



# STATE ETHICS COMMISSION

<http://sec.nm.gov>

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Albuquerque, NM 87106  
(505) 827-7800

## BUDGET REQUEST Fiscal Year 2027 July 1, 2026 - June 30, 2027

# STATE OF NEW MEXICO

Prepared By:  
Jeremy D. Farris, Executive Director and  
Wendy George, Finance & Administration Director



## STATE ETHICS COMMISSION

Jeremy Farris, Executive Director  
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Hon. William F. Lang (Chair)  
Jeffrey L. Baker  
Stuart M. Bluestone  
Hon. Celia Castillo  
Hon. Gary Clingman  
Hon. Dr. Terry McMillan  
Dr. Judy Villanueva

Jeremy D. Farris, Executive Director

September 1, 2025

Dear Department of Finance & Administration and Legislative Finance Committee,

Please find enclosed the State Ethics Commission's FY27 appropriation request.

The State Ethics Commission is an independent, constitutional agency charged with promoting integrity in government through the interpretation and enforcement of New Mexico's campaign finance, lobbying, procurement, and governmental conduct laws.

For FY27, the Commission is requesting an appropriation of **\$2,049,700**, allocated as follows:

- **\$1,707,200** for personnel,
- **\$151,900** for contractual services, and
- **\$190,600** for other operating costs.

This funding will:

1. Fully support the Commission's existing 10 staff positions;
2. Provide for one additional attorney FTE to manage the growing volume of RULONA (Revised Uniform Law on Notarial Acts) cases; and
3. Ensure the Commission can meet recurring obligations such as building and equipment leases, legal IT software and subscriptions, liability insurance, DoIT service fees, and required audit and financial reporting costs.

### **Justification for 400 Category Increase**

The Commission is requesting a significant increase in the 400-expense category due to several essential and unavoidable cost increases:

- **Lease costs** are expected to rise due to both scheduled contractual increases for our current office space and the addition of new leased space within the UNM Science and Technology Park.
- **Equipment rental expenses** will increase due to contractual escalations for our Canon printers and postage machine.
- **Westlaw subscription costs** from Thomson Reuters are anticipated to rise substantially due to the integration of advanced AI features. Westlaw remains an indispensable research tool for the Commission's legal team.
- **Travel costs** will increase following statutory changes to the per-dem structure, which now provides a fixed meal reimbursement rate higher than the Commission's historical average.
- Additionally, the Commission anticipates a **return to in-person meetings**, resulting in higher mileage and per diem expenses.

These increases are fixed, necessary, and critical to maintaining our operational capacity in FY27.

### **Personnel Request and Operational Impact**

Should the Commission not receive full funding for its personnel base budget—including continued support for its current 10 FTEs and the addition of 1 attorney FTE—the impact on our core mission will be significant and detrimental. The current volume of RULONA complaints has outpaced staff capacity, resulting in case backlogs that risk undermining public trust. Without the additional attorney, the Commission will be unable to review and adjudicate these cases in a timely manner.

The Commission has experienced minimal vacancy savings in recent years and does not anticipate any such savings in FY27. Every staff member has a defined, mission-critical role—whether in administration, compliance (including advisory opinions, ethics training, and oversight of notaries public), or enforcement (including litigation and investigations). A vacancy in any of these areas would severely affect the Commission’s ability to fulfill its constitutional and statutory responsibilities.

If funding is not provided for our full personnel request, the Commission may be forced to seek supplemental appropriation during the following session.

### **Program Structure**

The Commission does not propose any changes to its current program structure. Our agency is built to function and grow within three core pillars:

1. **Compliance** – Training, advisory opinions, and guides related to New Mexico’s ethics and disclosure laws.
2. **Enforcement** – Investigation, litigation, and adjudication of administrative cases.
3. **Administrative Services** – Oversight of financial, HR, and operational functions that support the Commission’s work.

### **Continued Support and Institutional Growth**

I respectfully request your continued support for the Commission’s FY27 appropriation. Since its inception, the Commission has grown in a fiscally responsible manner, building a talented and stable team to meet its broad constitutional and statutory mandates.

Over the past year, the Commission has achieved several high-profile enforcement successes, including:

- Securing transparency from dark-money organizations such as **The New Mexico Project** (backed by Chevron) and **New Mexico Safety Over Profit** (backed by the New Mexico Trial Lawyers Association);
- Enforcing ethics laws involving public officials at the **County Livestock Loss Association, Lake Arthur Fire Department, Village of Cuba, Luna County, and Town of Kirtland**; and
- Upholding the **Procurement Code** in litigation involving advertising-related services against the **Mayor of the Village of Angel Fire**.

These successes exemplify the public mandate that established the Commission via an overwhelming vote in 2018. Our growth and effectiveness as an institution have only been possible because of the Legislature’s ongoing support and the incremental increases in our

State Ethics Commission

August 28, 2025

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annual appropriations. We respectfully ask that you continue that support so the Commission may continue to serve the people of New Mexico with integrity and accountability.

If you have any questions regarding the FY27 request, please do not hesitate to contact me or Wendy George, the Commission's CFO and Director of Finance and Administration.

Sincerely,

*/s/ Jeremy Farris*

Jeremy Farris  
Executive Director  
State Ethics Commission

Agency Name: State Ethics Commission

Business Unit: 41000

*I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.*



Jeremy Farris, Executive Director



Hon. William F. Lang, Chair



Wendy George, Director of Finance and Administration, CFO

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STE 215  
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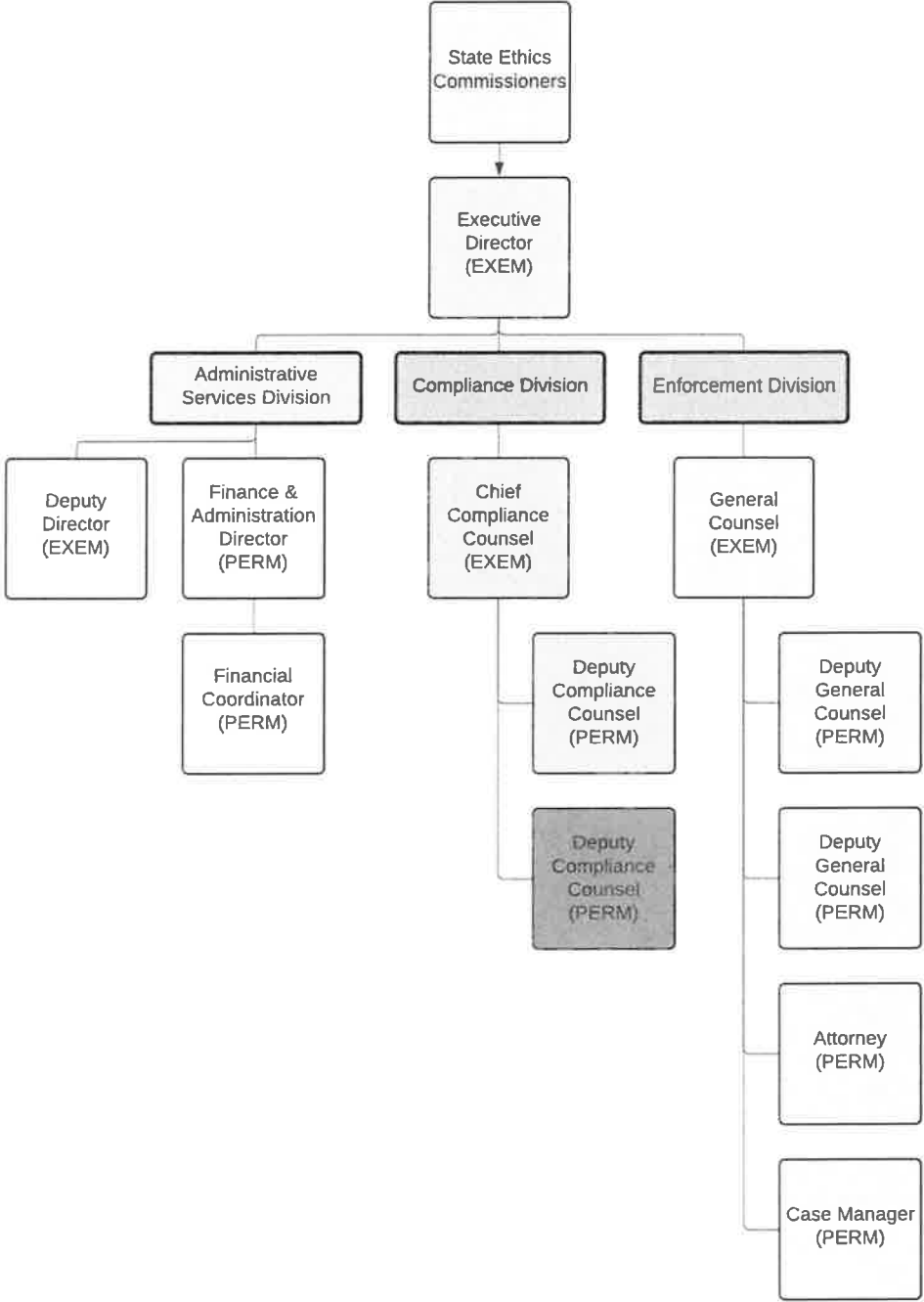
505-554-7608

wendyj.george@sec.nm.gov

Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.

