



STATE ETHICS COMMISSION

Commission Meeting Minutes of February 7, 2025, 9:00AM [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. 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 Castillo moved to approve the agenda; Commissioner McMillan seconded. Hearing no discussion or objections the agenda was approved unanimously.

3. Approval of December 13, 2024, Commission Meeting Minutes

Chair Lang sought a motion for approval of the minutes of the December 13, 2024, meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Clingman seconded. Hearing no discussion or objections the December 13, 2024, meeting minutes were approved unanimously.

Commission Meeting Items

4. Legislative Update *(Farris, Bierle)*

Executive Director Jeremy Farris provided an update on the ongoing legislative session, highlighting the Commission's primary focus on Senate Bill 248, which seeks to enhance lobbyist expenditure reporting. He noted that the bill was introduced by Senator Pope and is expected to be heard in the Senate Rules Committee next week.

Farris also discussed three additional bills that impact the Commission's authority and substantive statutes. The first is the Campaign Finance Changes bill (SB85), it is a bill amending the Campaign Reporting Act. The Commission is optimistic it will pass. The second is the Game Commission Reform bill (SB5), which would grant the Ethics Commission the authority to file civil removal proceedings in district court against members of the Wildlife Commission for malfeasance and incompetence, introducing a new power for the Commission. The third is the Sensitive Personal Information Nondisclosure bill (SB36). The bill establishes violations for state employees who disclose "sensitive personal information," as defined in the bill, to federal immigration civil enforcement officials. The bill grants the Ethics Commission authority to enforce such violations against state employees.

Farris also emphasized that his primary focus at the legislature remains securing the Commission's budget.

During the discussion, Commissioner Bluestone asked about the strategy for SB248 and how it differs from HB143. Commissioner Clingman inquired about the \$50 expenditure threshold in SB248. Executive Director Farris and Deputy Director Amelia Bierle confirmed that the Commission remains open to discussions and negotiations on various aspects of SB248. Chair Lang asked how common it is for a state ethics commission to have jurisdiction over areas such as those proposed in SB5 and SB36. Farris acknowledged that these areas fall outside the typical jurisdiction of an ethics commission but drew a comparison to when RULONA was added to the Commission's authority.

5. Annual Open Meetings Act (Chato)

Chief Compliance Officer Caroline Chato provided an overview of the Annual Open Meetings Act (OMA) Resolution, outlining the Commission's obligations under the Open Meetings Act and the procedures for public notice of meetings.

Chato explained that the Open Meetings Act requires all meetings of a public body, where a quorum is present and public policy is discussed or actions are taken, to be open to the public.

She highlighted the following key provisions of the resolution:

- **Regular Meetings:** The Commission will hold meetings every other month at the call of the Chair. Notices will be provided and agendas will be made available at least seventy-two hours in advance on the Commission's website.
- **Special Meetings:** Notices for special meetings must be issued at least three days in advance.
- **Emergency Meetings:** Chato emphasized that emergency meetings are only permitted under unforeseen circumstances that require immediate action to protect public safety or

prevent financial loss. These meetings require at least twenty-four hours' notice unless an imminent threat necessitates a shorter timeframe. Any action taken during an emergency meeting must be reported to the Attorney General's Office within ten days.

- **ADA Compliance:** The resolution ensures that all notices will comply with the Americans with Disabilities Act (ADA).
- **Closed Meetings:** Chato summarized the provisions regarding closed meetings, explaining that the Commission may enter into a closed session only if the subject matter falls under an exemption permitted by the Open Meetings Act. The motion to close a meeting must be made during an open session, stating the specific legal basis for closure. Any action resulting from a closed session must be formally recorded in the minutes of a subsequent open meeting.

Commissioner Villanueva inquired about the required advance notice period for regular meetings and requested an example of another regular meeting. Chato explained that regular meetings occur in the normal course of the Commission's business. She further noted that if proper notice is not provided, the Open Meetings Act stipulates that any action taken during such a meeting would be invalid.

Commissioner Baker asked for clarification regarding the Commission's compliance with the Inspection of Public Records Act (IPRA). Specifically, he inquired whether the Commission tracks IPRA requests, monitors response times, and has received any broad or burdensome requests. Chato confirmed that the Commission tracks all IPRA requests, records the time taken to respond, and has, on occasion, received broad and burdensome requests.

Chair Lang sought a motion to approve the Annual Open Meetings Act. Commissioner Bluestone moved to approve the Annual Open Meetings Act; Commissioner Villanueva seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved of the Annual Open Meetings Act unanimously.

6. **Advisory Opinion 2024-06** (Chato)

Chief Compliance Officer Caroline Chato provided an overview of Advisory Opinion No. 2025-01, which addresses whether legislators and candidates for legislative office may use campaign funds to pay for childcare expenses.

Chato explained that the opinion affirms that such expenditures are permissible under specific conditions. The key points highlighted were:

- Legislators may use campaign funds for childcare expenses only if the expenses are directly related to their legislative duties, would not exist but for their office, and are reasonably necessary to fulfill those duties.
- Candidates for office who are not yet legislators may also use campaign funds for childcare expenses, provided that the expenses are incurred due to campaign-related activities and would not exist otherwise.

- Chato emphasized that the opinion follows a case-by-case analysis approach, ensuring compliance with New Mexico’s Campaign Reporting Act and the regulations issued by the Secretary of State.
- The opinion aligns with federal campaign finance law and interpretations by the Federal Election Commission (FEC) and other states, which recognize that childcare expenses can be a legitimate campaign or office-related expense under certain conditions.

