



## STATE ETHICS COMMISSION

### **Commission Meeting Minutes of April 17, 2026, 9:00 AM**

#### **[Subject to Ratification by Commission]**

Approved at the June 15, 2026 Commission Meeting

#### **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 (excused)

Hon. Dr. Terry McMillan (attended virtually)

Dr. Judy Villanueva (attended virtually)

#### **2. Approval of Agenda**

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

#### **3. Approval of February 17, 2026, Commission Meeting Minutes**

Chair Lang sought a motion for approval of the minutes of the February 17, 2026, meeting. Commissioner Baker moved to approve the minutes; Commissioner Bluestone seconded. Hearing no discussion or objections, the April 17, 2026, meeting minutes were approved unanimously by all present Commissioners.

#### **4. Approval of FY27 Operating Budget**

Executive Director, Jeremy Farris, presented the FY27 operating budget of approximately \$1.92 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 FY27 Operating Budget was approved unanimously by all present Commissioners.

**5. HJR 5, Legislative Compensation**

*(Bluestone)*

Commissioner Bluestone presented HJR 5, a joint resolution approved during the 2026 legislative session proposing a constitutional amendment to allow legislative compensation tied to the median household income in New Mexico, with adjustments based on changes to that metric and delayed implementation.

Commissioner Bluestone moved to endorse HJR 5. Commissioner Castillo seconded the motion. The motion failed for lack of concurrence by “at least two members of the largest political party in the state and two members of the second largest political party in the state” under NMSA 1978, Section 10-16G-3(H).

**6. Voting Structures of Ethics Commissions**

*(Arreola)*

Thornburg Foundation Fellow, Aurora Areola, presented research requested by the Commission regarding comparative governance structures of state ethics commissions. The presentation provided background analysis of statutory frameworks across states, including quorum requirements, voting thresholds, appointment structures, and partisan composition.

Commissioner Bluestone raised for future consideration whether the Commission should, as part of a future legislative recommendations process, consider recommending amendments to the Commission’s voting requirements. Commissioner Bluestone stated that he was not making a motion at that time but suggested that the Commission may wish to consider requiring at least five affirmative votes for Commission action, including at least two votes from each of the two major political parties represented on the Commission. Commissioner Bluestone noted that such a structure could allow the vote of the non-major party member to be determinative in certain circumstances and addressed concerns previously raised regarding the practical effect of the non-major party member’s vote.

No action was taken.

**7. Advisory Opinion 2026-02 – Agency Considerations in Amending a Contract under the Governmental Conduct Act**

*(Su)*

Staff Attorney Grace Su gave an overview of Advisory Opinion No. 2026-02. Advisory Opinion No. 2026-02 considers whether Section 10-16-7(A) of the Governmental Conduct Act applies when a state agency seeks to amend an existing small purchase contract for professional services after the contractor’s spouse becomes a public employee at another state agency. The Commission concluded that amending the contract to include additional compensation constitutes entering into a new agreement with the family of a public employee. As a result, the

statute applies to the amended contract, requiring public notice of the public employee's interest and procurement through a competitive process, particularly because the original contract was not competitively awarded and no prior public notice was provided.

Chair Lang sought a motion to approve Advisory Opinion 2026-02. Commissioner Clingman moved to approve the opinion for issuance; Commissioner Bluestone seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-02 was approved for issuance.

**8. Advisory Opinion 2026-03 – Governmental Conduct Act Considerations for Local Public Officials Holding Local Government Contracts**  
(Branch)

Deputy Compliance Counsel Rebecca Branch gave an overview of Advisory Opinion No. 2026-03. Advisory Opinion No 2026-03 considers three scenarios involving municipal public officials who hold financial interests in companies that contract with the municipality and addresses how the Governmental Conduct Act applies in each case.

The Commission concluded that such arrangements are permissible, provided specific safeguards are followed. These include public disclosure of the official's financial interest, use of a competitive procurement process, recusal from any official actions related to the contract, and avoidance of participation in developing bid criteria. The opinion further emphasizes that public officials must not misuse their positions when advocating on behalf of their companies or clients. Additionally, the Commission determined that the municipality's existing practices—requiring written disclosures, public announcements, recusals, and competitive bidding—are consistent with the requirements of the Governmental Conduct Act and represent sound compliance measures.