**State Agency Organizational Chart (FY27):**

State Ethics Commission Organizational Chart FY27



\*The position in orange in the above chart reflects the additional position that the Commission seeks as part of its FY27 budget request.

State of New Mexico  
**P-1 Program Overview**

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**Program Description:** The Commission is an independent, constitutional state agency that promotes the integrity of government through the interpretation, enforcement and improvement of New Mexico's campaign finance, lobbying, procurement, and governmental conduct laws.

The State Ethics Commission is an independent state agency created by Article V, Section 17 of the New Mexico Constitution. The Commission has five core responsibilities:

First, the Commission investigates and adjudicates administrative complaints alleging violations of New Mexico's ethics laws—namely, New Mexico's governmental conduct, procurement, and disclosure laws, including laws requiring financial disclosure, campaign finance disclosure, and lobbyist disclosure.

Second, the Commission investigates and prosecutes violations of the ethics laws through civil enforcement actions in state court.

Third, the Commission educates public officers, public employees, and the public about New Mexico's ethics laws by issuing advisory opinions, offering trainings to legislators, state agencies, local governments, and affiliate organizations, and promulgating a model code of ethics.

Fourth, the Commission investigates and prosecutes in administrative proceedings violations of New Mexico's Revised Uniform Law on Notarial Acts, which governs notaries public.

Fifth, the Commission makes annual recommendations to the Governor and the Legislature regarding amendments to New Mexico's ethics laws.

**Major Issues and Accomplishments:**

A major issue currently facing the Commission is our inability to meet the statutory requirements for processing complaints under the Revised Uniform Law on Notarial Acts (RULONA) in a timely manner. Over the past several fiscal years, the volume of RULONA-related complaints has increased significantly and consistently. However, the agency can dedicate only one staff attorney to manage the entire RULONA caseload without compromising other essential functions. As a result, cases are aging and backlogs are growing, which impacts our ability to enforce compliance and protect the public interest in accurate notarizations effectively. The addition of a dedicated FTE is critical to ensuring that we can fulfill our statutory duties and reduce the backlog moving forward.

Compounding this issue, the Commission experienced a reduction in its "Other Operating Expenses" (400 category) budget from FY25 to FY26. This reduction has significantly constrained our ability to manage rising fixed costs, including building and equipment lease increases and escalating subscription fees for essential legal software. The latter is particularly affected by technological advancements, including the integration of artificial intelligence, which has led to higher licensing and support costs for tools necessary to maintain efficient legal case management and research functions.

Without the restoration and enhancement of funding in the 400 category and the addition of a dedicated full-time attorney (FTE), the Commission will remain unable to meet its statutory mandates under RULONA, continue to face delays in case resolution, and risk further backlog accumulation. Increased funding is essential to restore operational capacity, address rising lease obligations, manage technological cost pressures, and ensure timely and effective enforcement actions.

Turning to the Commission's accomplishments, the Commission has had several high profile successes in enforcing New Mexico's ethics, disclosure, and procurement laws over the past year, including achieving disclosure from dark-money groups such as The New Mexico Project (really, Jeff Apodaca and Chevron) and New Mexico Safety Over Profit (really, the New Mexico Trial Lawyers Association and its members); enforcing laws governing self-dealing and conflict of interests in cases involving public officials on the County Livestock Loss Association, the Lake Arthur Fire Department, the Village of Cuba, Luna County, and the Town of Kirtland; and vindicating the application of the Procurement Code for large purchases of advertising-related services in the Commission's litigation against the Mayor of the Village of Angel Fire.

**Overview of Request:**

The Commission is requesting an FY27 appropriation of \$2,049,700, allocated as follows: \$1,707,200 for personnel, \$151,900 for contractual services, and \$190,600 for other operating costs. This funding would: (1) fully support the Commission's existing 10 staff positions; (2) provide for one additional attorney position dedicated to managing the growing volume of RULONA cases; and (3) ensure the Commission can meet its recurring obligations, including building and equipment leases, legal IT software and subscription services, employee liability insurance, DoIT fees, and mandated audit and financial reporting expenses.

**Programmatic Changes:**

The Commission does not anticipate or seek any programmatic changes. Nor does the Commission seek any changes to its current performance metrics.

**Base Budget Justification** The Commission is requesting a 9% increase to its FY26 base budget to address ongoing and necessary cost increases that directly impact the Commission's ability to fulfill its statutory responsibilities. The request includes a significant percent increase in the 400s to restore the Commission closer to our FY25 operating budget level. Our FY26 allocation was reduced compared to our FY25 appropriation, while the agency's expenses have continued to increase and the reversion continues to decrease (and has historically been low in this category). This funding is essential to cover operational expenses that are both predictable and vital to our agency's performance.

The primary cost drivers include:

- **Building and Equipment Lease Increases:** The Commission has secured additional office space at our existing location on the UNM campus to accommodate staff and operational needs, resulting in higher lease and equipment costs, including the acquisition of an additional copy machine.
- **IT and Legal Subscription Services:** Increases in IT software agreements—particularly for legal subscription services—are necessary to maintain access to updated technology and tools, including platforms essential to the Commission's legal and regulatory functions.
- **Contractual Audit Services:** The cost for the Commission's required agency audit and financial statement preparation has risen significantly. Continued compliance with state financial reporting mandates necessitates this increase.
- **Employee Liability and DoIT Costs:** The Commission is experiencing substantial increases in General Services Department (GSD) employee liability insurance premiums, driven by a statewide rise in litigation claims. Additionally, subscription fees charged by the Department of Information Technology (DoIT) have also increased.
- **Personnel Expansion – RULONA Attorney:** The budget request includes funding for one additional full-time employee (FTE) to address the growing number of cases under the Revised Uniform Law on Notarial Acts (RULONA), a law that in FY22 added to the Commission's workload and subtracted from the workload of RLD, the Attorney General's Office, and the Office of the Governor (all of which previously enforced violations by notaries public)—but without the Commission ever receiving a corresponding and commensurate increase in FTE. Without additional FTE now, RULONA case backlogs will persist and continue to grow, delaying regulatory enforcement and compliance activities, because the Commission cannot dedicate more resources to this statute without compromising its advisory and enforcement functions related to ethics, disclosure, and procurement.

