



STATE ETHICS COMMISSION

Commission Meeting Minutes of October 4, 2024, 9:00AM [Subject to Ratification by Commission]

Call to Order

Chair Lang called meeting to order at 9:03 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. Terry McMillan (attended virtually)
Dr. Judy Villanueva (attended virtually)

2. Approval of Agenda

No motions were made to amend the agenda. Chair Lang sought a motion for approval of the agenda. Commissioner Bluestone moved to approve the agenda; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the majority of Commissioners approved the agenda. Due to technical difficulties, Dr. McMillan's vote was not audible in the recording. Chair Lang proceeded with the approval of the agenda.

3. Approval of September 16, 2024, Commission Meeting Minutes

Chair Lang sought a motion for approval of the minutes of the September 16, 2024, meeting. Commissioner Baker moved to approve the minutes; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the majority of Commissioners approved the September 16, 2024, meeting minutes. Due to technical difficulties, Dr. McMillan's vote was not audible in the recording. Chair Lang proceeded with the approval of the minutes.

Commission Meeting Items

4. Financial Disclosure Act Compliance Update

(Branch)

Rebecca Branch, Deputy Compliance Counsel, provided a report on the status of financial disclosure compliance. In April, the Secretary of State's office referred 178 individuals to the Commission for failing to meet their annual financial disclosure requirements. The Commission has worked diligently to encourage voluntary compliance. Ms. Branch reported that, of the individuals confirmed to hold positions required to file, all but three have now fulfilled their obligations under the Financial Disclosure Act.

Ms. Branch stated that she has been in contact with two of the remaining individuals, who are currently working with the Secretary of State's office to resolve their compliance issues. Regarding the third individual, Ms. Branch has communicated with the head of the agency overseeing the board on which the individual serves, and the agency is assisting in efforts to achieve compliance. Ms. Branch expressed confidence that full compliance would be achieved soon.

Commissioner Baker inquired about the total number of individuals in New Mexico required to file financial disclosures. Ms. Branch estimated that approximately 675 individuals are subject to this requirement. In response to Commissioner Baker's follow-up question regarding common reasons for non-compliance, Ms. Branch noted that issues varied. Some individuals believed they had completed the filing process but inadvertently missed a step, others forgot the filing requirement, and some faced difficulties with the Secretary of State's website. However, she emphasized that once notified, most individuals promptly corrected the issue.

Commissioner Bluestone concluded the discussion by asking whether the Commission planned to issue a press release highlighting its efforts to achieve voluntary compliance. He suggested that such a release would serve as valuable public education. Ms. Branch confirmed that a press release is planned and will be issued upon full compliance. Commissioner Castillo commended the staff for their hard work in reaching this outcome.

5. Advisory Opinion 2024-05

(Farris)

Jeremy Farris, Executive Director, provided background and context regarding Advisory Opinion 2024-05. The request for the advisory opinion originated from a legislator seeking guidance on whether their District Legislative Aide (DLA) may participate in non-partisan get-out-the-vote activities, including mailers, town halls, and rallies. KC drafted an advisory letter in response to the legislator's request, which was subsequently reviewed by Commissioner Bluestone. Commissioner Bluestone requested that the letter be formalized into an advisory opinion, which is now before the Commission for approval.

Mr. Farris explained that the role of DLAs is relatively new, with legislators now able to hire them to assist with constituent services and policy-related tasks. The advisory opinion focuses on whether DLAs may participate in non-partisan get-out-the-vote activities. It was developed in reference to Sections 3 and 3.1 of the Governmental Conduct Act. The opinion concludes that, as long as the DLA is authorized by the Legislative Council Service Policy and the legislator,

and the activities are non-partisan, public-interest oriented, and aimed at increasing voter participation, such involvement does not violate the Act.

Mr. Farris noted that the advisory opinion is straightforward and that the Commission welcomed the request, as it is likely the first of several questions regarding how legislators may utilize their staff. He concluded by recommending the Commission approve the advisory opinion for publication on New Mexico OneSource.

Chair Lang called for a motion to approve the advisory opinion. Commissioner Baker moved to approve, and Commissioner Castillo seconded.

During the discussion, Commissioner Baker asked whether the Commission should proactively distribute the advisory opinion to all legislators. Mr. Farris responded that Dede Feldman, who was present on the call, would use the opinion as a resource in training programs for legislators on staff utilization. He further stated that publishing the opinion on New Mexico OneSource would ensure it reaches the appropriate audience. Mr. Farris also highlighted that the Commission, in collaboration with the National Conference of State Legislatures, is responsible for providing ethics training every two years, with the next session scheduled for December.

Commissioner Bluestone commended KC Manierre, Chief Compliance Counsel, and the Commission for their work on the advisory opinion and recommended issuing a press release, emphasizing that this is an important public matter and new territory for legislators.

With no further discussion, Chair Lang called for a roll call vote, and the Commissioners unanimously approved Advisory Opinion 2024-05.

---Begin Executive Session---

Chair Lang sought a motion to enter executive session. Commissioner Castillo moved 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 Baker seconded the motion. Hearing no discussion, Chair Lang conducted a roll call vote, Commissioners voted unanimously to enter executive session.

