

SEC Office
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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 December 3, 2021 | 9:00AM-2:00PM

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 approved the agenda unanimously.

2. APPROVAL OF OCTOBER 1, 2021 COMMISSION MEETING MINUTES

- Chair Lang sought a motion to approve the minutes of the October 1, 2021 Commission meeting. Commissioner Bluestone moved to approve the minutes; Commissioner Foy Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

3. ADVISORY OPINION 2021-12

- Director Farris provided an overview of Advisory Opinion 2021-12 which addresses whether the Commission has subject matter jurisdiction for complaints, alleging

violations of ethics laws based on legislative acts, including speech given in committee or a vote.

- After a discussion on the advisory opinion, Chair Lang sought a motion to approve Advisory Opinion 2021-12. Commissioner Bluestone moved to approve Advisory Opinion 2021-12; Commissioner Baker seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2021-12 unanimously.
- 4. RESOLUTION 2021-03 (ANNUAL OPEN MEETINGS ACT RESOLUTION)**
- General Counsel Walker Boyd provided an overview of Resolution 2021-03 and sought a motion from the Commission to adopt the resolution.
 - Chair Lang sought a motion to adopt Resolution 2021-03. Commissioner Carruthers moved to adopt the resolution; Commissioner Bluestone seconded. After a discussion on quorum requirements and rolling quorums outside of public meetings, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Resolution 2021-03 unanimously.
- 5. 2021 ANNUAL REPORT AND DISCUSSION OF 2022 LEGISLATIVE SESSION**
- Director Farris provided an overview of the staff’s draft of the SEC’s 2021 annual report for submission to the Legislature and Governor Michelle Lujan Grisham, including legislative recommendations for the Second Session of the Fifty-Fifth Legislature. After discussion on the annual report and legislative recommendations, Director Farris provided an overview of the Commission’s draft of a new “Disclosure Act” to replace the existing Financial Disclosure Act.
 - After a discussion to clarify elements of the report and proposed legislative recommendations, Chair Lang suggested voting to approve separately the annual report, legislative recommendations, and the Disclosure Act draft. With no objection raised, Chair Lang sought the following motions:
 - **Motion to approve the annual report.** Commissioner Foy Castillo moved to approve the report as drafted; Commissioner Baker seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the annual report unanimously.
 - **Motion to approve proposed legislative recommendations (other than the Disclosure Act).** Commissioner Bluestone moved to approve the proposed legislative recommendations; Commissioner Solimon seconded. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the proposed legislative recommendations unanimously.
 - **Motion to approve the Disclosure Act.** Commissioner Bluestone moved to approve the Disclosure Act; Commissioner Solimon seconded. Baker offered comments on the likelihood of the bill passing in the legislature. Commissioner

Bluestone recommended that the \$600 disclosure requirement for sources of income be pegged to IRS regulations, which may change over time. Hearing no further discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the Disclosure Act unanimously.

6. 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 Foy Castillo 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. 2021-012
 - b. Administrative Complaint No. 2021-017
 - c. Administrative Complaint No. 2021-020
 - d. Administrative Complaint No. 2021-023
 - e. Administrative Complaint No. 2021-024
 - f. Administrative Complaint No. 2021-025
- Discussions regarding pending civil litigation
- Executive Director 2021 evaluation
- 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---

7. ACTIONS ON ADMINISTRATIVE CASE Nos. 2021-12, 2021-017, 2021-020, 2021-023, 2021-024, & 2021-025.

- Commissioner Bluestone motion moved to grant the appeal, reverse the hearing officer's dismissal of the complaint, and remand administrative case 2021-12 back to the General Counsel with instructions to investigate for violations of the Governmental Conduct Act and the Procurement Code; Commissioner Carruthers Seconded as stated above. Chair Lang conducted a roll-call vote:

Commissioner Baker,	Yes
Commissioner Bluestone,	Yes
Commissioner Carruthers,	Yes
Commissioner Foy Castillo,	Yes
Commissioner Solimon,	Yes
Commissioner Villanueva,	Yes
Chair Lang,	No

The final vote being 6 in favor of the motion and 1 opposed, the motion carried.

- Director Farris sought the following motions:
 - **Motion to authorize the staff to continue its investigation for another 90 days in administrative case Nos. 2020-017 & 2021-020 under Section 10-16G-11 of the State Ethics Commission Act.**
 - Commissioner Carruthers moved as stated above; Commissioner Foy Castillo seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
 - **Motion to dismiss administrative case Nos. 2021-023 and 2021-024 because the Secretary of State’s Office has certified voluntary compliance and, therefore, the complaints are subject to dismissal under Section 1-19-34.3 of the Campaign Reporting Act.**
 - 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 approved the motion.
 - **Motion to dismiss administrative case No. 2021-025 for lack of subject matter jurisdiction.**
 - Commissioner Bluestone moved as stated above; Commissioner Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

8. RESOLUTION FOR AUTHORIZATION OF CIVIL ACTION

- Director Farris sought a motion to authorize the Commission staff to send a demand letter to the Curry County Republican Women to comply with their obligations under the Campaign Reporting Act. Commissioner Bluestone moved as stated above; Commissioner Villanueva seconded. All Commissioners voted in the affirmative and authorized the staff as stated.

9. SELECTION OF NEXT MEETING

- Chair Lang confirmed that the next meeting would take place on February 4, 2022.

10. COMMENTS

- Members of the public were invited to address the Commission.
- Tony Ortiz with New Mexico Ethics Watch (NMEW): Offered comments congratulating the Commissioners and staff on the civil and professional conduct by the Commission in the course of its duties. Additionally, Mr. Ortiz wished everyone at the Commission a happy holiday season.
- No other public comments were offered.

11. 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]