Chato further noted that while campaign funds may be used for childcare under these circumstances, legislators and candidates should maintain records, obtain quotes, and document the necessity and reasonableness of such expenses to ensure compliance.

Chair Lang sought a motion to approve Advisory Opinion 2025-01. Commissioner Bluestone moved to approve Advisory Opinion 2025-01; Commissioner McMillan seconded. Before a roll-call vote was conducted there was discussion.

During the discussion, Commissioner Bluestone commended Chato for her work on the advisory opinion and asked for clarification on whether the opinion related to duties of office applies exclusively to legislators. Chato confirmed that the opinion is limited to a legislator’s office due to the specific language in the Campaign Reporting Act.

Commissioner Baker further inquired whether the same analysis would apply if a legislator incurred expenses for elder care. Chato confirmed that the same principles outlined in the opinion would apply in such circumstances.

Hearing no further discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2025-01 unanimously.

---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 Bluestone seconded the motion. Hearing no discussion, Chair Lang conducted a roll call vote, Commissioners voted unanimously to enter executive session.

7. Discussion regarding administrative matters under State Ethics Commission Act:
(Chato, Randall)

- Administrative Complaint No. 2024-36
- Administrative Complaint No. 2024-80
- Administrative Complaint No. 2024-84
- Administrative Complaint No. 2024-85
- Administrative Complaint No. 2024-86
- Administrative Complaint No. 2024-87
- Administrative Complaint No. 2024-88
- Administrative Complaint No. 2024-89
- Administrative Complaint No. 2024-90

- j. Administrative Complaint No. 2024-91
- k. Administrative Complaint No. 2024-92
- l. Administrative Complaint No. 2024-93
- m. Administrative Complaint No. 2025-01
- n. Administrative Complaint No. 2025-03

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

(Farris)

- a. Claims against a state employee for violations of the Governmental Conduct 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).

9. **Action on Administrative Matters under the State Ethics Commission Act**

(Chato, Randall)

Commission considered the following motions regarding actions on Administrative Complaints:

- a. Commission staff sought a motion to approve the settlement agreement in Administrative Case No. 2024-036. Chair Lang sought a motion for approval of the settlement agreement. Commissioner Baker moved to approve the settlement agreement; Commissioner McMillan seconded. Hearing no discussion, Chair Lang conducted a roll call vote. The motion carried, with all Commissioners voting in the affirmative except Commissioner Bluestone, who voted against.
- b. Commission staff sought a motion to approve the settlement agreement in Administrative Case No. 2024-080. Chair Lang sought a motion for approval of the settlement agreement. Commissioner Baker moved to approve the settlement agreement; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and Commissioners unanimously approved the settlement agreement.
- c. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-084. Chair Lang sought a motion for approval of the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote. The motion carried, with all Commissioners voting in the affirmative except Commissioner Bluestone, who voted against.

- d. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-085. 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, and the Commissioners unanimously approved the dismissal.
- 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 No. 2024-086. Chair Lang sought a motion for approval of the dismissal. Commissioner Baker moved to approve the dismissal; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
- f. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-087. Chair Lang sought a motion for approval of the dismissal. Commissioner Castillo moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
- g. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-088. Chair Lang sought a motion for approval of the dismissal. Commissioner Bluestone moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
- h. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-089. 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, and the Commissioners unanimously approved the dismissal.
- i. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-090. Chair Lang sought a motion for approval of the dismissal. Commissioner McMillan moved to approve the dismissal; Commissioner Castillo seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
- j. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-091. Chair Lang sought a motion for approval of the dismissal. Commissioner McMillan moved to approve the dismissal; Commissioner Clingman seconded. Hearing no discussion, Chair Lang conducted a roll call vote. Commissioners Bluestone and Castillo voted against the motion. The remaining Commissioners voted in the affirmative. The motion did not carry due to the Commission's quorum requirement.

- k. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-092. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner Bluestone seconded. Commissioner Castillo recused from the discussion and vote on Administrative Case No. 2024-092. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal for which Commissioner Castillo recused.
- l. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2024-093. Commissioner Castillo recused from the discussion and vote on Administrative Case No. 2024-093. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal for which Commissioner Castillo recused.
- m. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-01. Chair Lang sought a motion for approval of the dismissal. Commissioner Clingman moved to approve the dismissal; Commissioner McMillan seconded. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal.
- n. Commission staff sought a motion for an order of dismissal due to lack of jurisdiction in Administrative Case No. 2025-03. Commissioner Bluestone moved to approve the dismissal and to refer the case to the appropriate law enforcement agency to investigate further; Commissioner Castillo seconded. Commissioner Baker recused from the discussion and vote on Administrative Case No. 2025-03. Hearing no discussion, Chair Lang conducted a roll call vote, and the Commissioners unanimously approved the dismissal as amended for which Commissioner Baker recused.

10. Action on Authorization of Civil Action

(Farris, Woods)

Commission staff did not request authorization for civil action at this meeting.

11. Discussion of Next Meeting

Chair Lang confirmed next regularly scheduled meeting will take place on April 4, 2025.

12. Public Comment

Ramona Goolsby thanked the Commissioners for their hard work and expressed frustration regarding the Commission's lack of jurisdiction. She also noted her appreciation for the final motion on the agenda, as it included a referral to the appropriate law enforcement agency.

13. Adjournment

Chair Lang raised the adjournment of the meeting. With no objections made, the meeting adjourned at 12:07 PM.

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