The Commission's FY26 base budget request provides essential funding to support its current staff of ten and addresses rising costs in contractual obligations and core operating expenses. These adjustments are critical to maintaining operational continuity, meeting statutory requirements, and managing the increasing complexity and volume of the Commission's responsibilities. With consistently low staff turnover, the Commission continues to face growing demands in fulfilling its constitutional and statutory duties related to governmental conduct, procurement, and disclosure oversight. To meet these obligations, the Commission remains committed to securing full funding for key personnel and ensuring a safe, secure, and functional work environment for all staff

State Ethics Commission

State of New Mexico  
**S-8 Financial Summary**  
 (Dollars in Thousands)

BU PCode Department  
 41000 P410 000000

	2024-25 Opbud	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	Base	----- FY 2027 Agency Request -----		Total
						Expansion		
<b>REVENUE</b>								
111 General Fund Transfers	1,712.9	1,676.4	1,867.2	0.0	2,044.7	0.0		2,044.7
112 Other Transfers	0.0	36.5	0.0	0.0	0.0	0.0		0.0
130 Other Revenues	5.0	4.9	5.0	0.0	5.0	0.0		5.0
<b>REVENUE, TRANSFERS</b>	<b>1,717.9</b>	<b>1,717.8</b>	<b>1,872.2</b>	<b>0.0</b>	<b>2,049.7</b>	<b>0.0</b>		<b>2,049.7</b>
<b>REVENUE</b>	<b>1,717.9</b>	<b>1,717.8</b>	<b>1,872.2</b>	<b>0.0</b>	<b>2,049.7</b>	<b>0.0</b>		<b>2,049.7</b>
<b>EXPENSE</b>								
200 Personal services and employee benefits	1,351.0	1,388.8	1,575.9	1,553.0	1,707.2	0.0		1,707.2
300 Contractual services	211.9	111.4	151.9	0.0	151.9	0.0		151.9
400 Other	155.0	183.4	144.4	0.0	190.6	0.0		190.6
<b>EXPENDITURES</b>	<b>1,717.9</b>	<b>1,683.6</b>	<b>1,872.2</b>	<b>1,552.98</b>	<b>2,049.7</b>	<b>0.0</b>		<b>2,049.7</b>
<b>EXPENSE</b>	<b>1,717.9</b>	<b>1,683.6</b>	<b>1,872.2</b>	<b>1,552.98</b>	<b>2,049.7</b>	<b>0.0</b>		<b>2,049.7</b>
<b>FTE POSITIONS</b>								
810 Permanent	10.00	0.00	10.00	10.00	11.00	0.00		11.00
<b>FTEs</b>	<b>10.00</b>	<b>0.00</b>	<b>10.00</b>	<b>10.00</b>	<b>11.00</b>	<b>0.00</b>		<b>11.00</b>
<b>FTE POSITIONS</b>	<b>10.00</b>	<b>0.00</b>	<b>10.00</b>	<b>10.00</b>	<b>11.00</b>	<b>0.00</b>		<b>11.00</b>

State Ethics Commission

State of New Mexico

BU PCode Department  
41000 P410 000000

S-9 Account Code Expenditure Summary  
(Dollars in Thousands)

		2024-25	2024-25	2025-26	2026-27	----- FY 2027 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
520100	Exempt Perm Positions P/T&F/T	484.9	506.4	568.7	579.1	579.0	0.0	579.0
520300	Classified Perm Positions F/T	521.8	521.4	604.8	575.2	681.0	0.0	681.0
520700	Overtime & Other Premium Pay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	0.0	5.6	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	44.8	43.8	51.8	84.3	90.1	0.0	90.1
521200	Retirement Contributions	187.5	197.7	218.6	220.4	239.5	0.0	239.5
521300	F I C A	74.5	76.7	91.7	71.0	77.3	0.0	77.3
521400	Workers' Comp Assessment Fee	0.1	0.1	0.1	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	1.7	1.7	1.2	0.0	1.1	0.0	1.1
521500	Unemployment Comp Premium	13.2	13.2	0.0	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	1.6	1.6	9.0	0.0	13.7	0.0	13.7
521700	RHC Act Contributions	20.9	20.6	30.0	22.9	25.5	0.0	25.5
<b>200</b>	<b>Personal services and employe</b>	<b>1,351.0</b>	<b>1,388.8</b>	<b>1,575.9</b>	<b>1,553.0</b>	<b>1,707.2</b>	<b>0.0</b>	<b>1,707.2</b>
535200	Professional Services	143.0	48.0	71.4	0.0	80.0	0.0	80.0
535209	Professional Svcs - Interagenc	6.0	5.4	7.0	0.0	8.0	0.0	8.0
535300	Other Services	0.0	0.9	1.0	0.0	1.8	0.0	1.8
535400	Audit Services	24.2	23.1	27.0	0.0	30.1	0.0	30.1
535500	Attorney Services	8.2	9.5	15.0	0.0	0.0	0.0	0.0
535600	IT Services	30.5	24.5	30.5	0.0	32.0	0.0	32.0
<b>300</b>	<b>Contractual services</b>	<b>211.9</b>	<b>111.4</b>	<b>151.9</b>	<b>0.0</b>	<b>151.9</b>	<b>0.0</b>	<b>151.9</b>
542100	Employee I/S Mileage & Fares	8.1	3.7	4.0	0.0	4.0	0.0	4.0
542200	Employee I/S Meals & Lodging	1.5	0.0	1.5	0.0	1.0	0.0	1.0
542300	Brd & Comm Mbr Meals & Lodgin	1.2	0.0	0.3	0.0	1.0	0.0	1.0
542310	Brd & Comm Mbr Mileage & Fares	1.5	0.4	0.5	0.0	1.0	0.0	1.0
543200	Maint - Furn, Fixt, Equipment	0.0	0.1	0.0	0.0	0.0	0.0	0.0
543300	Maint - Buildings & Structures	0.0	15.3	0.0	0.0	0.0	0.0	0.0
543400	Maint - Property Insurance	0.2	0.0	0.1	0.0	0.0	0.0	0.0
543820	Maintenance IT	0.0	0.1	0.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	0.0	0.0	0.0	0.0	27.5	0.0	27.5
544000	Supply Inventory IT	4.0	10.9	2.0	0.0	2.0	0.0	2.0
544100	Supplies-Office Supplies	2.0	1.3	2.0	0.0	1.0	0.0	1.0
544500	Supplies-Food	0.0	0.0	0.0	0.0	0.0	0.0	0.0
544900	Supplies-Inventory Exempt	1.5	11.7	1.0	0.0	0.0	0.0	0.0

State Ethics Commission

State of New Mexico

BU PCode Department  
41000 P410 000000

**S-9 Account Code Expenditure Summary**  
(Dollars in Thousands)

	2024-25 Opbud	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	----- FY 2027 Agency Request -----		
					Base	Expansion	Total
545600 Reporting & Recording	1.0	0.0	1.0	0.0	0.0	0.0	0.0
545700 ISD Services	7.9	10.2	9.7	0.0	15.1	0.0	15.1
545710 DOIT HCM Assessment Fees	3.2	3.3	3.5	0.0	3.8	0.0	3.8
545900 Printing & Photo Services	1.0	0.6	0.5	0.0	1.0	0.0	1.0
546100 Postage & Mail Services	1.0	1.0	1.0	0.0	1.0	0.0	1.0
546400 Rent Of Land & Buildings	63.0	63.0	64.3	0.0	82.2	0.0	82.2
546500 Rent Of Equipment	4.1	3.8	4.4	0.0	7.6	0.0	7.6
546610 DOIT Telecommunications	13.8	15.5	14.5	0.0	16.3	0.0	16.3
546700 Subscriptions/Dues/License Fee	25.5	29.9	25.5	0.0	11.5	0.0	11.5
546800 Employee Training & Education	3.5	3.1	3.5	0.0	4.0	0.0	4.0
546900 Advertising	3.0	0.6	1.5	0.0	5.0	0.0	5.0
547000 Legal Settlements	0.0	2.7	0.0	0.0	0.0	0.0	0.0
547900 Miscellaneous Expense	0.0	0.7	0.0	0.0	0.0	0.0	0.0
547999 Request to Pay Prior Year	0.0	0.4	0.0	0.0	0.0	0.0	0.0
548900 Buildings & Structures	5.0	0.0	0.0	0.0	0.0	0.0	0.0
549600 Employee O/S Mileage & Fares	1.5	1.6	1.6	0.0	2.0	0.0	2.0
549700 Employee O/S Meals & Lodging	1.5	3.6	2.0	0.0	3.6	0.0	3.6
<b>400 Other</b>	<b>155.0</b>	<b>183.4</b>	<b>144.4</b>	<b>0.0</b>	<b>190.6</b>	<b>0.0</b>	<b>190.6</b>
<b>TOTAL EXPENSE</b>	<b>1,717.9</b>	<b>1,683.6</b>	<b>1,872.2</b>	<b>1,552.98</b>	<b>2,049.7</b>	<b>0.0</b>	<b>2,049.7</b>

