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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 June 10, 2022 | 9:00AM-12:30PM

Virtually Via Zoom

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[Subject to Ratification by Commission]

1. Call to Order

Chairman Lang Calls the Meeting to Order at 9:02 AM.

2. Roll Call

The roll was called; the following Commissioners were present:

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

3. Approval of Agenda

Chair Lang sought a motion to approve the agenda. Commissioner Carruthers 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.

4. Approval Of May 11, 2022 Commission Meeting Minutes

Chair Lang sought a motion to approve the minutes of the May 11, 2022 Commission meeting. Commissioner Carruthers moved to approve the minutes; Commissioner Solimon seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the minutes unanimously.

Commission Meeting Items

5. Introduction of New Staff

Director Farris introduced Suha Musa as the new Communications and Administrative Manager, along with summer law externs Xaveria Mayerhofer and Miguel Quintana.

6. Advisory Opinion 2022-06

Deputy General Counsel Rebecca Branch provided an overview of advisory opinion 2022-06, which addresses the following question:

1. *During legislative sessions, are there any limitations on communications between a legislator and a lobbyist employed by an entity that either contracts with or employs the legislator?*
2. *Outside of legislative sessions, are there limitations on communications between a legislator and a lobbyist employed by an entity that either contracts with or employs the legislator?*
3. *Are there limitations on communications between a legislator and the board members or employees of an entity that either contracts with or employs the legislator?*

(To read the full opinion following its issuance, visit www.NMOnesource.com)

Commissioners Baker asked for clarification, which Ms. Branch provided. Commissioner Bluestone suggested the inclusion of a footnote related to disclosures under the Financial Disclosure Act.

Chair Lang sought a motion to adopt Advisory Opinion 2022-06 with the footnote addition. Commissioner Bluestone moved to adopt the opinion; Commissioner Foy Castillo seconded. After a discussion on the merits of the opinion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved Advisory Opinion 2022-06 unanimously.

7. Advisory Opinion 2022-07

Director Farris provided an overview of advisory opinion 2022-07, which addresses the following question:

Under what circumstances is a contribution to a candidate or a candidate's campaign committee by a limited liability company, partnership, corporation, or other business entity attributable to an individual under Section 1-1934.7(D) of the Campaign Reporting Act?

After discussion, Chair Lang sought a motion to adopt Advisory Opinion 2022-07. Commissioner Baker moved to adopt the opinion Commissioner Carruthers seconded. After discussion, Chair Lang conducted a roll-call vote. Commissioners Baker, Carruthers, Solimon, Villanueva, and Chair Lang voted in the affirmative; Commissioners Bluestone and Foy Castillo voted in the negative. The motion failed for lack of consent of “at least two members of the largest political party in the state and two members of the second largest political party in the state” under NMSA 1978, Section 10-16G-3(H).

Commissioner Bluestone moved to direct the staff to revise the opinion to limit its answer to conduit contributions. Commissioner Foy Castillo seconded. After a discussion, Chair Lang conducted a roll-call vote. Commissioners Bluestone and Foy Castillo voted in the affirmative.

Commissioners Baker, Carruthers, Solimon, Villanueva, and Chair Lang voted in the negative. The motion failed for lack of consent of “at least two members of the largest political party in the state and two members of the second largest political party in the state” under NMSA 1978, Section 10-16G-3(H). No version of the draft advisory opinion was adopted.

8. Overview of 2022 Financial Disclosure Filings

Director Farris provided an update on compliance with the Financial Disclosure Act, noting that out of approximately 700 individuals who are required to file annual financial disclosure statements, 155 individuals have yet to do so—despite repeated attempts at voluntary compliance.

9. Executive Session

Chair Lang sought a motion to enter executive session under NMSA 1978, §§ 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 Baker seconded. Hearing no discussion, Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and entered executive session.

---Beginning of Executive Session---

The following matters were discussed in executive session:

- Discussions regarding litigated matters:
 - *State Ethics Comm’n v. Vargas & Double Eagle Real Estate LLC*, D-202-CV-2021-06201 (2d Jud. Dist. Ct.)
 - *In re State Ethics Commission Petition for Issuance of a Subpoena Duces Tecum Pursuant to NMSA 1978, 10-16G-10(J)*, No. A-1-CA-39841 (N.M. App.), and *Dow v. Martin*, No. S-1-SC-38928 (N.M.)
 - Following the Secretary of State’s referral under NMSA 1978, Section 10-16A-6(D), potential civil action(s) to enforce the Financial Disclosure Act

