



## STATE ETHICS COMMISSION

Hon. William F. Lang, Chair  
Jeffrey L. Baker, Member  
Stuart M. Bluestone, Member  
Hon. Garrey Carruthers, Member  
Ronald Solimon, Member  
Judy Villanueva, Member  
Frances F. Williams, Member

### **Resolution No. 7: Authorizing a demand and civil action against the Council for a Competitive New Mexico**

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION (“Commission”) met virtually, on December 4, 2020, at 9:00 a.m.;

WHEREAS, the Commission has the power to investigate violations and bring a civil action to enforce the Campaign Reporting Act;

WHEREAS, on October 20, 2020, the Executive Director received a letter from the Deputy Secretary of the State, Sharon Pino, which attached materials and correspondence related to a complaint that Neri Holguin submitted to the Office of the Secretary of State (“SOS”) alleging that the Council for a Competitive New Mexico (“CCNM”) had violated the Campaign Reporting Act;

WHEREAS, under section II(A)(8) of the joint powers agreement between the SOS and the Commission, the SOS forwarded to the Commission a copy of the complaint, related materials, and the correspondence between SOS and CCNM, noting that, because CCNM’s legal basis for refusing to disclose its contributors “would all but negate any legal reporting under 1-19-27.3(D)(2),” the SOS believed it prudent for the Commission to further investigate this matter;

WHEREAS, the Executive Director and the General Counsel reviewed and assessed the materials received from the SOS;

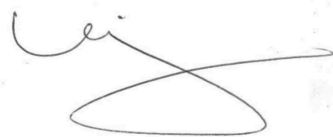
WHEREAS, the Executive Director alerted the Commission's Chair about this matter; and

WHEREAS, the Executive Director has sought the approval of the Commission to initiate a civil action under Section 10-16G-9(F) and has explained the proposed civil action and remedies to be sought;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics Commission:

1. The Commission's staff are instructed to demand that CCNM comply with the Campaign Reporting Act. If CCNM rejects the demand, Commission staff are instructed to prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Campaign Reporting Act and any other relief that the court deems just and proper.
2. If Commission staff file a lawsuit against CCNM, the Executive Director is instructed to provide regular updates on the status of the suit at the Commission's meetings during closed session. Commission staff shall communicate with the Chair as necessary between Commission meetings.
3. Commission staff are authorized to enter an agreement to settle or dismiss claims brought against CCNM, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 4th day of December 2020.



---

The Hon. William F. Lang  
New Mexico State Ethics Commission  
Chair