



STATE ETHICS COMMISSION

Commission Meeting Minutes of May 24, 2024, | 9:00AM-1:00PM [Subject to Ratification by Commission]

Call to Order

Chair Lang called the meeting to Order at 9:00 AM.

1. Roll Call

The roll was called; the following Commissioners were present:

Jeffrey L. Baker, Commissioner
Stuart M. Bluestone, Commissioner
Hon. Celia Castillo, Commissioner
Ronald Solimon, Commissioner
Dr. Judy Villanueva, Commissioner
Hon. William F. Lang, Chair

The following Commissioners were absent at roll call but later joined the meeting at 9:08:

Hon. Dr. Terry McMillan, Commissioner

2. Approval of Agenda

No motions were made to amend the agenda. Chair Lang sought a motion for approval of the agenda. Commissioner Castillo moved to approve the agenda; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll call vote and all Commissioners present approved the agenda unanimously.

3. Approval of April 5, 2024, Commission Meeting Minutes

Chair Lang sought a motion for the approval of the minutes from the April 5th, 2024, Commission meeting. Commissioner Solimon moved to approve the minutes; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll call vote and all Commissioners present approved the minutes unanimously.

Commission Meeting Items

4. Open Meetings Act best practices refresher

Chief Compliance Counsel KC Manierre gave an overview of the best practices to comply with the Open Meetings Act.

5. Update on Commissioner appointment

Executive Director Farris gave an update on Commissioner Solimon and Commissioner Baker's term limits. Commissioner Baker has chosen to seek reappointment to another four-year term. Commissioner Solimon has chosen not to seek reappointment and the Commission will seek a replacement. Director Farris gave an overview of the effort being made by staff to solicit applications to appoint Commissioner Solimon's successor and the Commission's process for that appointment.

6. FY25 Operating Budget

Executive Director Farris and Chief Financial Officer Wendy George presented the FY25 operating budget of about \$1.7 million. Director Farris requested Commission approval for the budget. Chair Lang sought a motion to approve the budget. Commissioner Castillo moved to approve; Commissioner Baker seconded. After some discussion Chair Lang conducted a roll call vote, and the FY25 Operating Budget was approved unanimously.

7. Advisory opinion 2024-03

Chief Compliance Counsel KC Manierre gave an overview of the advisory opinion which addressed the question:

“A legislator is a key organizer in a nonpartisan conference coordinated by a 501(c)(3) non-profit organization. The legislator helps to organize this event for what the legislator believes is an important responsibility of being a legislator — bringing education to colleagues and the public on an important issue to the forefront in a nonpartisan manner. The legislator often emails contacts about the event, including speakers and sponsors, and wants to know whether the legislator is allowed to send those emails using the official legislative email address (nmlegis.gov).”

ANSWER

Legislators are permitted to use an official legislative email address to email contacts about an event, including speakers and sponsors, to address general administration and logistics of the event. But the use of a legislative email address to contact sponsors for the purpose of soliciting donations to a charity is likely prohibited by the Gift Act.

With the inclusion of two minor amendments, Chair Lang sought a motion to approve the advisory opinion as amended. Commissioner Bluestone moved to approve the opinion; Commissioner Baker seconded. Chair Lang conducted a roll call vote, and the advisory opinion was approved unanimously.

8. **Public Comment (pre-closed session)**

Chris Mechels gave a public comment with concerns about violations of the election code by state officials.

No other public comments were made.

---Beginning of Executive Session---

Chair Lang sought a motion 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 Solimon moved to enter executive session; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, all commissioners present voted unanimously to enter executive session.

9. Discussion regarding current and potential litigation:

(Farris)

- a. Proposed pre-litigation settlement with local government official for violation of the Governmental Conduct Act
- b. Authorization of civil action against persons subject to the Campaign Reporting Act for violations of that statute
- c. Authorization of civil action against local government officials and domestic LLC for violations of the Procurement Code
- d. Campaign Reporting Act violations as identified in 2023 and 2024 expenditure filings

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

(Farris)

Dismissals of administrative complaints:

- a. Administrative Complaint No. 2024-04
- b. Administrative Complaint No. 2024-07
- c. Administrative Complaint No. 2024-09
- d. Administrative Complaint No. 2024-11
- e. Administrative Complaint No. 2024-12
- f. Administrative Complaint No. 2024-13
- g. Administrative Complaint No. 2024-14

---End of Executive Session---

The matters discussed in the closed meeting were limited to those specified in the motion to enter executive session. After concluding its discussion of these matters, the Commission resumed public session upon an appropriate motion pursuant to NMSA 1978, § 10-15-1(J).

11. Authorization of Civil Action

- a. **Authorization approving Executive Director to negotiate and enter pre-litigation settlement, as discussed in closed session, with local government official for violation of the Governmental Conduct Act:** Commissioner Castillo moved as stated above, Commissioner McMillan seconded. Chair Lang conducted a roll call vote. The votes were recorded as follows:

Commissioner Baker: Yes
Commissioner Bluestone: No
Commissioner Castillo: Yes
Commissioner McMillan: Yes
Commissioner Solimon: Yes
Commissioner Villanueva: No
Chair Lang: Yes

The motion carries with a vote of 5-2.

- b. **Authorization of civil action against The New Mexico Project and Jeff Apodoca for violations of the Campaign Reporting Act:** Commissioner Bluestone moved as stated above; Commissioner Solimon seconded. Hearing no discussion, Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative. Authorization to file civil enforcement action was approved.
- c. **Authorization of civil action against Village of Angel Fire officials and Carristo Creative LLC for violations of the Procurement Code and Governmental Conduct Act:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative. Authorization to file civil enforcement action was approved.

12. Action on Administrative Matters under the State Ethics Commission Act (Farris)

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

- a. **Commission staff sought motion of dismissal of Administrative Case No. 2024-04:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote.

All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.

- b. **Commission staff sought motion of dismissal of Administrative Case No. 2024-07:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.
- c. **Commission staff sought motion of dismissal upon certification by the Secretary of State's office for voluntary compliance of Administrative Case No. 2024-09:** Commissioner Bluestone moved as stated above, Commissioner Castillo seconded. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.
- d. **Commission staff sought motion of dismissal of Administrative Case No. 2024-11:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.
- e. **Commission staff sought motion of dismissal of Administrative Case No. 2024-12:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.
- f. **Commission staff sought motion of dismissal of Administrative Case No. 2024-13:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.
- g. **Commission staff sought motion of dismissal of Administrative Case No. 2024-14:** Commissioner Solimon moved as stated above, Commissioner Bluestone seconded. Hearing no discussion Chair Lang conducted a roll call vote. All Commissioners and the Chair voted in the affirmative, and the administrative case was dismissed.

13. Discussion of Next Meeting

Chair Lang confirmed that the next regularly scheduled meeting will take place, July 26th at 9:00 AM in Santa Fe. In addition to the regularly scheduled meeting there will be a meeting of the legislatively appointed commissioners to reappoint a commissioner and appoint a new commissioner.

14. Public Comment

No public comments were made.

15. Adjournment

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting was adjourned at 1:00 PM.

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