Deputy Compliance Counsel Branch also noted a minor typographical error which has been corrected. Chair Lang sought a motion to approve Advisory Opinion 2026-03. Commissioner Bluestone moved to approve the opinion for issuance; Commissioner Castillo seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-03 was approved for issuance.

**9. Advisory Opinion 2026-04 – Holding Dual Roles as a School Board Member and State Employee Under the Governmental Conduct Act**  
(Su)

Staff Attorney Grace Su gave an overview of Advisory Opinion No. 2026-04. Advisory Opinion No. 2026-04 considers whether an individual may simultaneously serve on a local school board while also acting as a state employee responsible for approving certain financial decisions affecting that same school board.

The Commission concluded that holding both roles is permissible under the Governmental Conduct Act, provided appropriate safeguards are followed. Specifically, the individual must recuse themselves from any state-level decisions affecting the school board to avoid functional

incompatibility, disclose potential conflicts to both the state agency and the school board, and carry out duties in both roles fairly and impartially.

Chair Lang sought a motion to approve Advisory Opinion 2026-04. Commissioner Clingman moved to approve the opinion for issuance; Commissioner Villanueva seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-04 was approved for issuance.

**10. Advisory Opinion 2026-05 – Campaign Expenditures for Media Related to Lawsuits Arising from Legislative Duties**  
(Su)

Staff Attorney Grace Su gave an overview of Advisory Opinion No. 2026-05. Advisory Opinion No. 2026-05 considers whether a former legislator may use campaign funds to purchase newspaper advertising addressing a lawsuit that arose directly from actions taken in their legislative capacity.

The Commission concluded that such expenditures are permissible, provided they are connected to legal proceedings arising from the individual’s official duties as a legislator and would not have been incurred but for holding legislative office.

Chair Lang sought a motion to approve Advisory Opinion 2026-05. Commissioner Bluestone moved to approve the opinion for issuance; Commissioner Clingman seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-05 was approved for issuance.

**11. Advisory Opinion 2026-06 – Holding Dual Roles as a Board Supervisor and State Agency Head Under the Governmental Conduct Act**  
(Su)

Staff Attorney Grace Su gave an overview of Advisory Opinion No. 2026-06. Advisory Opinion No. 2026-06 considers whether an individual may simultaneously serve as a State Board Supervisor and the head of a State Agency under the Governmental Conduct Act and other applicable ethics laws.

The Commission concluded that holding both positions is permissible, provided the individual can fulfill the duties of loyalty and care required of each role. The Commission further determined that, based on the facts presented, the two positions are not physically nor functionally incompatible, as there is no clear conflict in their functions that would prevent the individual from discharging the duties of both offices faithfully and impartially.

Chair Lang sought a motion to approve Advisory Opinion 2026-06. Commissioner Clingman moved to approve the opinion for issuance; Commissioner McMillan seconded. Following discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-06 was approved for issuance.

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

#### 13. Discussion regarding administrative matters under RULONA:

*(Branch)*

##### I. 2025-NP-01

#### 14. Discussion regarding current and potential litigation:

*(Woods, Farris)*

- I. Authorization for a demand and civil action to enforce the Campaign Reporting Act
- II. Authorization for a demand and civil action to enforce the Lobbyist Regulation Act
- III. Authorization for a demand and civil action to enforce the Lobbyist Regulation 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).*

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

*(Branch)*

- I. Commission staff sought a motion for issuance of a default order in 2025-NP-01. Chair Lang sought a motion for the default order. Commissioner Castillo moved to approve the default order; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. The default order was approved.

## **16. Action on Authorization of Civil Action**

*(Woods, Farris)*

- I. Commission staff sought a motion for the authorization for the demand and civil action to enforce the Campaign Reporting Act against the Republican Party of San Juan County. Chair Lang sought a motion for the authorization. Commissioner Clingman moved to approve the authorization; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. The authorization was approved.
- II. This agenda item was deferred to the next regularly scheduled meeting.
- III. Commission staff sought a motion for the authorization for the demand and civil action to enforce the Lobbyist Regulation Act against the Virginia Nonstock Corporation Elevate New Mexico. Chair Lang sought a motion for the authorization. Commissioner Bluestone moved to approve the authorization; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in favor. The authorization was approved.

## **17. Discussion of Next Meeting**

Chair Lang confirmed the next regularly scheduled meeting will take place on June 15, 2026.

## **18. Public Comment**

There was no public comment.

## **19. Adjournment**

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 11:32 AM.