chair Lang sought a motion for approval of the dismissal. Commissioner Castillo moved to approve the dismissal; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.
- III. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-26. 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. All

Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused and Commissioner Bluestone, who abstained from the vote. The dismissal was approved.

- IV. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-27. Chair Lang sought a motion for approval of the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.
- V. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-28. 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. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.
- VI. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-29. 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. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The dismissal was approved.

18. Action on Authorization of Civil Action

- I. Executive Director Farris sought a motion authorizing amicus participation in *First Choice Women's Res. Centers, Inc. v. Platkin, 24-781 (U.S.)*. Chair Lang sought a motion for amicus participation. Commissioner Bluestone moved to approve the authorization; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the authorization. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor, with the exception of Commissioner McMillan, who was excused. The authorization was approved.

19. Discussion of Next Meeting

Chair Lang confirmed the next regularly scheduled meeting will take place on December 5, 2025.

20. Public Comment

There was no public comment.

21. Adjournment

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 11:30 AM.

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