

SEC Office
800 Bradbury Dr. SE,
Suite 215
Albuquerque, NM 87106



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 June 4, 2021 | 8:00AM-3:00PM

Virtually Via Zoom

[View Recording Here](#)

[SUBJECT TO RATIFICATION BY COMMISSION]

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
Frances Williams, Commissioner
Judy Villanueva, Commissioner
Hon. William Lang, Chair

1. APPROVAL OF AGENDA

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

2. APPROVAL OF APRIL 2, 2021 COMMISSION MEETING MINUTES

- Chair Lang sought a motion to approve the minutes of the April 2, 2021 Commission meeting. Commissioner Solimon moved to approve the minutes; Commissioner Williams seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the minutes were approved unanimously.

3. INTRODUCTION TO SEC APPOINTMENTS TO THE CRC

- Director Farris provided an introduction, overview, and orientation to the morning portion of the meeting related to the Citizen Redistricting Committee. Director Farris provided an overview of the Commission's application process, the staff's state-wide

outreach, an overview of the applications submitted, the shortlist selection process, and the Commission's voting process for appointments.

4. INTERVIEWS OF APPLICANTS FOR CITIZEN REDISTRICTING COMMITTEE CHAIR

- The Commission interviewed the following applicants for the position of Chair of the Citizen Redistricting Committee:
 - Retired New Mexico Supreme Court Justice Edward Chavez.
 - New Mexico Supreme Court Justice Barbara Vigil.

- Upon conclusion of the interviews of the Chair applicants, Chair Lang sought a motion to vote on who would be appointed as the Chair. Commissioner Bluestone moved to appoint Justice Edward Chavez as the Chair of the Citizen Redistricting Committee; Commissioner Baker seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and Justice Edward Chavez was unanimously appointed to serve as Chair of the Citizen Redistricting Committee.

5. INTERVIEWS OF APPLICANTS FOR CITIZEN REDISTRICTING COMMITTEE NON-MAJOR-PARTY MEMBERS

- The Commissioners interviewed each applicant selected for an interview in alphabetical order by surname:
 - Lisa Abeyta
 - Jarratt Applewhite
 - Vicki Ballinger
 - Treciafaye Blancett
 - William Jason Fisher
 - Robert Rhatigan
 - Joaquin Sanchez

- Following the interviews, Director Farris notified the Commissioners that during the meeting, the staff received two letters in support of specific applicants to the CRC. After discussion, the Commissioners asked Director Farris to read the letters.

- Director Farris read the two letters. The first letter was sent by the League of Women Voters, which indicated support for Justice Chavez to be selected as Chair of the Committee.

- The second letter was sent by the New Mexico Civic Engagement Table and indicated that the following organizations supported Robert Rhatigan and Joaquin Sanchez for the non-major-party positions on the Citizen Redistricting Committee: the Center for Civic Policy, the Nava Education Project, the New Mexico Asian Family Center, New Mexico CAFé, the New Mexico Dream Team, OLÉ, New Mexico Voices for Children, New

Mexico Working Families Party, and Somos Un Pueblo Unido. *Each letter is attached to these minutes in the appendix, labeled "Letter 1" and "Letter 2" respectively.*

- After a short discussion, the Commissioners took a break to complete their voting sheets on which each Commissioner provided a complete preference ranking of the seven interviewees for the two appointments.
- Upon returning from break, Director Farris announced the Commission's decision to select the following applicants to serve as the non-major-party members of the Citizen Redistricting Committee:
 - Robert Rhatigan
 - Joaquin Sanchez
- Following the appointments, the Commissioner Carruthers moved to adjourn until the start of the afternoon session at 1:00PM; Commissioner Baker Seconded. Hearing no opposition, the Commission adjourned.

- BEGINNING OF AFTERNOON SESSION

The Commission began the afternoon session with Chair Lang calling the roll; the following Commissioners were present:

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

6. ADVISORY OPINION 2021-08

- Director Farris provided an overview of Advisory Opinion 2021-08, noting that it originated from an informal advisory opinion request and has been converted into a formal advisory opinion. Advisory Opinion 2021-08 presents the following questions and provides the following responses:

1. (a) May a legislator or a legislator's family apply for or receive state funds following passage of legislation making such funds available?
1. (b) If a legislator or their family members may not apply for or receive state funds made available by a statute, does a member who recuses from the vote on that legislation obviate the prohibition?
2. May a legislator or a legislator's family apply for a small business loan made available by the Small Business Recovery Act of 2020, Laws 2020 (1st

S.S.), ch. 6, §§ 1–7?

3. May a legislator or a legislator’s family apply for “recovery grant” funds made available by Laws 2021, Chapter 3, Sections 10 through 13?

Decisions:

1. (a) It depends on how funds allocated to state agencies are made available.

1. (b) No. Recusal from a related vote would not obviate any constitutional or statutory limitation.

