



## STATE ETHICS COMMISSION

### **Commission Meeting Minutes of December 5, 2025, 9:00 AM** **[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**

Chair Lang sought a motion to approve the agenda. Commissioner Baker moved to approve the amended agenda; Commissioner Bluestone seconded. Hearing no discussion or objections, the amended agenda was approved unanimously by all present Commissioners.

#### **3. Approval of October 10, 2025, Commission Meeting Minutes**

Chair Lang sought a motion for approval of the minutes of the October 10, 2025 meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Clingman seconded. Hearing no discussion or objections, the October 10, 2025 meeting minutes were approved unanimously by all present Commissioners.

#### **4. Annual Report**

Executive Director Farris provided a brief overview of the Commission's Annual Report. The Commission is tasked to make an annual report to the Governor and the Legislature for amendments to statutes relating to the Commission's jurisdiction and New Mexico's ethics laws, including New Mexico's governmental conduct, procurement, campaign finance reporting, and financial disclosure statutes

Chair Lang sought a motion to approve the Annual Report. Commissioner Bluestone moved to approve the Annual Report; Commissioner Castillo seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners that were present voted in favor. The Annual Report was approved for issuance.

#### **5. Potential recommendations for amendment to NMSA 1978, §10-16G-3(H) (2019)**

Commissioner Baker led a discussion regarding the statutory structure of the Commission, including how current provisions affect commissioner participation, quorum, and decision-making. The discussion was exploratory in nature and focused on governance considerations and potential long-term structural implications. The Commissioners requested that staff conduct additional research on this topic and develop a preliminary framework for future consideration.

#### **6. Advisory Opinion 2025-08 – Ethical Concerns for Legislator as Business Consultant**

Chief Compliance Counsel Chato gave an overview of Advisory Opinion 2025-08. A legislator provided a proposed consulting agreement the legislator was considering entering into with a Corporation and requested an opinion as to potential ethical concerns related to the engagement.

After review of the proposed consulting agreement, there are several ethical considerations under New Mexico law a legislator should bear in mind before executing an agreement of the sort proposed and in performance of the agreement. These include fiduciary duties of loyalty to the public in the legislator's role as State legislator, the limitations on compensated representation as a State legislator contained in Section 9 of the Governmental Conduct Act, considerations relevant to attempting to influence other legislators, and the sharing of information with the Corporation. If, after considering the application of the foregoing provisions of law, the legislator decides to enter into the proposed consulting agreement, then the legislator would also be required to report the income received as a result of the agreement on the annual financial disclosure statement reported to the Secretary of State.

Chair Lang sought a motion to approve Advisory Opinion 2025-08. Commissioner Bluestone moved to approve the opinion; Commissioner Castillo seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners that were present voted in favor. Advisory Opinion 2025-08 was approved for issuance.

#### **7. Advisory Opinion 2025-09 – Training Conference for State Employees Paid for by Contractor**

Chief Compliance Counsel Chato gave an overview of Advisory Opinion 2025-09, noting a typographical correction to the title in the provided draft, which had been incorrectly labeled as Advisory Opinion 2025-08. The requester is the Chief Procurement Officer and Purchasing Manager for a state agency. The request indicates the agency has a contract with a company for millions of dollars. The company would like to provide an all-expenses paid trip to another state for a training conference. The request asks: 1) Is the company a "restricted donor" under the Gift

Act? and 2) Are state agency staff permitted to accept the all-expenses paid trips to a training conference out of state?

A contractor with a state agency is a “restricted donor” under the Gift Act. A state employee is permitted to accept reasonable expenses for a bona fide educational program that is directly related to the state employee’s official duties.

Chair Lang sought a motion to approve the Advisory Opinion 2025-09 as presented. Commissioner Clingman moved to approve the Advisory Opinion 2025-09; Commissioner Castillo seconded. After some discussion Chair Lang conducted a roll call vote. All present Commissioners voted in the affirmative and approved Advisory Opinion 2025-09.

## **8. 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)(3) (administrative adjudicatory proceedings) and 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.

## **9. Discussion regarding administrative matters under RULONA:**

- I. 2024-NP-06
- II. 2025-NP-14

## **10. Discussion regarding administrative matters under State Ethics Commission Act:**

- I. Administrative Complaint No. 2025-30
- II. Administrative Complaint No. 2025-31
- III. Administrative Complaint No. 2025-32
- IV. Administrative Complaint No. 2025-33
- V. Administrative Complaint No. 2025-34
- VI. Administrative Complaint No. 2025-37
- VII. Administrative Complaint No. 2025-38
- VIII. Administrative Complaint No. 2025-39

### **---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).*

#### **11. Action on administrative matters under RULONA**

- I. Commission staff sought a motion for dismissal and 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 letter; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal and issuance of the warning letter was approved.
- II. Commission staff sought a motion for a dismissal in 2025-NP-14. Chair Lang sought a motion for the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.

#### **12. 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 in Administrative Case No. 2025-30. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.
- II. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-31. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.
- III. Commission staff sought a motion for an order of dismissal in Administrative Case No. 2025-32. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.
- IV. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-33. Commissioner Baker recused from the discussion and vote. Chair Lang sought a motion for approval of the dismissal. Commissioner Castillo moved to approve the dismissal; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present

Commissioners voted in favor except for Commissioner Baker who recused from the matter. The dismissal was approved.

- V. Commission staff sought a motion for an order of dismissal in Administrative Case No. 2025-34. 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 present Commissioners voted in favor. The dismissal was approved.
- VI. Commission staff sought a motion for an order of dismissal in Administrative Case No. 2025-37. Chair Lang sought a motion for approval of the dismissal. Commissioner Castillo moved to approve the dismissal; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.
- VII. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-38. 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 present Commissioners voted in favor. The dismissal was approved.
- VIII. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-39. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.

### **13. Discussion of Next Meeting**

Chair Lang confirmed the next regularly scheduled meeting will take place on February 13, 2025.

### **14. Public Comment**

There was no public comment.

### **15. Adjournment**

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 11:14 AM.