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

## STATE ETHICS COMMISSION

Commission Meeting Minutes of February 5, 2021 | 9:00pm-12:00pm

Virtually Via Zoom

[View Recording Here](#)

### [SUBJECT TO RATIFICATION BY COMMISSION]

**1. CALL TO ORDER AND ROLL CALL:**

The meeting was called to order by Chair Lang. The roll was called; the following Commissioners were present:

Jeffrey Baker, Commissioner  
Stuart Bluestone, Commissioner  
Hon. Garrey Carruthers, Commissioner  
Ronald Solimon, Commissioner  
Judy Villanueva, Commissioner  
Frances Williams, Commissioner  
Hon. William Lang, Chair

**2. APPROVAL OF AGENDA:**

- Chair Lang sought a motion to approve the agenda. Commissioner Carruthers moved to approve the agenda; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the agenda was approved unanimously.

**3. APPROVAL OF DECEMBER 4, 2020 COMMISSION MEETING MINUTES:**

- Chair Lang sought a motion to approve the minutes of the December 4, 2020 Commission meeting. Commissioner Williams moved to approve the minutes; Commissioner Carruthers seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the minutes were approved unanimously.

**4. ADVISORY OPINION 2021-01**

- Director Farris provided an overview of Advisory opinion 2021-01.
- Chair Lang sought a motion to approve the advisory opinion. Commissioner Baker moved to approve advisory opinion 2021-01; Commissioner Villanueva seconded. After a discussion on the motion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and advisory opinion 2021-01 was approved unanimously.

**5. ADVISORY OPINION 2021-02**

- Deputy General Counsel, Rebecca Branch, provided an overview of Advisory opinion 2021-02.
- Chair Lang sought a motion to approve the advisory opinion. Commissioner Bluestone moved to approve advisory opinion 2021-02; Commissioner Williams seconded. After a discussion on the advisory opinion's content and structure, Commissioner Villanueva sought clarification on the answer provided to the second question. Director Farris recommended revising the opinion to move the original penultimate paragraph to the summary of the opinion in order to provide a clearer answer in the answer section of the opinion. With Commissioner Villanueva in agreement with the revision, and with Commissioners Bluestone and Williams' approval of the amendment to the motion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and advisory opinion 2021-02 (amended as stated above) was approved unanimously.

**6. ADVISORY OPINION 2021-03**

- General Counsel Boyd provided an overview of Advisory opinion 2021-03.
- Chair Lang sought a motion to approve the advisory opinion. Commissioner Bluestone moved to approve advisory opinion 2021-03; Commissioner Williams seconded. After a discussion of the advisory opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and advisory opinion 2021-03 was approved unanimously.

**7. ADVISORY OPINION 2021-04**

- Director Farris provided an overview of Advisory opinion 2021-04.
- Chair Lang sought a motion to approve the advisory opinion. Commissioner Baker moved to approve advisory opinion 2021-04; Commissioner Bluestone seconded. After a discussion of the advisory opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and advisory opinion 2021-04 was approved unanimously.

**8. ADVISORY OPINION 2021-05**

- General Counsel Boyd provided an overview of Advisory opinion 2021-05.
- Chair Lang sought a motion to approve the advisory opinion. Commissioner Carruthers moved to approve advisory opinion 2021-05; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and advisory opinion 2021-05 was approved unanimously.

**9. EXECUTIVE SESSION**

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(3) (administrative adjudicatory proceedings) & 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Carruthers moved to enter executive session; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and the Commissioners entered an executive session.

**---BEGINNING OF EXECUTIVE SESSION---**

- The following matters were discussed in executive session:
  - Administrative Case No. 2020-031
  - Administrative Case No. 2020-034 (consolidated with No. 2020-035)
  - Administrative Case No. 2020-039
  - Administrative Case No. 2021-001

- Pending civil litigated matters
- The matters discussed in the closed meeting were limited to those specified in the motion to enter executive session. After concluding its discussion of these matters, the Commission resumed public session upon an applicable motion.

---END OF EXECUTIVE SESSION---

## **10. ACTIONS ON ADMINISTRATIVE CASES**

### **Administrative Case 2020-031:**

- Director Farris asked the Commission for a motion to instruct staff to continue its investigation in administrative case No. 2020-031 under 10-16G-11(A) of the State Ethics Commission Act for another 90 days.
- Chair Lang sought a motion to authorize the staff to continue its investigation in case 2020-031 for another 90 days. Commissioner Carruthers moved to authorize the staff as stated above; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and the motion was approved unanimously.

### **Administrative Case 2020-031:**

- Director Farris asked the Commission for a motion to authorize the attorney staff to file a petition for subpoenas with the Commission's appointed district court judge.
- Chair Lang sought a authorize the staff as stated above. Commissioner Solimon moved to authorize the staff as stated above; Commissioner Williams seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and the motion was approved unanimously.

### **Administrative Case 2020-034 (Consolidated with Case 2020-035):**

- Director Farris asked the Commission for a motion to instruct staff to continue its investigation in administrative case No. 2020-034 (consolidated with 2020-035) under 10-16G-11(A) of the State Ethics Commission Act for another 90 days.
- Chair Lang sought a motion to authorize the staff as stated above. Commissioner Villanueva moved to authorize the staff as stated above; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and the motion was approved unanimously.

