

NEW MEXICO ETHICS COMMISSION

Commission Meeting Minutes of August 9, 2019

1. The meeting convened at approximately 9:00. The roll was called. All the commissioners were present.
2. Approval of Minutes from July 1, and August 2, 2019 Ethics Commission Meeting: Commissioner Villanueva requested that the draft minutes reflect her vote to approve Beverly Jimmereson for the vacant commissioner positions interviews. Hearing no objection, the draft minutes were amended and unanimously approved. Commissioner Williams commented on recent judicial appeals challenging sections of the Governmental Conduct Act and requested that a representative from the office of the Attorney General be requested to brief the Commission on those appeals.
3. Approval of Agenda: The Agenda was approved with no dissent.
4. DFA Update: Department of Finance and Administration General Counsel Jeremy Farris briefed the Commission on recent activities. This included that the Commission had joined the Council on Governmental Ethics Laws and the position of executive director had been advertised in the New Mexico Bar Bulletin. Mr. Farris introduced Matthew Baca, Judith Espinosa and Paul Biderman. Mr. Baca is working as DFA temporary staff coordinating commission work; Ms. Espinosa and Mr. Biderman will be working under contract to the commission. Ms. Espinosa will be developing the statutorily required Joint Powers Agreements with agencies having joint jurisdiction with the Commission. Mr. Biderman will be developing commission rules for the New Mexico Administrative Code.
5. Review of Selection Process for Vacant Commissioner Positions: Mr. Farris briefed the Commission of the ranked voting and candidate scoring methodology developed for candidate selection. Attachment 1 to the minutes is the instructions provided to the Commission
6. Commissioner Interviews: Mr. Farris informed the Commission that Peyton George, a candidate selected for an interview, had withdrawn his name from consideration. Nine candidates remained for interviews, four of whom were interviewing for the vacant republican commissioner seat, five of whom were interviewing for the independent/minor party seat. The candidates were each scheduled for thirty minutes, with four uniform queries made of each candidate. The queries centered on why they wanted to be an Ethics Commissioner, what made them well-qualified to serve, the significant challenges and responsibilities and how they may be effectively addressed, and the candidates' description of an ethical issue they have faced and how they handled it. Two candidates, Rebecca Haffenden and William Zimmer, were unable to be physically present due to out-of-state travel. Their interviews took place telephonically. The complete list of candidates may be found in Attachment 1.
7. Selection of Final Two Commissioners and Execution of Letters of Appointment: After the legislatively appointed Commissioners completed their ballots, Mr. Farris compiled the results and provided Chairman Lang with the tally. Chairman Lang announced that Jeffrey

Baker had been selected for the Independent/Minority seat. He further announced a tie vote for the Republican seat, with Ron Solimon and Alan Torgerson receiving the same votes. The legislatively appointed commissioners discussed each of the candidates' strengths. After deliberation in open session, Commissioners Carruthers, Williams and Bluestone stated their support for Mr. Solimon. Commissioner Villanueva said she would defer to the three, thus selecting Mr. Solimon.

