



STATE ETHICS COMMISSION

Standing Order No. 3

WHEREAS, under 1.8.3.8 NMAC, the Executive Director may issue, or withdraw, standing orders addressing general practice issues and filing protocols for the handling of cases before the commission or its hearing officers;

WHEREAS, under 1.8.3.10(E) NMAC, the State Ethics Commission shall dismiss a complaint where the Executive Director has determined that the Commission lacks jurisdiction for a complaint;

WHEREAS, under 1.8.3.11(B)(1) NMAC, based upon the General Counsel's recommendation, a hearing officer may grant a motion to dismiss a complaint for failure to state a claim upon which relief can be granted;

WHEREAS, under 1.8.3.11(F) NMAC, a hearing officer shall dismiss a complaint where the General Counsel has determined that a complaint is not supported by probable cause;

WHEREAS, the Commission has limited resources to adjudicate administrative complaints filed with the Commission; and

WHEREAS, duplicative complaints and vexatious litigation drain the Commission's resources and undermine the Commission's ability to perform its constitutional and statutory mission;

THEREFORE, it is ordered:

1. If, within a single calendar year, the Commission or a hearing officer dismisses two complaints filed by the same complainant, then the complainant must seek and be granted leave of the Executive Director, or the Commission, before filing another complaint with the Commission in the same calendar year.

2. A request for leave filed by a complainant must be submitted to ethics.commission@state.nm.us, with the Subject: “Motion for Leave” and have a proposed complaint attached that complies with the provisions of 1.8.3 NMAC. The request for leave should:
 - a. Explain how the proposed complaint concerns different facts or asserts claims against different respondents than in the complainant’s previously-dismissed complaints;
 - b. Explain how the proposed complaint alleges claims against a respondent that was not a respondent in the complainant’s previously dismissed complaints; or otherwise
 - c. Offer some reasoned explanation for why the complainant should be given leave to file an additional complaint.

Entered this 8th day of July 2020.

/s/ Jeremy Farris

Jeremy Farris

Executive Director

State Ethics Commission