### **Administrative Case 2020-034 (Consolidated with Case 2020-035):**

- Director Farris asked the Commission for a motion to authorize the attorney staff to file a petition for subpoenas with the Commission's appointed district court judge.
- Chair Lang sought a motion to authorize the staff as stated above. Commissioner Bluestone moved to authorize the staff as stated above; Commissioner Williams seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the motion was approved unanimously.

### **Administrative Case 2020-039:**

- Director Farris asked the Commission for a motion to dismiss case No. 2020-039 for lack of jurisdiction.
- Chair Lang sought a motion to authorize the staff as stated above. Commissioner Solimon moved dismiss case 2020-39 as stated above; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative,

and the case was dismissed unanimously.

**Administrative Case 2021-01:**

- Director Farris asked the Commission for a motion to dismiss case No. 2020-01 for lack of jurisdiction.
- Chair Lang sought a motion to authorize the staff as stated above. Commissioner Williams moved to dismiss case 2021-01 as stated above; Commissioner Bluestone seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the case was dismissed unanimously.

**11. CONSIDERATION OF ENDORSEMENT OF LOBBYIST DISCLOSURE BILLS**

- Commissioner Bluestone provided an overview of SB 314 (which would require lobbyists to disclose the bills they are lobbying on) and moved for the Commission to endorse SB 314 and also to allow for Director Farris to serve as an expert witness when the bill is reviewed by legislative committees. Commissioner Williams seconded the motion as stated above. Chair Lang invited Commissioners to provide comments.
  - o In addition to multiple comments and questions from Commissioners, one member of the public, Rikki-Lee Chavez (on behalf of herself and New Mexico Capitol Counsel and Consulting) provided a comment that if a bill such as this were to pass, it would be important for the legislature to provide a supplemental appropriation to account for the additional workload on the Secretary of State’s office which Ms. Chavez alleged is overburdened in the administration of the current system for lobbyist reporting. Ms. Chavez also stated that the bill might hinder negotiations around legislation by causing parties to pre-register their stances on bills.
- After a discussion of the merits and demerits of the motion, Commissioner Bluestone amended his motion to be sectioned into two parts with the first, moving the Commission to endorse SB 314 and the second, to allow Director Farris to testify as an expert witness in favor of the bill.
- Chair Lang conducted a roll-call vote. The votes are as follows:
  - o Commissioner Baker, No
  - o Commissioner Bluestone, Yes
  - o Commissioner Carruthers, Yes
  - o Commissioner Solimon, No
  - o Commissioner Villanueva, Abstain
  - o Commissioner Williams, Yes
  - o Chair Lang, No
- The motion died for lack of a quorum under Section 10-16G-3(H) of the State Ethics Commission Act.

**12. CONSIDERATION OF ENDORSEMENT OF OTHER BILLS AFFECTING THE COMMISSION**

- Commissioner Bluestone provided an overview of SB 311, which would require disclosure of lobbyists compensation by lobbyists and their employers. Commissioner Bluestone motioned to have the Commission endorse SB 311.
- Chair Lang conducted a roll-call vote. The votes are as follows:
  - o Commissioner Baker, No
  - o Commissioner Bluestone, Yes
  - o Commissioner Carruthers, No
  - o Commissioner Solimon, No

- Commissioner Villanueva, No
- Commissioner Williams, Yes
- Chair Lang, No
- The motion died for lack of a quorum under Section 10-16G-3(H) of the State Ethics Commission Act.

### 13. COMMISSION STAFF PERFORMANCE EVALUATIONS

- Commissioner Williams inquired about job descriptions for the Executive Director and the agency staff and asked for documents regarding the organizational composition of the agency. Additionally, Commissioner Williams proposed conducting performance evaluations of the Director and staff.
- Director Farris provided an overview of past instances where agency organizational and personnel information has been shared as well as where that information can be found presently. Director Farris stated he would provide additional information sought in the next weekly update to Commissioners.

### 14. PUBLIC COMMENTS

Members of the public were invited to provide comments to the Commission.

- **Tony Ortiz**, from New Mexico Ethics Watch, provided a statement on NMEW’s recent report on the oil industry’s continuing influence on the legislature as well as associated recommendations for amendments to the Lobbyist Regulation Act. Additionally, Mr. Ortiz shared the perspective that if Director Farris had to serve as an expert witness, he could do so while remaining neutral if he provided a disclaimer beforehand that he was only testifying to provide technical information and not to support or oppose a given bill.
- **Rikki-Lee Chavez**, from New Mexico Capitol Counsel and Consulting, provided a statement encouraging regulators and compliance enforcement agencies like the SEC to consider the burden on the Secretary of State’s Office that accompany changes to the compliance and enforcement regimes related to lobbyists and candidates. She concluded that the Secretary of State needs to receive additional funding and resources in order to contend with the kinds of additional requirements that would be imposed as a result of SB 311 and SB 314. Ms. Chavez stated that she was appearing on her own behalf and not representing any clients.
- **Dr. Bobbi Green**, Secretary of the Martin Luther King, Jr. Commission, stated that she was grateful for the Commission’s recommendations to the MLK Commission and reiterated that the statements made against the MLK Commission were misleading distracted from the commission’s work.
- No additional public comments were offered.

### 15. DETERMINATION OF NEXT MEETING

- The Commissioners agreed to meet next on Friday, April 2, 2021.

### 16. ADJOURNMENT

- Chair Lang moved to adjourn. Hearing no discussion, the meeting was adjourned.

**[SUBJECT TO RATIFICATION BY COMMISSION]**