6. Discussion regarding administrative matters under RULONA:

(Branch)

- a. 2023-NP-06 Approval of Settlement Agreement;
- b. 2024-NP-02 Request for Dismissal;
- c. 2024-NP-05 Request for Default Order;
- d. 2024-NP-14 Request for Dismissal

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

(Boyd, Randall)

- a. Administrative Complaint No. 2022-027
- b. Administrative Complaint No. 2024-05
- c. Administrative Complaint No. 2024-06

- d. Administrative Complaint No. 2024-37
- e. Administrative Complaint No. 2024-38
- f. Administrative Complaint No. 2024-41
- g. Administrative Complaint No. 2024-42
- h. Administrative Complaint No. 2024-44
- i. Administrative Complaint No. 2024-45
- j. Administrative Complaint No. 2024-46
- k. Administrative Complaint No. 2024-47
- l. Administrative Complaint No. 2024-50
- m. Administrative Complaint No. 2024-51
- n. Administrative Complaint No. 2024-52
- o. Administrative Complaint No. 2024-53
- p. Administrative Complaint No. 2024-57
- q. Administrative Complaint No. 2024-58
- r. Administrative Complaint No. 2024-59
- s. Administrative Complaint No. 2024-60
- t. Administrative Complaint No. 2024-62
- u. Administrative Complaint No. 2024-63
- v. Administrative Complaint No. 2024-64
- w. Administrative Complaint No. 2024-65
- x. Administrative Complaint No. 2024-66
- y. Administrative Complaint No. 2024-67
- z. Administrative Complaint No. 2024-68
- aa. Administrative Complaint No. 2024-69
- bb. Administrative Complaint No. 2024-70
- cc. Administrative Complaint No. 2024-71
- dd. Administrative Complaint No. 2024-72

8. **Discussion regarding current and potential litigation:**

(Farris)

- a. Authorization for civil action (and any related demand, negotiation and mediation efforts) to enforce Governmental Conduct Act against public officials of local government body.

---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).

9. **Action on Administrative matters under the Revised Uniform Law on Notarial Acts:**

(Branch)

- a. Commission staff sought a motion to approve a settlement in 2023-NP-06 *In re commission of Cline*: Chair Lang sought motion for approval of the settlement. Commissioner Bluestone moved to approve the settlement; Commissioner Baker

- seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the settlement.
- b. Commission staff sought a motion to request dismissal in 2024-NP-02 *In re commission of MaGaha*: Chair Lang sought motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the dismissal.
 - c. Commission staff sought a motion to request a default order in 2024-NP-05 *In re commission of Mendoza*: Chair Lang sought motion for an issuance of a default order. Commissioner Bluestone moved to approve the issuance of a default order; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the issuance of a default order.
 - d. Commission staff sought a motion to request a dismissal in 2023-NP-14 *In re commission of Vargas*: Chair Lang sought motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the dismissal.

10. Action on Administrative Matters under the State Ethics Commission Act
(*Boyd, Randall*)

Commission considered the following motions regarding actions on Administrative Complaints:

- a. Commission staff sought a motion to approve civil action to enforce the State Ethics Commission Act and the Campaign Reporting Act in Administrative Case No. 2024-27 *Kokinades v. Bedonie*. Chair Lang sought motion for approval of the civil action enforcement. Commissioner Bluestone moved to approve the civil action enforcement; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the civil action enforcement.
- b. Commission staff sought a motion to approve a settlement agreement in Administrative Case No. 2024-05. Chair Lang recused from the discussion and vote. Commissioner Bluestone moved to approve the settlement agreement, and Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the remaining Commissioners unanimously approved the settlement.
- c. Commission staff sought 90-day extensions related to Administrative Case No. 2024-37, 2024-38, 2024-18, 2024-36: Chair Lang sought motion for approval of the 90-day extension. Commissioner Bluestone moved to approve the 90-day extension; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the 90-day extension.
- d. Commission staff sought 90-day extensions related to Administrative Case No. 2024-38: Chair Lang sought motion for approval of the 90-day extension. Commissioner Bluestone moved to approve the civil action enforcement; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted roll call vote, and Commissioners unanimously approved the 90-day extension.

- e. Commission staff sought a motion for an order of dismissal due to certification of voluntary compliance by the Secretary of State's office in Administrative Case Nos. 2024-41, 2024-42, 2024-44, 2024-45, 2024-50, 2024-53, 2024-60, 2024-63, and 2024-65. Chair Lang sought a motion for approval of the dismissals. Commissioner Bluestone moved to approve the dismissals; Commissioner Baker seconded.

Commissioner Villanueva recused from the vote on Administrative Case No. 2024-65.

Hearing no further discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissals for all cases, with the exception of Administrative Case No. 2024-65, for which Commissioner Villanueva recused.

- f. Commission staff sought a motion of dismissal for lack of jurisdiction in Administrative Case Nos. 2024-57, 2024-46, 2024-47, 2024-51, 2024-52, 2024-58, 2024-59, 2024-62, 2024-66, 2024-64, 2024-67, 2024-68, 2024-69, 2024-70, 2024-71, 2024-72: Chair Lang sought a motion for approval of the dismissals. Commissioner Bluestone moved to approve the dismissals; Commissioner Villanueva seconded. Hearing no further discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissals for all cases.

11. Action on Authorization of Civil Action

(Farris)

- a. **Authorization of civil action against certain members of the County Livestock Loss Authority (CLLA):** Chair Lang sought a motion for approval of the civil action against certain members of the County Livestock Loss Authority. Commissioner Bluestone moved to approve the motion; Commissioner Baker seconded. Hearing no further discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the civil action against certain members of the County Livestock Loss Authority.

12. Discussion of Next Meeting

Chair Lang confirmed next regularly scheduled meeting will take place on December 13, 2024.

13. Public Comment

Caren Cowan, Secretary and Treasurer of the New Mexico Federal Lands Council, provided a public comment. Ms. Cowan emphasized the importance of the County Livestock Loss Authority Board to ranchers affected by depredations. She expressed her hope that the final outcome of the civil action would not negatively impact ranchers.

14. Adjournment

Chair Lang raised the adjournment of meeting. With no objections made, the meeting adjourned at 11:07.

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