2. No. The loans provided through the Act are contracts with the state which, under Article IV, Section 28 of the New Mexico Constitution may not be entered into by a legislator nor their business while serving as a legislator or for one year after their final day of service. The Governmental Conduct Act also imposes additional prohibitions that apply to contracts involving the state and legislators, their immediate family, and their businesses.

3. Yes. A business owned by a legislator or a legislator’s family members may apply for “recovery grant” funds made available by Laws 2021, Chapter 3, Sections 10 through 13.

- Chair Lang sought a motion to approve Advisory Opinion 2021-08. Commissioner Baker moved to approve Advisory Opinion 2021-08; Commissioner Carruthers seconded. After a discussion to clarify elements of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and Advisory Opinion 2021-08 was approved.

7. ADVISORY OPINION 2021-09

- Deputy General Counsel Rebecca Branch provided an overview of Advisory Opinion 2021-09, noting that 2021-09 also originated from an informal advisory opinion request and has been converted into a formal advisory opinion as well. Advisory Opinion 2021-09 presents the following question and provides the following response:

May a legislator or a business a legislator owns apply for a small business loan made available by the Small Business Recovery Act of 2020, Laws 2020 (1st S.S.), Chapter 6, Sections 1 through 7 (“2020 Act”), and the Small Business Recovery and Stimulus Act, Laws 2021 Chapter 5, Sections 1 through 8 (“2021 Act”)?

Decision:

No. The 2020 Act and 2021 Act authorize small business loans, which are contracts. As a result, Article IV, Section 28 of the New Mexico Constitution prohibits a legislator from being directly or indirectly interested in any small

business loan authorized by the 2020 Act or the 2021 Act for the duration of the legislator's term and for one year after their term expires.

- Chair Lang sought a motion to approve Advisory Opinion 2021-09. Commissioner Williams moved to approve Advisory Opinion 2021-09; Commissioner Solimon seconded. After a discussion led by Commissioner Villanueva to correct certain elements of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and Advisory Opinion 2021-09 was approved as revised.

8. ISSUANCE OF AMENDMENTS TO PARTS 1.8.1 AND 1.8.3 NMAC FOR PUBLIC COMMENT

- Director Farris first provided an overview of proposed amendments to the Commission's administrative rules in 1.8.1 NMAC, and suggested that the Commissioners act on the amendments one section at a time beginning with 1.8.1 NMAC.
- Chair Lang opened the matter for discussion. Hearing no discussion, Chair Lang sought a motion to adopt the amendments to 1.8.1 NMAC as drafted. Commissioner Williams moved as stated above; Commissioner Solimon seconded. Hearing no further discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the proposed amendments to 1.8.1 NMAC were approved for issuance for public comment.
- Director Farris next provided an overview of proposed amendments to the Commission's administrative rules in 1.8.3 NMAC. Chair Lang sought a motion to adopt the amendments to 1.8.3 NMAC as drafted. Commissioner Bluestone recommended striking proposed subsection 1.8.3.9(A)(7)(b)(2), which provided that respondents to Commission proceedings are not entitled to state-provided counsel to respond to alleged violations of the Financial Disclosure Act.
- After discussion, Commissioner Bluestone moved to strike subsection 1.8.3.9(A)(7)(b)(2) from the proposed amendments to 1.8.3 NMAC; Commissioner Solimon seconded. After some discussion to clarify aspects of the provision, Chair Lang conducted a roll-call vote. Commissioner Baker and Chair Lang voted against the motion; all other Commissioners voted in the affirmative. Subsection 1.8.3.9(A)(7)(b)(2) was struck from the proposed amendments.
- Next, Commissioner Bluestone moved to amend the proposed amendment to subsection 1.8.2.9(H) to include prefatory language to clarify the provision's meaning and offered specific language to that effect. Commissioner Carruthers seconded the motion as stated above. After limited discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and amendment was revised as stated.

- Chair Lang sought to approve the proposed amendments, as revised, for issuance for public comment. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the proposed amendments, as revised, were issued for public comment.

9. EXECUTIVE SESSION

- Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 10-15-1(H)(2) (limited personnel matters), 10-15-1(H)(3) (administrative adjudicatory proceedings), and 10-15-1(H)(7) (attorney-client privilege pertaining to litigation). Commissioner Carruthers moved to enter executive session; Commissioner Solimon seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the Commissioners entered executive session.

---BEGINNING OF EXECUTIVE SESSION---

- The following matters were discussed in executive session:
 - a. Administrative Complaint No. 2020-07
 - b. Administrative Complaint No. 2020-31
 - c. Administrative Complaint Nos. 2020-034 & 2020-035
 - d. Administrative Complaint No. 2021-004
- 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 appropriate motion.

---END OF EXECUTIVE SESSION---

10. ACTIONS ON ADMINISTRATIVE CASES

- **Administrative Complaint Nos. 2020-07, 2020-31, 2020-034, 2020-035, & 2020-004**
Director Farris asked the Commission for a motion to instruct staff to continue its investigation for another 90 days in Administrative Case Nos. 2020-07, 2020-31, 2020-034, 2020-035, & 2020-004 under 10-16G-11(A) of the State Ethics Commission Act.
- Chair Lang sought a motion to authorize the staff as stated above. Commissioner Carruthers moved to authorize the staff as stated above; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the motion was approved unanimously and the extensions were granted.