8. Open Meeting Act Resolution¹: Mr. Farris presented the draft New Mexico Ethics Commission Resolution 1, the Open Meetings Act (OMA) Resolution. He explained that the resolution is required for the meetings of the commission. Commissioner Carruthers asked about the provision that the meetings of the Commission may be held monthly. Chairman Lang told the Commission that he felt it more likely they would be held on a quarterly basis once the Commission was up and operating but that, in any event, meetings are subject to the call of the Chair. The Resolution passed unanimously.
9. Training: Mr. Farris gave a presentation on training options, to include an overview of the statutes the Commission is tasked to adjudicate on appellate review. Commissioner Carruthers proposed that a brief be developed on what the Commission expects to receive from the training. Commissioner Bluestone stated that it behooves the Commission to not have training until the Executive Director and other two commissioners are on board. Commissioner Bluestone moved that the chairman be authorized to work with staff on training program implementation. The motion was passed unanimously.
10. Budget: Commissioner Bluestone asked for an overview on the budget. Mr. Farris said was not prepared for a detailed discussion but generally current expenditures are being covered by vacancy savings from the unfilled Executive Director, General Counsel and staff vacancies. Commissioner Bluestone asked that staff prepare a detailed briefing on current budget and FY 21 budget request. Mr. Farris agreed to do so. Commissioner Villanueva asked where we are in the budget development cycle. Mr. Farris said there are deadlines coming up in mid-September. He said the budget is being developed in SHARE. Commissioner Williams, returning to the subject of Training, asked how long the training would be. Mr. Farris answered half a day. Commissioner Williams then asked about security and whether it was included in the budget. Mr. Farris said no and deferred to Judge Lang. Commissioners asked if there had been any conversations with the Legislative Finance Committee. Mr. Farris said no. Chairman Lang, returning to security, said that if it believed there is a threat, the state police should be consulted. But, otherwise, the Commission should not need security at meetings. Commissioner Carruthers concurred.
11. Presentation by the Attorney General's Office: Victoria Bransford and Jerri Mares, of Attorney General's Office, informed the Commission that their office was discussing legislative changes in the Governmental Conduct Act as related to compliance, enforcement and training. Commissioner Williams asked about the appeals. Ms. Mares said she didn't have that information with her, but that Attorney General Balderas would welcome a meeting to discuss the issue. Commissioner Bluestone said that the Court of Appeals has certified the appeal to the Supreme Court, but the Supreme Court has not agreed to hear the appeal.

12. Executive Director Update: Commissioner Bluestone said that the job announcement in the Bar Bulletin had a September 1, 2019 deadline for applicants. Commissioner Villanueva asked whether the budget includes monies to reimburse travel expenditures related to recruitment. Mr. Farris said no. Commissioner Bluestone moved that the each committee member, after review of the applications for Executive Director, submit their top two selections for interview to staff by September 4, 2019, with an interview in Albuquerque on September 13, 2019. Commissioner Carruthers seconded the motion and it was passed unanimously.
13. Public Comment: The Chairman opened the floor for public comment. There were none.

The meeting was adjourned at 2:55 p.m.



NEW MEXICO ETHICS COMMISSION

Hon. William F. Lang, Chair
Stuart M. Bluestone, Member
Hon. Garrey Carruthers, Member
Dr. Judy Villanueva, Member
Frances F. Williams, Member

**Apodaca Hall, Old PERA Building
1120 Paseo de Peralta, 2nd Floor
Santa Fe, NM 87501
August 9, 2019, 9:00 a.m. – 5:00 p.m.**

Selection of Applicants to Commission

Instructions: After the completion of the applicable interviews, for each Commission seat (Republican and Independent/Minor Party), please note your preference ranking of each applicant. The number one (1) indicates your *most* preferred candidate.

Only legislatively-appointed Commissioners may submit preference rankings.

Selection method: At the conclusion of all interviews and after you have completed your preference rankings, please give this form to Jeremy Farris, who will aggregate the preference rankings corresponding to each applicant. The Republican applicant with the lowest number will be selected for the Republican seat. The Independent/Minor-Party applicant with the lowest number will be selected for the Independent/Minor-Party seat.

In the event of a tie for a particular seat, the applicant with the greatest number of 1 values will be chosen. If two applicants have the same number of 1 values, then the applicant with the greatest number of 2 values will be chosen. If, at that point, the tie is not broken, Mr. Farris will inform the entire Commission, who will then take any appropriate action.

After making the determination, Mr. Farris will communicate the results to Chair Lang, who will announce the Commission's selection.

COMMISSIONER _____ (your name)

REPUBLICAN APPLICANTS

Name Preference Ranking (1 through 3)

Ron Solimon (9:45) _____

Alan Torgerson (10:20) _____

William Zimmer (10:55) _____

INDEPENDENT/MINOR-PARTY APPLICANTS

Name Preference Ranking (1 through 5)

Jeff Baker (12:00) _____

Rebecca Haffenden (12:35) _____

Beverly Jimmerson (1:10) _____

Craig McClure (1:45) _____

Carol Miller (2:20) _____

¹ Note that due to the withdrawal of Candidate Peyton George, the Commission had a break in the interview process. During the break the Commission addressed The OMA Resolution, Training and Security Issues.