State of New Mexico  
**S-13 Line Items by Business Unit Expenditures**  
(Dollars in Thousands)

BusUnit	Line Item	2024-25	2025-26	Request		Recommendation		Opbud	
		Actuals	Opbud	Base	Expansion	Base	Expansion		
41000	P410-R State Ethics Commission	520100 Exempt Perm Positions P/T&F/T	506.38	568.7	579	0	0	0	0.0
		520300 Classified Perm Positions F/T	521.37	604.8	681	0	0	0	0.0
		520800 Annl & Comp Paid At Separation	5.59	0	0	0	0	0	0.0
		521100 Group Insurance Premium	43.84	51.8	90.1	0	0	0	0.0
		521200 Retirement Contributions	197.74	218.6	239.5	0	0	0	0.0
		521300 F I C A	76.67	91.7	77.3	0	0	0	0.0
		521400 Workers' Comp Assessment Fee	0.09	0.1	0	0	0	0	0.0
		521410 GSD Work Comp Insur Premium	1.7	1.2	1.1	0	0	0	0.0
		521500 Unemployment Comp Premium	13.21	0	0	0	0	0	0.0
		521600 Employee Liability Ins Premium	1.65	9	13.7	0	0	0	0.0
		521700 RHC Act Contributions	20.55	30	25.5	0	0	0	0.0
		535200 Professional Services	48.01	71.4	80	0	0	0	0.0
		535209 Professional Svcs - Interagenc	5.44	7	8	0	0	0	0.0
		535300 Other Services	0.89	1	1.8	0	0	0	0.0
		535400 Audit Services	23.14	27	30.1	0	0	0	0.0
		535500 Attorney Services	9.46	15	0	0	0	0	0.0
		535600 IT Services	24.49	30.5	32	0	0	0	0.0
		542100 Employee I/S Mileage & Fares	3.71	4	4	0	0	0	0.0
		542200 Employee I/S Meals & Lodging	0.02	1.5	1	0	0	0	0.0
		542300 Brd & Comm Mbr Meals & Lodgin	0	0.3	1	0	0	0	0.0
		542310 Brd & Comm Mbr Mileage & Fares	0.41	0.5	1	0	0	0	0.0
		543200 Maint - Furn, Fixt, Equipment	0.07	0	0	0	0	0	0.0
		543300 Maint - Buildings & Structures	15.26	0	0	0	0	0	0.0
		543400 Maint - Property Insurance	0	0.1	0	0	0	0	0.0
		543820 Maintenance IT	0.07	0	0	0	0	0	0.0
		543830 IT HW/SW Agreements	0	0	27.5	0	0	0	0.0
		544000 Supply Inventory IT	10.87	2	2	0	0	0	0.0
		544100 Supplies-Office Supplies	1.34	2	1	0	0	0	0.0
		544500 Supplies-Food	0.04	0	0	0	0	0	0.0
		544900 Supplies-Inventory Exempt	11.69	1	0	0	0	0	0.0
		545600 Reporting & Recording	0	1	0	0	0	0	0.0
		545700 ISD Services	10.18	9.7	15.1	0	0	0	0.0

State of New Mexico

**S-13 Line Items by Business Unit Expenditures**

(Dollars in Thousands)

545710	DOIT HCM Assessment Fees	3.28	3.5	3.8	0	0	0	0.0
545900	Printing & Photo Services	0.64	0.5	1	0	0	0	0.0
546100	Postage & Mail Services	1.02	1	1	0	0	0	0.0
546400	Rent Of Land & Buildings	62.99	64.3	82.2	0	0	0	0.0
546500	Rent Of Equipment	3.76	4.4	7.6	0	0	0	0.0
546610	DOIT Telecommunications	15.55	14.5	16.3	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	29.86	25.5	11.5	0	0	0	0.0
546800	Employee Training & Education	3.13	3.5	4	0	0	0	0.0
546900	Advertising	0.58	1.5	5	0	0	0	0.0
547000	Legal Settlements	2.69	0	0	0	0	0	0.0
547900	Miscellaneous Expense	0.66	0	0	0	0	0	0.0
547999	Request to Pay Prior Year	0.37	0	0	0	0	0	0.0
549600	Employee O/S Mileage & Fares	1.6	1.6	2	0	0	0	0.0
549700	Employee O/S Meals & Lodging	3.58	2	3.6	0	0	0	0.0
<b>Subtotal for:</b>	<b>41000 P410-R State Ethics Commission</b>	<b>1,683.58</b>	<b>1,872.2</b>	<b>2,049.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>41000</b>		<b>1,683.58</b>	<b>1,872.2</b>	<b>2,049.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

**Totals by Line Item**

BusUnit	Line Item	2024-25	2025-26	Request		Recommendation		Opbud
		Actuals	Opbud	Base	Expansion	Base	Expansion	
41000	520100 Exempt Perm Positions P/T&F/T	506.38	568.7	579	0	0	0	0.0
	520300 Classified Perm Positions F/T	521.37	604.8	681	0	0	0	0.0
	520800 Annl & Comp Paid At Separation	5.59	0	0	0	0	0	0.0
	521100 Group Insurance Premium	43.84	51.8	90.1	0	0	0	0.0
	521200 Retirement Contributions	197.74	218.6	239.5	0	0	0	0.0
	521300 F I C A	76.67	91.7	77.3	0	0	0	0.0
	521400 Workers' Comp Assessment Fee	0.09	0.1	0	0	0	0	0.0
	521410 GSD Work Comp Insur Premium	1.7	1.2	1.1	0	0	0	0.0
	521500 Unemployment Comp Premium	13.21	0	0	0	0	0	0.0
	521600 Employee Liability Ins Premium	1.65	9	13.7	0	0	0	0.0

State of New Mexico  
**S-13 Line Items by Business Unit Expenditures**  
(Dollars in Thousands)

521700	RHC Act Contributions	20.55	30	25.5	0	0	0	0.0
535200	Professional Services	48.01	71.4	80	0	0	0	0.0
535209	Professional Svcs - Interagenc	5.44	7	8	0	0	0	0.0
535300	Other Services	0.89	1	1.8	0	0	0	0.0
535400	Audit Services	23.14	27	30.1	0	0	0	0.0
535500	Attorney Services	9.46	15	0	0	0	0	0.0
535600	IT Services	24.49	30.5	32	0	0	0	0.0
542100	Employee I/S Mileage & Fares	3.71	4	4	0	0	0	0.0
542200	Employee I/S Meals & Lodging	0.02	1.5	1	0	0	0	0.0
542300	Brd & Comm Mbr Meals & Lodging	0	0.3	1	0	0	0	0.0
542310	Brd & Comm Mbr Mileage & Fares	0.41	0.5	1	0	0	0	0.0
543200	Maint - Furn, Fixt, Equipment	0.07	0	0	0	0	0	0.0
543300	Maint - Buildings & Structures	15.26	0	0	0	0	0	0.0
543400	Maint - Property Insurance	0	0.1	0	0	0	0	0.0
543820	Maintenance IT	0.07	0	0	0	0	0	0.0
543830	IT HW/SW Agreements	0	0	27.5	0	0	0	0.0
544000	Supply Inventory IT	10.87	2	2	0	0	0	0.0
544100	Supplies-Office Supplies	1.34	2	1	0	0	0	0.0
544500	Supplies-Food	0.04	0	0	0	0	0	0.0
544900	Supplies-Inventory Exempt	11.69	1	0	0	0	0	0.0
545600	Reporting & Recording	0	1	0	0	0	0	0.0
545700	ISD Services	10.18	9.7	15.1	0	0	0	0.0
545710	DOIT HCM Assessment Fees	3.28	3.5	3.8	0	0	0	0.0
545900	Printing & Photo Services	0.64	0.5	1	0	0	0	0.0
546100	Postage & Mail Services	1.02	1	1	0	0	0	0.0
546400	Rent Of Land & Buildings	62.99	64.3	82.2	0	0	0	0.0
546500	Rent Of Equipment	3.76	4.4	7.6	0	0	0	0.0
546610	DOIT Telecommunications	15.55	14.5	16.3	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	29.86	25.5	11.5	0	0	0	0.0
546800	Employee Training & Education	3.13	3.5	4	0	0	0	0.0
546900	Advertising	0.58	1.5	5	0	0	0	0.0
547000	Legal Settlements	2.69	0	0	0	0	0	0.0

