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Hon. William F. Lang
Jeffrey L. Baker
Stuart M. Bluestone
Hon. Garrey Carruthers
Hon. Celia Foy Castillo
Ronald Solimon
Judy Villanueva

STATE ETHICS COMMISSION

Commission Meeting Minutes of October 1, 2021 | 9:00AM-3:00PM

Virtually Via Zoom

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[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
Hon. Celia Foy Castillo, Commissioner
Judy Villanueva, Commissioner
Hon. William Lang, Chair

1. APPROVAL OF AGENDA

- Chair Lang sought a motion to approve the agenda. Commissioner Baker moved to approve the agenda; Commissioner Villanueva 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 AUGUST 13, 2021 COMMISSION MEETING MINUTES

- Chair Lang sought a motion to approve the minutes of the August 13, 2021 Commission meeting. Commissioner Baker 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.

3. FY23 BUDGET REQUEST AND STRATEGIC PLAN

- Director Farris provided an overview of the Commission's budget request for FY23 and the associated FY23 strategic plan.

- After a discussion to clarify the budget and the strategic plan, Chair Lang sought a motion to approve the Commission's FY23 budget request and strategic plan. Commissioner Caruthers moved to approve the Commission's FY23 budget request and strategic plan as provided and discussed; Commissioner Solimon seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the Commission's FY23 budget request and strategic plan were approved unanimously.

4. ADOPTION OF AMENDMENTS TO 1.8.1 NMAC (COMMISSION ADVISORY OPINIONS)

- Director Farris provided an overview of the proposed amendments to the Commission's administrative rules on Advisory Opinions in 1.8.1 NMAC.
- After a discussion to clarify elements of the amendments, Chair Lang sought a motion to adopt the proposed amendments to 1.8.1 NMAC. Commissioner Foy Castillo moved to adopt the proposed amendments to 1.8.1 NMAC; Commissioner Villanueva seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the amendments to 1.8.1 NMCA were adopted unanimously.

5. OCTOBER 1, 2021 REPORT ON JURISDICTION

- Director Farris provided an overview of the staff's report on Commission jurisdiction for submission to the Legislature and Governor Michelle Lujan Grisham.
- After a brief discussion to clarify elements of the report, Chair Lang sought a motion to approve the report for submission to the Legislature and the Governor. Commissioner Bluestone offered comments relating to the distribution of the report. Commissioner Carruthers moved to approve the report as stated; Commissioner Bluestone seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the report was approved unanimously for submission to the Legislature and the Governor.

6. RESCIND RESOLUTION 2020-03 (COMMISSIONER FINANCIAL DISCLOSURES)

- Director Farris provided an overview of Resolution 2020-03 on Commissioner financial disclosures and the reasons for rescinding it.
- After a discussion to clarify the issue, Chair Lang sought a motion to rescind Resolution 2020-03. Commissioner Solimon moved as stated; Commissioner Villanueva seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and rescinded resolution 2020-03.

7. APPOINTMENT OF TEMPORARY COMMISSIONERS UNDER 1.8.2.10 NMAC

- Director Farris and Commissioner Baker provided an overview of an issue regarding Commissioner recusals in administrative cases and the process for appointing temporary Commissioners. Director Farris and Commissioner Baker invited the Commissioners to

consider the logistics of how they would appoint temporary Commissioners and corresponding rulemaking changes to 1.8.2.10 NMAC.

8. 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 Villanueva 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:
- Discussions regarding administrative complaints:
 - a. Administrative Complaint No. 2020-31
 - b. Administrative Complaints No. 2020-034 and 2020-035
 - c. Administrative Complaint No. 2021-018
 - d. Administrative Complaint No. 2021-019
 - e. Administrative Complaint No. 2021-021
 - f. Administrative Complaint No. 2021-022
- Discussions regarding pending civil litigation
- 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---

9. ACTIONS ON ADMINISTRATIVE CASE Nos. 2020-31, 2020-034 AND 2020-035, 2021-018, 2021-019, 2021-021, & 2021-022

- Director Farris sought motions from the Commission to:
 - o Authorize the staff to continue its investigation for another 90 days in administrative case No. 2020-031.
 - Commissioner Carruthers moved 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.

- Dismiss the claims in administrative case Nos. 2020-034 and 2020-035 without prejudice under 10-16G-11 NMSA 1978.
 - Commissioner Baker moved as stated above; Commissioner Solimon seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative, and the motion was approved.
- Dismiss administrative case Nos. 2021-018, 2021-019, 2021-021, & 2021-022 for lack of jurisdiction.
 - Commissioner Carruthers moved as stated above; Commissioner Villanueva seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. Commissioner Baker recused on administrative case No. 2021-19 and voted in the affirmative on all other cases in the motion. All other Commissioners voted in the affirmative on all cases in the motion, and the motion was approved.

10. RESOLUTION No. 2021-02: AUTHORIZATION OF CIVIL ACTION

- Chair Lang sought a motion to authorize the Commission staff to pursue civil action as outlined in Resolution No. 2021-02. Commissioner Bluestone moved as stated above; Commissioner Baker seconded. All Commissioners voted in the affirmative and Resolution No. 2021-02.

11. DISCUSSION ON AMENDMENTS TO THE GOVERNMENTAL CONDUCT ACT

- Commissioner Bluestone provided comments on his interest in directing the Executive Director and staff to work with the Attorney General’s Office, the Secretary of State’s Office, advocacy and interest groups, and other state ethics commissions towards the improvement of New Mexico’s ethics laws.
- Director Farris confirmed that the Attorney General’s Office (OAG) has reached out to get the Commission’s perspectives on improvements to the Governmental Conduct Act (GCA) and that the staff will work with the OAG on improvements to the GCA moving into the next legislative session.

12. SELECTION OF NEXT MEETING

- Chair Lang confirmed that the next meeting would take place on December 3, 2021.

13. COMMENTS

- Members of the public were invited to address the Commission.
- Kathleen Sabo with New Mexico Ethics Watch (NMEW): NMEW is putting together a working group to discuss reforms to the state’s ethics laws.
- No other public comments were offered.

14. ADJOURNMENT

- Chair Lang sought a motion to adjourn. Commissioner Carruthers moved to adjourn. Hearing no discussion or opposition, the meeting was adjourned.

[SUBJECT TO RATIFICATION BY COMMISSION]