



STATE ETHICS COMMISSION

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

Resolution No. 2022-03: Authorizing demands and civil actions to enforce the Financial Disclosure Act

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION (“Commission”) met virtually, on June 10, 2022, at 9:00 a.m.;

WHEREAS, the Commission has the authority to investigate violations and commence civil actions to enforce the Financial Disclosure Act, NMSA 1978, §§10-16A-1 to -9 (1993, as amended 2019);

WHEREAS, the Secretary of State referred 155 individuals to the Commission on May 23, 2022, for the failure of such individuals to file required financial disclosure statements for 2022, despite the Secretary of State’s repeated efforts to obtain voluntary compliance;

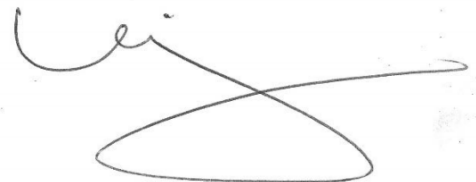
WHEREAS, the Commission has reason to believe that specific individuals required to file financial disclosure statements with the Secretary of State in January 2022 violated Section 10-16A-3(C) of the Financial Disclosure Act by failing to file such financial disclosure statements; and

WHEREAS, the Executive Director has sought the authorization of the Commission to initiate civil actions under NMSA 1978, Sections 10-16A-8(B) and 10-16G-9(F) against said individuals, and has explained the proposed civil actions and remedies to be sought, to include civil penalties authorized under the Financial Disclosure Act.

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics Commission:

1. The Commission's staff are authorized to: (i) review and confirm whether the 155 individuals referred by the Secretary of State registered for an account, filed, or attempted to file a 2022 financial disclosure statement; (ii) demand that those individuals, or some subset thereof, who were required to file a financial disclosure statement in January 2022 under Section 10-16A-3(C) and have failed to do so comply with the Financial Disclosure Act; and (iii) prepare and file a civil action in a court of competent jurisdiction seeking to enforce the civil compliance provisions of the Financial Disclosure Act and any other relief that the court deems just and proper for those individuals who remain out of compliance with their filing requirements, or some subset thereof.
2. If Commission staff institute litigation against any or all of the individuals out of compliance with their 2022 Financial Disclosure Act requirements, the Executive Director is instructed to provide regular updates on the status of such litigation at the Commission's meetings during closed session. Commission staff shall communicate with the Chair as necessary between Commission meetings.
3. The Executive Director is authorized to enter an agreement to settle or dismiss claims brought against any or all of the individuals out of compliance with their 2022 Financial Disclosure Act requirements, upon having conferred with the Chair or his designee.

Adopted by the New Mexico State Ethics Commission this 10th day of June 2022.

A handwritten signature in black ink, appearing to read 'W. Lang', with a large, stylized flourish underneath.

The Hon. William F. Lang
New Mexico State Ethics Commission
Chair