State of New Mexico

**S-13 Line Items by Business Unit Expenditures**

(Dollars in Thousands)

<b>547900</b>	<b>Miscellaneous Expense</b>	0.66	0	0	0	0	0	0.0
<b>547999</b>	<b>Request to Pay Prior Year</b>	0.37	0	0	0	0	0	0.0
<b>549600</b>	<b>Employee O/S Mileage &amp; Fares</b>	1.6	1.6	2	0	0	0	0.0
<b>549700</b>	<b>Employee O/S Meals &amp; Lodging</b>	3.58	2	3.6	0	0	0	0.0
<b>Grand Total</b>		<b>1,683.58</b>	<b>1,872.2</b>	<b>2,049.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

## REV EXP COMPARISON

(Dollars in Thousands)

### 41000 - State Ethics Commission

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
<b>SOURCES</b>	<b>2,044.7</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2,049.7</b>
Personal services and employee benefits	1,707.2	0.0	0.0	0.0	1,707.2
Contractual services	151.9	0.0	0.0	0.0	151.9
Other	185.6	5.0	0.0	0.0	190.6
<b>USES Total:</b>	<b>2,044.7</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2,049.7</b>
<b>Net:</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

State Ethics Commission

State of New Mexico

BU PCode  
41000 P410

**E4 PCode Detail**  
(Dollars in Thousands)

Fund	Account	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
20780	520100	Exempt Perm Positions P/T&F/T	506.4	568.7	579.15	579.0	0.0	0.0	0.0	579.0	
20780	520300	Classified Perm Positions F/T	521.4	604.8	575.19	681.0	0.0	0.0	0.0	681.0	RULONA FTE salary 106,100
20780	520700	Overtime & Other Premium Pay	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	520800	Annl & Comp Paid At Separation	5.6	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	521100	Group Insurance Premium	43.8	51.8	84.31	90.1	0.0	0.0	0.0	90.1	Employee Ins Reform 8,900 & RULONA FTE Ins. 5,600
20780	521200	Retirement Contributions	197.7	218.6	220.41	239.5	0.0	0.0	0.0	239.5	RULONA FTE STPL3 20,400
20780	521300	F I C A	76.7	91.7	71.03	77.3	0.0	0.0	0.0	77.3	RULONA FTE 6,500
20780	521400	Workers' Comp Assessment Fee	0.1	0.1	0	0.0	0.0	0.0	0.0	0.0	
20780	521410	GSD Work Comp Insur Premium	1.7	1.2	0	1.1	0.0	0.0	0.0	1.1	Per GSD Rate Sheet.
20780	521500	Unemployment Comp Premium	13.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	521600	Employee Liability Ins Premium	1.6	9.0	0	13.7	0.0	0.0	0.0	13.7	Per GSD rate sheet. Significant increase due to claim increase.
20780	521700	RHC Act Contributions	20.6	30.0	22.91	25.5	0.0	0.0	0.0	25.5	RULONA FTE 2,600
	<b>200</b>	<b>Personal services and employee benef</b>	<b>1,388.8</b>	<b>1,575.9</b>	<b>1,552.98</b>	<b>1,707.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1,707.2</b>	
20780	542100	Employee I/S Mileage & Fares	3.7	4.0	0	4.0	0.0	0.0	0.0	4.0	
20780	542200	Employee I/S Meals & Lodging	0.0	1.5	0	1.0	0.0	0.0	0.0	1.0	anticipate Increase in travel due to litigation and caseload increases.
20780	542300	Brd & Comm Mbr Meals & Lodging	0.0	0.3	0	1.0	0.0	0.0	0.0	1.0	In person Commissioners meetings requested by Commissioner.
20780	542310	Brd & Comm Mbr Mileage & Fares	0.4	0.5	0	1.0	0.0	0.0	0.0	1.0	In person Commissioners meetings requested by Commissioner.
20780	543200	Maint - Furn, Fixt, Equipment	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	543300	Maint - Buildings & Structures	15.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	543400	Maint - Property Insurance	0.0	0.1	0	0.0	0.0	0.0	0.0	0.0	
20780	543820	Maintenance IT	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	543830	IT HW/SW Agreements	0.0	0.0	0	22.5	5.0	0.0	0.0	27.5	Westlaw previously under subscriptions 546700, Agency Auditor request Westlaw moved to account 543830. See attachment.
20780	544000	Supply Inventory IT	10.9	2.0	0	2.0	0.0	0.0	0.0	2.0	1 laptop replacement & RULONA FTE IT. See attachment.
20780	544100	Supplies-Office Supplies	1.3	2.0	0	1.0	0.0	0.0	0.0	1.0	
20780	544500	Supplies-Food	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	544900	Supplies-Inventory Exempt	11.7	1.0	0	0.0	0.0	0.0	0.0	0.0	
20780	545600	Reporting & Recording	0.0	1.0	0	0.0	0.0	0.0	0.0	0.0	
20780	545700	ISD Services	10.2	9.7	0	15.1	0.0	0.0	0.0	15.1	Rate increase, per rate sheet.

State Ethics Commission

State of New Mexico

BU PCode  
41000 P410

**E4 PCode Detail**  
(Dollars in Thousands)

Fund	Account	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification
					GF	OSF	ISF/IAT	FF		
20780	545710 DOIT HCM Assessment Fees	3.3	3.5	0	3.8	0.0	0.0	0.0	3.8	Rate increase, per rate sheet,
20780	545900 Printing & Photo Services	0.6	0.5	0	1.0	0.0	0.0	0.0	1.0	copier 800 & 851 machines. See attachment.
20780	546100 Postage & Mail Services	1.0	1.0	0	1.0	0.0	0.0	0.0	1.0	
20780	546400 Rent Of Land & Buildings	63.0	64.3	0	82.2	0.0	0.0	0.0	82.2	800 & 851U Leases, See attachment.
20780	546500 Rent Of Equipment	3.8	4.4	0	7.6	0.0	0.0	0.0	7.6	800 + 851 Canon & Quadient. See attachment.
20780	546610 DOIT Telecommunications	15.5	14.5	0	16.3	0.0	0.0	0.0	16.3	Per rate sheet.
20780	546700 Subscriptions/Dues/License Fee	29.9	25.5	0	11.5	0.0	0.0	0.0	11.5	cost spreadsheet breakdown provided. Westlaw moved to account code 543830. See attachment.
20780	546800 Employee Training & Education	3.1	3.5	0	4.0	0.0	0.0	0.0	4.0	Based on prior year expenses.
20780	546900 Advertising	0.6	1.5	0	5.0	0.0	0.0	0.0	5.0	Advertising for new Commissioner. See cost breakdown spreadsheet. See attachment.
20780	547000 Legal Settlements	2.7	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	547900 Miscellaneous Expense	0.7	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	547999 Request to Pay Prior Year	0.4	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	548900 Buildings & Structures	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
20780	549600 Employee O/S Mileage & Fares	1.6	1.6	0	2.0	0.0	0.0	0.0	2.0	COGEL conference. Based on prior year, inflation cost increase included
20780	549700 Employee O/S Meals & Lodging	3.6	2.0	0	3.6	0.0	0.0	0.0	3.6	COGEL Conference. Based on prior year, Per Diem increase increase include
	<b>400 Other</b>	<b>183.4</b>	<b>144.4</b>	<b>0</b>	<b>185.6</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>190.6</b>	
<b>TOTAL EXPENSE</b>		<b>1,572.2</b>	<b>1,720.3</b>		<b>1,892.8</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1,897.8</b>	

