STATE ETHICS COMMISSION

Commission Meeting Minutes of August 21, 2026, 9:00 AM
[Subject to Ratification by Commission]

Call to Order

Chair Castillo called the meeting to order at 9:00 AM.

1. **Roll Call**

Chair Castillo called roll; the following Commissioners were present:

Hon. Celia Foy Castillo, Chair (attended virtually)
Jeffrey L. Baker (attended virtually)
Stuart M. Bluestone (attended virtually)
Hon. Gary Clingman (attended virtually)
Hon. Dr. Terry McMillan (attended virtually)
Dr. Judy Villanueva (attended virtually)

2. **Approval of Agenda**

Chair Castillo sought a motion to approve the August 15, 2026, agenda. Commissioner Bluestone moved to approve the agenda; Commissioner Baker seconded. Hearing no discussion or objections, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor aside from Commissioner Clingman who was absent for the vote due to technical difficulties.

3. **Approval of June 15, 2026, Commission Meeting Minutes**

Chair Castillo sought a motion for approval of the minutes of the June 15, 2026, meeting. Commissioner Baker moved to approve the minutes; Commissioner McMillan seconded.

Hearing no discussion or objections, the June 15, 2026, meeting minutes were approved unanimously by all present Commissioners aside from Commissioner Clingman who was absent at the time of approval due to technical difficulties.

4. **FY28 Budget Request**
(Farris, George)

Executive Director Jeremy Farris presented the Commission's FY28 budget request for submission to the Legislative Finance Committee and the Department of Finance and

Administration. The request includes $2,011,200 in General Fund appropriations, representing a 5% increase over FY27 and funding for one additional full-time equivalent (FTE) position. The Commission is also requesting a $125,000 special appropriation available for expenditure over three fiscal years.

Chair Castillo sought a motion to approve the FY28 Budget Request and Special Appropriation. Commissioner Bluestone moved to approve the budget request; Commissioner Baker seconded. After some discussion, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor aside from Commissioner Clingman who was absent for the vote due to technical difficulties. The FY28 Budget Request and Special Appropriation was approved for issuance.

5. **History of the SEC**
   (Eberhardt)

Darin Eberhardt, a rising sophomore at Georgetown University, and summer intern for the Commission, presented his research on the history of the New Mexico State Ethics Commission, including the state's ethics enforcement framework, decades of legislative efforts to establish an independent ethics commission, and the 2017 constitutional amendment and 2018 voter approval that ultimately led to the Commission's creation.

Commissioners expressed appreciation for Mr. Eberhardt's work and discussed memorializing the work on the Commission's website and publishing it in the New Mexico Law Review. Commissioner Bluestone requested Towery's article. No action was taken.

6. **Proxy Voting – Open Meetings Act Analysis**
   (*Su*)

Staff Attorney Grace Su provided an overview of Attorney General Opinion 10-02 concerning proxy voting under the Open Meetings Act (OMA). Ms. Su explained that proxy voting is inconsistent with OMA because an absent member cannot participate in the public discussion and deliberation preceding a vote, and proxy voting may facilitate discussions or decision-making outside of public view, contrary to OMA's purpose of ensuring transparency in government proceedings. No action was taken.

7. **Advisory Opinion 2026-12 – Application of Section 10-16-8 of the GCA to a Former State Agency Attorney's Post-State Employment as a Contractor Representing Different Clients**
   (Su)

Staff Attorney Grace Su provided an overview of the advisory opinion concerning the application of Section 10-16-8 of the Governmental Conduct Act to a former state agency attorney's post-state employment. Ms. Su explained that an agency may contract with a former staff attorney following their employment, provided the attorney did not take official action that led to the contract and does not represent clients in matters the attorney personally and substantially worked on while employed by the agency. She also noted that professional services contracts exceeding $60,000 must be procured through a request for proposals under the Procurement Code.

Chair Castillo sought a motion to approve Advisory Opinion 2026-12. Commissioner Bluestone moved to approve the opinion for issuance; Commissioner Clingman seconded. Chair Castillo conducted a roll-call vote. All Commissioners voted in favor. Advisory Opinion 2026-12 was approved for issuance.

8. **Public Comment**

Commission Meeting Items

---Begin Executive Session---

Chair Castillo 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 McMillan seconded the motion. Hearing no discussion, Chair Castillo conducted a roll call vote, all Commissioners voted unanimously to enter executive session.

9. Discussion regarding administrative matters under RULONA:
(Branch)

    I. 2024-NP-06
    II. 2024-NP-09

10. Discussion regarding administrative matters under State Ethics Commission Act:
(Goodrich)

    I. Administrative Complaint No. 2026-21

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

    I. Authorization for a demand and civil action to enforce the Lobbyist Regulation Act

    II. Babylon Bee, LLC v. Foy Castillo, et al.

---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**
(Branch)

I. Commission staff sought a motion for dismissal of the complaint and issuance of a warning letter in 2024-NP-06 with regards to Mr. Fragua's current notary stamp and any future stamp. Chair Castillo sought a motion for the dismissal and issuance of letter. Commissioner Bluestone moved to approve the dismissal; Commissioner Baker seconded. Hearing no discussion, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor. The dismissal and issuance of a warning letter was approved.

II. Commission staff sought a motion for dismissal in 2024-NP-09. Chair Castillo sought a motion for the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Bluestone seconded. Hearing no discussion, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor. The dismissal was approved.

13. **Action on administrative matters under State Ethics Commission Act**
(Goodrich)

I. Commission staff sought a motion for the authorization to extend the investigation in 2026-21 for an additional 90 days. Commissioner Baker moved to approve the authorization; Commissioner Villanueva seconded. Hearing no discussion, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor. The authorization was approved.

14. **Action on Authorization of Civil Action**
(Farris)

I. Commission staff sought a motion for the authorization for the demand and civil action to initiate claims against Oracle America, Inc., and Stack Infrastructure for violations of Section 2-11-6(I) of the Lobbying Regulation Act. Chair Castillo sought a motion for the authorization. Commissioner Bluestone moved to approve the authorization; Commissioner Villanueva seconded. Hearing no discussion, Chair Castillo conducted a roll-call vote. All present Commissioners voted in favor. The authorization was approved.

15. **Resolutions**
(*Farris*)

I. Commissioner Bluestone sought a motion for the approval of Resolution No. 2026-12: Disavowing enforcement of the disclaimer provisions of NMSA 1978, Section 1-19-26.4 for advertisements that are not campaign expenditures, coordinated expenditures, or independent expenditures.

Chair Castillo sought a motion for the authorization. Commissioner Clingman seconded. Hearing no discussion, Chair Castillo conducted a roll-call vote. All Commissioners voted in favor. Resolution 2026-12 was approved unanimously.

16. **Discussion of next meeting**
(*Castillo*)

Chair Castillo confirmed the next regularly scheduled meeting will take place on Friday, October 2, 2026.

17. **Public Comment**

There was no public comment.

18. **Adjournment**

Chair Castillo raised the adjournment of the meeting. With no objections made, the meeting adjourned at 12:25 PM.