11. FY22 BUDGET OUTLOOK AND POSSIBLE INTERAGENCY AGREEMENT

- Director Farris provided an overview of the agency's FY22 budget and the agency's inability to fund the Special Projects Coordinator II position. Director Farris also

proposed a possible solution via the implementation of an interagency agreement with the new Citizen Redistricting Committee, under which the Commission would provide agency staff support to the CRC on a reimbursement basis.

12. DISCUSSION OF RETURN TO IN-PERSON MEETING

- The Commissioners agreed to resume meetings in person starting from the next meeting. Director Farris also indicated that the staff should be able to continue providing the opportunity for the public to attend virtually.

13. COMMENTS

- Members of the public were invited to address the Commission.
- No public comments were offered.

14. DETERMINATION OF NEXT MEETING

- The Commissioners agreed to meet next on Friday, August 13, 2021, no earlier than 10AM.

15. ADJOURNMENT

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

[SUBJECT TO RATIFICATION BY COMMISSION]

Fw: [EXT] Selecting a chair for the CRC

Farris, Jeremy, NMSEC <Jeremy.Farris@state.nm.us>

Mon 6/7/2021 6:40 AM

To: Haquani, Sonny, NMSEC <Sonny.Haquani@state.nm.us>

Good morning Sonny, please also refer to this email in the meeting minutes.

Jeremy Farris, DPhil, J.D.
Executive Director
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jeremy.farris@state.nm.us

From: Richard Mason <polirich@aol.com>

Sent: Thursday, June 3, 2021 1:13 PM

To: Farris, Jeremy, NMSEC <Jeremy.Farris@state.nm.us>

Subject: [EXT] Selecting a chair for the CRC

Jeremy,

I am not sure whether the SEC Board will consider references, but just in case they do:

The League of Women Voters of New Mexico has the utmost respect for Justice Barbara Vigil, but the League's support goes to Justice Edward Chavez for Chair of the Citizen Redistricting Committee (CRC)

Justice Chavez showed excellent leadership as co-Chair of the New Mexico First Redistricting Task Force. He also was one of the key witnesses in legislative hearings for the legislation that created the CRC.

Throughout the entire process it was clear that Justice was committed to making the 2021 redistricting process as fair, transparent and accountable as possible.

Justice Chavez was also the Justice that oversaw the redrawing of the New Mexico State House of Representatives districts.

The League feels that experience will be a great advantage in moving the work of the CRC forward.

If the SEC is not considering any recommendations, just ignore this email.

Thanks for your help in this whole project.

Dick Mason
Chair of the Action Committee
League of Women Voters of NM

LETTER 2**[EXT] [URGENT] Letter of Support for Citizens Redistricting Committee candidates - 06.04.21**

Isaac De Luna <isaac@civicpolicy.com>

Fri 6/4/2021 10:12 AM

To: Commission, Ethics, NMSEC <Ethics.Commission@state.nm.us>; Farris, Jeremy, NMSEC <Jeremy.Farris@state.nm.us>**Cc:** Elizabeth Cuna <eli@semillastrategies.org>; Oriana Sandoval <oriana@civicpolicy.com>

To the honorable members of the New Mexico State Ethics Commission,

In representation of the NM Civic Engagement Table, the state's largest 501c3 progressive advocacy hub with mission to ensure broad and inclusive civic engagement among New Mexico's diverse and underrepresented communities, the undersigned organizations write to you all today to express strong support for two of the candidates currently being considered to serve in the Citizens Redistricting Committee: Robert Rhatigan and Joaquin Sánchez.

As the state of New Mexico nears the beginning of our redistricting process, we believe it is of utmost importance that the general public is informed, and is granted adequate access to the decision-making process that will go on over the next months. This is because our non-partisan, community-led work is grounded on the values of transparency and accountability.

With these values in mind, we'd like to strongly encourage your leadership body to consider Robert Rhatigan, who has served as our state's demographer and played a crucial role in ensuring an accurate population count during the 2020 Census, and Joaquín Sánchez, a teacher and community leader whose background allows him to have a good understanding of how important accurate representation is necessary for a strong democracy. Beyond the qualifications of both individuals, we also uplift the fact their track record and professional background aligns with our values that represent the people of New Mexico.

We thank you all for the tremendous work you each carry to ensure our democracy continues to be transparent. And because you serve as a key component to our checks and balances system that continues to provide a fair voice and representation to each and every New Mexican.

Thank you for your consideration,

Signed by:

Center for Civic Policy

NAVA Education Project

NM Asian Family Center

NM CAFé

NM Dream Team

New Mexico Voices for Children

New Mexico Working Families Party

OLÉ

Somos Un Pueblo Unido

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Isaac J. De Luna

Communications Director

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