State Ethics Commission

State of New Mexico

BU PCode  
41000 P410

**Contract by PCode Detail**  
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	----- FY 2027 Agency Request -----				Total	Justification
					GF	OSF	ISF/IAT	FF		
20780	535200	Professional Services	1000	48.0	80.0	0.0	0.0	0.0	80.0	multiple contracts
20780	535209	Professional Svcs - Interagen	1000 AHO	5.4	8.0	0.0	0.0	0.0	8.0	AHO rate increase effective in FY26. MOU
20780	535300	Other Services	1000	0.9	1.8	0.0	0.0	0.0	1.8	UNM Recycling & Horizon's Shredding services.
20780	535400	Audit Services	1000	23.1	30.1	0.0	0.0	0.0	30.1	Per contract rate, audit rate sheet incorrect.
20780	535500	Attorney Services	1000	9.5	0.0	0.0	0.0	0.0	0.0	
20780	535600	IT Services	1000	24.5	32.0	0.0	0.0	0.0	32.0	RTS Contract rate. Multi year contract
<b>TOTAL EXPENSE</b>				<b>111.4</b>	<b>151.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>151.9</b>	

**DFA Performance Based Budgeting Data System**  
**Annual Performance Report**

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**Agency: 41000 State Ethics Commission**

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**Program:** P410 State Ethics Commission

The purpose of the state ethics commission program is to receive, investigate and adjudicate complaints against public officials, public employees, candidates, those subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers and to ensure that public ethics laws are clear, comprehensive and effective.

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<b>Performance Measures:</b>		<b>2024-25 Target</b>	<b>2024-25 Result</b>	<b>Met Target</b>	<b>Year End Result Narrative</b>
Explanatory	Percent of ethics complaints within the agency's jurisdiction that are either disposed or set for public hearing within one hundred and eighty days after a complaint is received	N/A	98%	N/A	
Output	Percent of advisory opinions issued within sixty days of receipt	90%	100%	Yes	

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Performance Measures Summary

**P410 State Ethics Commission**

**Purpose:** The purpose of the state ethics commission program is to receive, investigate and adjudicate complaints against public officials, public employees, candidates, those subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers and to ensure that public ethics laws are clear, comprehensive and effective.

Performance Measures:		2023-24 Actual	2024-25 Actual	2025-26 Budget	2026-27 Request	2026-27 Recomm
Output	Percent of advisory opinions issued within sixty days of receipt	100%	100%	93%	90%	
Explanatory	Percent of ethics complaints within the agency's jurisdiction that are either disposed or set for public hearing within one hundred and eighty days after a complaint is received	79%	98%	N/A	N/A	

# A Message from the Executive Director

I am pleased to present the *Strategic Plan* for the State Ethics Commission for fiscal year 2027—the Commission’s eighth year. The Commission is an independent, constitutional state agency that promotes the integrity of government through the interpretation, enforcement and improvement of New Mexico’s campaign finance, lobbying, procurement, and governmental conduct laws. In addition to these responsibilities, the Commission now has statutory authority to enforce the Nondisclosure of Sensitive Personal Information Act and provisions of the Revised Uniform Law on Notarial Acts, further broadening its role in protecting transparency, accountability, and the privacy rights of New Mexicans. The Commission maintains very low staff turnover, with no staff vacancies during FY25, and continues to encounter increasing demands in fulfilling its constitutional and statutory mandates to oversee governmental conduct, procurement, and disclosure laws. The Commission remains focused on hiring and achieving full funding for key personnel that are necessary for the Commission to minimally meet its significant mandates. This strategic plan is targeted to those needs.

Sincerely,

Jeremy Farris  
Executive Director  
State Ethics Commission

September 1, 2025



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# Mission Statement

The State Ethics Commission is an independent, constitutional agency committed to preventing and remedying public corruption and building trust in state government. The Commission promotes the integrity of government through the interpretation, enforcement, and improvement of New Mexico's governmental conduct, procurement, campaign finance reporting, and financial disclosure laws.

# Agency Overview

## **Legal Foundation and Creation**

The State Ethics Commission is an independent state agency created by Article V, Section 17 of the New Mexico Constitution and enabled by the State Ethics Commission Act. The Commission's initial Commissioners were appointed on July 1, 2019. The Commission's jurisdiction and enforcement authority began on January 1, 2020.

## **Structure**

The Commission is comprised of seven Commissioners and chaired by a retired judge. The State Ethics Commission Act sets forth both the qualifications to serve as a Commissioner and a procedure for appointing Commissioners that ensures an independent commission: The Governor appoints the Chair, who must be a retired judge. The Speaker of the House, the House Minority Floor Leader, the President Pro Tempore of the Senate, and the Senate Minority leader each appoint a Commissioner. The legislatively appointed Commissioners appoint two other Commissioners.

No more than three Commissioners may be members of the same political party. Except for the initial Commissioners, the Commissioners are appointed for staggered terms of four years. No Commissioner may serve more than two consecutive four-year terms. Commissioners are removable for cause only, following a removal proceeding before the New Mexico Supreme Court. The seven current Commissioners are listed at Appendix I, *infra*.

The Commission hires an Executive Director, who in turn hires the staff, including the Commission's General Counsel. Both the Executive Director and the General Counsel are term-limited positions established by statute. The current and founding Executive Director is Jeremy Farris. The founding General Counsel, Walker Boyd, concluded his term in FY25 and was succeeded by Zachary Goodrich, former Executive Director of the Iowa State Ethics Commission.

**Agency Powers**

The Commission has six core responsibilities:

- (1) to investigate and adjudicate administrative complaints alleging violations of New Mexico's ethics laws;
- (2) to investigate and prosecute violations of the ethics laws through civil enforcement actions in state court;
- (3) to provide guidance to public officers, employees, and the public about New Mexico's governmental conduct, procurement and disclosure laws;
- (4) to investigate and prosecute in administrative proceedings violations of New Mexico's Revised Uniform Law on Notarial Acts;
- (5) to investigate and prosecute violations of the Nondisclosure of Sensitive Personal Information Act; and
- (6) to make annual recommendations to the Governor and the Legislature regarding amendments to New Mexico's ethics laws.

*First*, the Commission may investigate and adjudicate administrative complaints against state government officials, employees, candidates, lobbyists and contractors. These administrative complaints must allege violations of the Campaign Reporting Act, the Financial Disclosure Act, the Gift Act, the Lobbyist Regulation Act, the Voter Action Act, the Governmental Conduct Act, the Procurement Code, the State Ethics Commission Act, or Article IX, Section 14 of the New Mexico Constitution, commonly known as the "Anti-Donation Clause." The Commission may also issue advisory opinions upon appropriate request, opinions which may bind the Commission's decisions in future administrative adjudications.

*Second*, under its discretionary, executive power, the Commission may investigate and initiate enforcement actions in state court to remedy violations of New Mexico's ethics laws, including the Governmental Conduct Act, the Procurement Code, the Financial Disclosure Act, and the Campaign Reporting Act. The Commission may also initiate administrative proceedings and petition state district courts to issue subpoenas related to investigations.

*Third*, the Commission provides guidance to government officers and employees and members of the public about New Mexico's ethics and disclosure laws. The Commission fulfills this responsibility by answering requests for advice through either advisory opinions or informal advisory letters and by offering trainings and guidance materials for public officials and employees. The Commission also provides trainings and presentations to associations that support public officials and employees, including the Municipal League, New Mexico Counties, the New Mexico Public Procurement Association, the New Mexico Society of Certified Public Accountants, and members of the New Mexico State Bar. The Commission's advisory opinions are

published by the New Mexico Compilation Commission and are publicly available on [www.NMOneSource.com](http://www.NMOneSource.com). The Commission has also issued a model code of ethics at 1.8.4 NMAC, which is available for state agencies to adopt in whole or in part.

*Fourth*, under the Revised Uniform Law on Notarial Acts (“RULONA”), the State Ethics Commission has authority to “deny, refuse to renew, revoke, suspend or impose a condition on a commission as a notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public . . .” NMSA 1978, § 14-14A-22(A) (2021). Under this authority, the Commission investigates and adjudicates complaints against notaries public. These administrative cases are handled separately from the Commission’s ethics docket, and they reflect a growing and significant part of the Commission’s work.