Administrative Matters under Revised Uniform Law on Notarial Acts:

- a. 2022-NP-03, *In re notary public commission of Samaniego*
- b. 2022-NP-05, *In re notary public commission of Perez*
- c. 2022-NP-08, *In re notary public commission of Bratcher f/k/a Stevenson*

- Discussions regarding administrative complaints:

Administrative Matters under State Ethics Commission Act:

- a. Administrative Complaint No. 2022-001
- b. Administrative Complaint No. 2022-004
- c. Administrative Complaint No. 2022-009
- d. Administrative Complaint No. 2022-012
- e. Administrative Complaint No. 2022-013

f. Administrative Complaint No. 2022-019

g. Administrative Complaint No. 2022-020

h. Administrative Complaint No. 2021-012

*Commissioner Bluestone noted his concerns with the scope of the investigation in 2021-012.

- 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 Complaints Nos. 2022-001, 2022-004, 2022-009, 2022-012, 2022-013, 2022-019, 2022-020

Director Farris asked the Commission for the following motions on the following administrative cases:

- **In administrative case 2022-001, motion to approve the settlement agreement between General Counsel and the Respondent:**
Commissioner Foy Castillo moved as stated above; Commissioner Villanueva seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-004, motion for a 90-day extension to continue the investigation:**
Commissioner Carruthers moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang recused from the vote and conducted a roll-call vote. All other Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-009, motion for an order of dismissal due to a lack of jurisdiction:**
Commissioner Baker moved as stated above; Commissioner Foy Castillo seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-012, motion for an order of dismissal due to the Secretary of State certifying voluntary compliance:**
Commissioner Carruthers moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

- **In administrative case 2022-013, motion for an order of dismissal due to the Secretary of State certifying voluntary compliance:**
Commissioner Foy Castillo moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-019, motion for an order of dismissal due to a lack of jurisdiction and to refer the case to the Administrative Office of the Courts:**
Commissioner Baker moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- **In administrative case 2022-020, motion for an order of dismissal due to a lack of jurisdiction and refer the case to the Children, Youth and Families Department:**
Commissioner Foy Castillo moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

11. Administrative Matters Under Revised Uniform Law on Notarial Acts (RULONA), Case Nos. 2022-NP-03, 2022-NP-05, and 2022-NP-08

Deputy General Counsel Rebecca Branch sought motions on the following cases under the Revised Uniform Law on Notarial Acts:

- a. **In 2022-NP-03, *In re notary public commission of Samaniego*, motion to issue a default order revoking Ms. Samaniego’s notary public commission:**
Commissioner Carruthers moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- b. **In 2022-NP-05, *In re notary public commission of Perez*, motion to issue a Notice of Contemplated Action revoking Ms. Perez’s notary public commission:**
Commissioner Bluestone moved as stated above; Commissioner Solimon seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.
- c. **In 2022-NP-08, *In re notary public commission of Bratcher*, motion to issue a default order barring Ms. Bratcher’s application for a notary public commission until she has addressed her Notice of Contemplated Action:**
Commissioner Carruthers moved as stated above; Commissioner Bluestone seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

12. Resolutions Related to Commission Authorization of Demand and Civil Enforcement Actions

Director Farris sought a motion to authorize the commission staff (i) to send demand letters to the 155 individuals who have not submitted financial disclosures after discussion with the Governor’s office and (ii) to proceed with civil enforcement actions as necessary:

Commissioner Carruthers moved as stated above; Commissioner Baker seconded as stated above. Chair Lang conducted a roll-call vote. All Commissioners voted in the affirmative and approved the motion.

13. Selection of Next Meeting

Chair Lang confirmed that the next meeting would take place on August 05, 2022. Chair Lang clarified that the Commission would aim to hold its August meeting in person, with final decision and details forthcoming.

14. Public Comments

- a. Tony Ortiz: *Kudos to the Commission on following up with FDA disclosure statements and non-compliance.*
- b. Chris Mechels: *Comments that boards and commissions should have to hold their board members accountable to file their disclosures to avoid noncompliance. Believes that if someone does not disclose, they should not be allowed to hold office, as provided by law.*
- c. Monet Silva, Common Cause NM: *Disappointed in the Commission decision to not adopt Advisory Opinion 2022-07. Offered explanation of her organization’s involvement for advocating for changes in how campaign donations work.*
- d. Cliff Rees: *Thank you for the work being done.*

No additional public comments were offered.

15. Adjournment

Chair Lang raised adjournment of the meeting. With no objections made, the meeting was adjourned at 12:05 PM.

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