*Fifth*, under the Nondisclosure of Sensitive Personal Information Act, the State Ethics Commission has authority to institute civil actions in district court to address or prevent the unlawful disclosure of sensitive personal information by state agency employees. “Sensitive personal information” includes, among other categories, an individual’s status as a recipient of public assistance or as a crime victim; sexual orientation, gender identity, disability, medical condition, immigration status, national origin, or religion; and social security number or individual tax identification number. The Act prohibits intentional disclosures outside the agency except in limited, enumerated circumstances.

*Sixth*, the Commission is tasked to make an annual report to the Governor and the Legislature for amendments to statutes relating to the Commission’s jurisdiction and New Mexico’s ethics laws, including New Mexico’s governmental conduct, procurement, campaign finance reporting, and financial disclosure statutes.

The Commission also has several responsibilities that flow from the core functions described above. The Commission periodically issues and amends administrative rules governing the issuance of advisory opinions (1.8.1 NMAC), commissioner recusals (1.8.2 NMAC), and administrative hearing procedures (1.8.3 NMAC). The Commission also provides the Legislature and the Governor with annual reports on its activities and potential amendments to the laws under the Commission’s jurisdiction. Additionally, to foster a community of attorneys in New Mexico that are familiar with the Commission and the state’s ethics laws, the Commission annually recruits law students at both the University of New Mexico School of Law and out-of-state law schools for paid summer associate positions with the Commission.

# Major Events and Accomplishments (FY25)

## ***Civil Enforcement Actions and Pre-Litigation Settlements:***

- On September 23, 2024, the State Ethics Commission announced a court-approved settlement with The New Mexico Project (TNMP), a political committee that had failed to register and disclose its campaign finance activity. The Commission alleged that TNMP violated the Campaign Reporting Act by failing to register as a political committee and by omitting required disclosures regarding its campaign expenditures and targeted candidates. Without admitting wrongdoing, TNMP agreed to register with the Secretary of State, submit all required campaign finance reports, and pay \$4,000 in penalties and attorneys' fees to resolve the matter.
- On December 11, 2024, the State Ethics Commission announced settlement agreements with three members of the County Livestock Loss Association (CLLA)—Tom Paterson, Nelson Shirley, and Audrey McQueen— who were, and remain, cattle ranchers serving on the CLLA board. The Commission alleged that the members stood to benefit financially from decisions they made on how to allocate public compensation for livestock losses due to Mexican grey wolves. In lieu of litigation under the Governmental Conduct Act, each member agreed to abstain from voting on any compensation decisions that could directly benefit themselves or their ranches. The agreements aimed to preserve the integrity of the decision-making process and prevent self-dealing.
- On March 21, 2025, the State Ethics Commission announced settlement agreements with Luna County officials Chris Brice (County Manager) and Joanne Hethcox (Chief Procurement Officer), as well as former county employee Christie Ann Harvey and her contractor organization, The Greater Luna County Economic Opportunity Council, Inc. The Commission alleged that Harvey violated the Governmental Conduct Act by representing the contractor before the County within a year of leaving her public role and improperly participating in the procurement process while still employed. County officials were also alleged to have awarded over \$400,000 in contracts without using the required competitive RFP process. The parties agreed to monetary penalties, contract cancellation, procurement training, and future compliance measures.
- On April 1, 2025, the New Mexico Court of Appeals reversed a district court ruling that had dismissed administrative complaint no. 2022-11, Castellano v. New Mexico Families Forward (NMFF), for lack of jurisdiction. The case

originated when NMFF sought to have the Commission's hearing officer dismiss the complaint, a request that was denied, prompting NMFF to file a petition for a writ of mandamus in district court. In December 2022, the district court ruled in NMFF's favor, finding the Commission lacked jurisdiction. The Commission appealed, and the Court of Appeals remanded the matter for adjudication. NMFF petitioned the New Mexico Supreme Court for review on May 1, 2025, and the Commission filed a response and conditional cross-petition on May 14, 2025. On June 4, 2025, the Supreme Court denied NMFF's petition, allowing the Court of Appeals' decision to stand and clearing the way for the underlying administrative case to return to the Commission for further proceedings.

- On May 5, 2025, the State Ethics Commission entered into a settlement agreement with former Lake Arthur Fire Department official Ysidro Salazar. The Commission alleged that Salazar violated the Governmental Conduct Act by using public funds allocated to the department to purchase fuel for his personal vehicle on at least twenty occasions, totaling approximately \$1,288. Although Salazar resigned from his public positions and reimbursed the Town of Lake Arthur following an audit finding, the Commission determined that a civil penalty was still warranted. Under the agreement, Salazar admitted to the violations and agreed to pay a \$500 civil penalty to the State of New Mexico, an amount corresponding to two violations of the Act. In return, the Commission agreed to forego filing a civil action.
- On May 9, 2025, the State Ethics Commission announced a settlement with Daniel Flack, the owner of DTF Engineering and D&G Construction, resolving alleged violations of the Procurement Code and Governmental Conduct Act. Flack was accused of improperly participating in governmental decisions that financially benefited his businesses and including a contract provision with the Town of Kirtland that allowed a 15% markup on third-party services and materials—allegedly violating procurement rules. To settle the matter, Flack and his businesses agreed to remit \$6,000, remove the problematic contract provision, and restrict Flack's future involvement in procurement and governmental activities for the duration of the contract.
- On May 28, 2025, the State Ethics Commission announced a settlement with Denny Herrera, Mayor of the Village of Cuba, and his business, DDH, Inc. Fuel Service Station. The Commission alleged that Herrera violated the Governmental Conduct Act by directing Village employees to exclusively refuel government vehicles at his private gas station, creating a financial benefit through his public office. To resolve the matter, Herrera agreed to pay \$3,500 in penalties, disclose his ownership interest in DDH, Inc., and clarify that

Village employees are free to refuel at any station, thereby restoring compliance with procurement laws.

- On June 30, 2025, the State Ethics Commission announced that the Eighth Judicial District Court granted partial summary judgment in *State Ethics Commission ex rel. Village of Angel Fire v. Lindsey, et al.*, ruling that the Procurement Code applied to a \$1 million contract awarded by the Village of Angel Fire to Carristo Creative Consulting LLC. The Commission alleged that Mayor Barry Lindsey, who had a prior business relationship with Carristo Creative, approved the no-bid contract without issuing a request for proposals, in violation of procurement laws. The court found that the contract's wide-ranging scope—including branding, design, marketing, and consulting services—was not exempt under the Code's limited advertising exception. The ruling affirms that public contracts for such services must follow competitive procurement requirements. The Commission previously reached a settlement with Carristo Creative, which included repayment of funds unlawfully received in prepayment. The case against Mayor Lindsey will proceed to trial in September 2025 on the remaining claim that he knowingly violated the Procurement Code.
- On July 21, 2025, the State Ethics Commission announced a settlement agreement with New Mexico Safety Over Profit (NMSOP), a political organization that opposed medical malpractice reform legislation during the 2024 legislative session. The Commission alleged that NMSOP failed to comply with the Lobbyist Regulation Act by neglecting to register as a lobbying organization and by failing to disclose expenditures for a months-long advertising campaign that included newspaper and digital ads. To resolve the allegations, NMSOP provided full disclosure of contributions and expenditures, registered with the Secretary of State, and paid a \$5,000 civil penalty, reinforcing transparency and compliance with state lobbying laws.

***Investigation and Adjudication of Administrative Complaints:***

- In FY25, the Commission received, investigated and adjudicated 73 administrative complaints alleging violations of New Mexico's ethics and disclosure laws. At present, none of the 73 administrative matters filed during FY25 are still pending.
- On June 23, 2025, the Commission announced probable cause in *Vargas v. Kuester* (SEC No. 2025-011), involving allegations that Respondent, Joshua Kuester, a Home Services Practitioner for CYFD while in a divorce proceeding and child custody dispute, violated the Governmental Conduct Act by using the powers and resources of his employment with CYFD to influence the

outcome of an investigation concerning the well-being of the shared-custody children. Hearing Officer David Buchanan subsequently found no evidence to support that the information provided during the proceedings was confidential or that Kuester otherwise obtained confidential information through his employment with CYFD and that there was no evidence to show that the respondent used or disclosed that information, much less for private gain. Therefore, the matter was dismissed for lack of probable cause.

***Advisory Opinions, Education and Trainings, Compliance, and RULONA:***

- In FY25, the Commission issued 6 advisory opinions, available on [www.NMOneSource.com](http://www.NMOneSource.com), and 29 advisory letters. The advisory opinions covered several of the laws under the Commission’s authority:
  - In Commission Advisory Opinion 2024-05, the Commission opined that a district legislative aide (DLA) may participate in nonpartisan activities related to a get-out-the-vote campaign—such as providing support for mailers, and organizing or attending nonpartisan town halls and rallies—so long as the campaign does not constitute electioneering, any use of state property is authorized, and the DLA uses the powers and resources of office only to advance the public interest.
  - In Commission Advisory Opinion 2024-06, the Commission opined that the Indian Affairs Department would not violate the Anti-Donation Clause by providing funds to non-profit Indigenous Centers through a professional services contract or memorandum of understanding, so long as the Department receives consideration under the agreement or the agreement falls within an exception to the Clause, such as providing services for the care and maintenance of sick or indigent persons.
  - In Commission Advisory Opinion 2025-01, the Commission opined that a legislator or candidate for legislative office may use campaign funds to pay for childcare expenses only when those expenses are incurred as a direct result of the duties of legislative office or campaign activities, are reasonably related to those duties or activities, and would not exist but for the legislator’s office or the candidate’s campaign.
  - In Commission Advisory Opinion 2025-02, the Commission opined that the Governmental Conduct Act does not prohibit a public employee from holding a second paying job, provided the employee discloses the job to their employer, is not compensated for work already performed as part of their public duties, and there is no conflict or incompatibility between the positions.

- In Commission Advisory Opinion 2025-03, the Commission opined that a district legislative aide (DLA) may hold full-time employment with another state agency if the positions are not physically or functionally incompatible, the DLA discloses each position in writing to their respective supervisors, and the DLA recuses from any official acts in one position that would affect the other.
- In Commission Advisory Opinion 2025-04, the Commission opined that a legislator may serve on the board of a private, nonprofit organization that receives state grant funding, provided the legislator does not use their legislative position to secure additional funding for the organization, recuses from any legislative actions that would affect the organization, and otherwise complies with the Governmental Conduct Act and other applicable laws.
- In FY25, delivered 22 separate trainings to legislators, legislative committees and staff, state agencies, state boards and commissions, local governments, universities, affiliate and professional organizations, and bar associations around New Mexico.
- On December 6, 2024, the State Ethics Commission announced that it successfully obtained financial disclosure filings from several state agency heads and members of significant boards and commissions, following referrals from the Secretary of State. These individuals, required by the Financial Disclosure Act to file annual disclosures, included those from the Office of the State Engineer, the Military Base Planning Commission, the State Board of Finance, the State Investment Council, and the State Racing Commission. The Commission's efforts ensure compliance with the law, which applies to approximately 675 officials statewide.
- Since January 1, 2022, when the Commission was assigned jurisdiction for notaries public the Commission has received, investigated, or prosecuted over 70 separate administrative matters involving a potential remedial action against a notary public's commission under RULONA. In FY25, the Commission received 18 administrative matters related to notaries public.

**Capacity-Building Accomplishments:**

- In FY24, the Commission organized its staff into three separate functions—enforcement, compliance, and administrative services—to balance workload. In FY25, the enforcement function was expanded to include three attorneys who report to the General Counsel and are responsible for litigation and administrative adjudications, including matters arising under the Revised

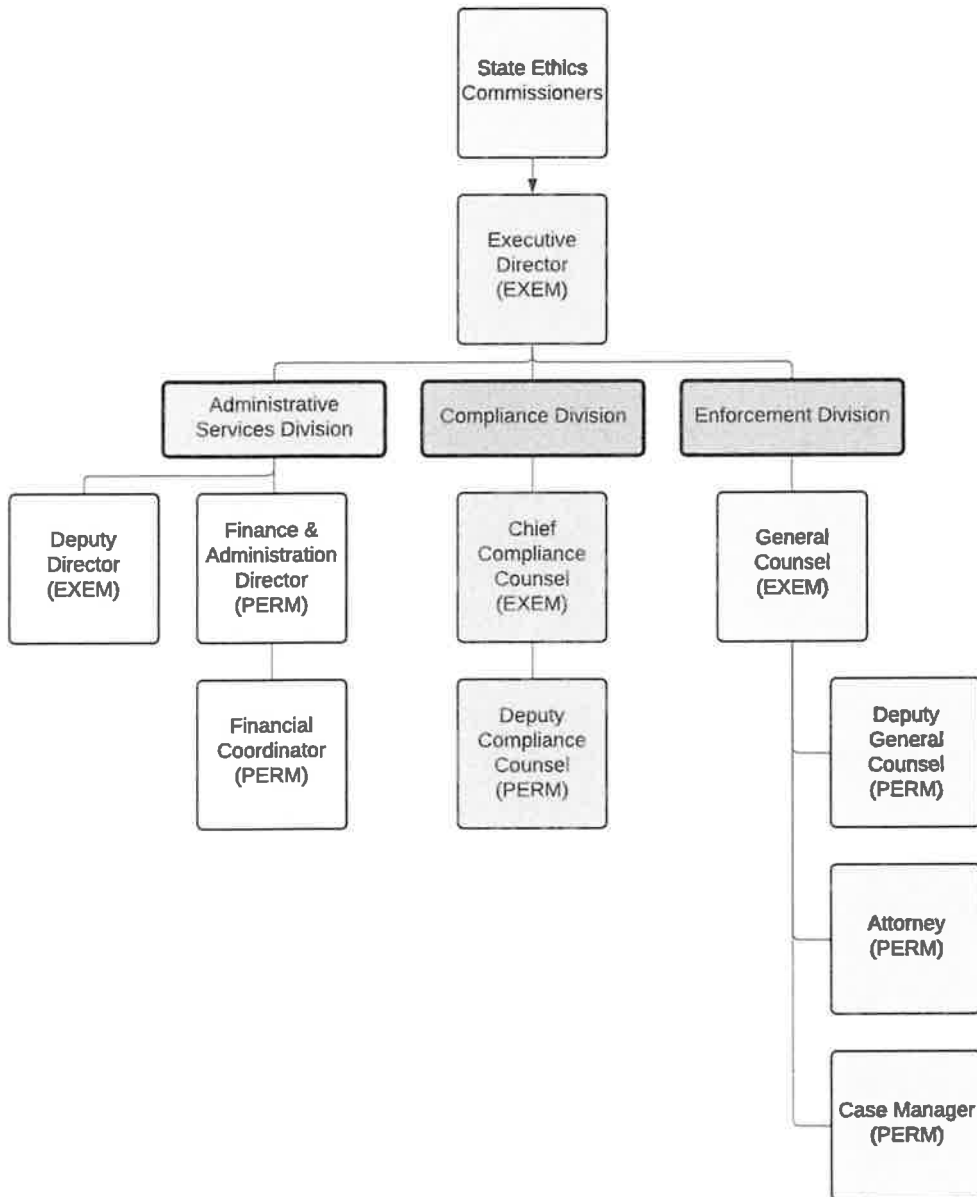
Uniform Law on Notarial Acts (RULONA). The compliance function remains responsible for advisory opinions, education, efforts at voluntary compliance under the statutes the Commission administers, and compliance with regulatory statutes applicable to the Commission's operations, including the Inspection of Public Records Act and the Open Meetings Act. Administrative services continue to oversee budget, audit, financial transactions, and human resources.

- The Commission's founding General Counsel, Walker Boyd, concluded his term in FY25. The agency appointed his successor, Zachary Goodrich, former Executive Director of the Iowa State Ethics Commission.
- In FY25, the Commission expanded its leadership and legal capacity by hiring a Deputy Director and adding another Attorney to its staff.
- In FY25, the Commission hosted its sixth class of law student summer associates—two students from the University of New Mexico School of Law.
- In FY25, the Commission hosted its first research intern from the University of New Mexico's Political Science Department.

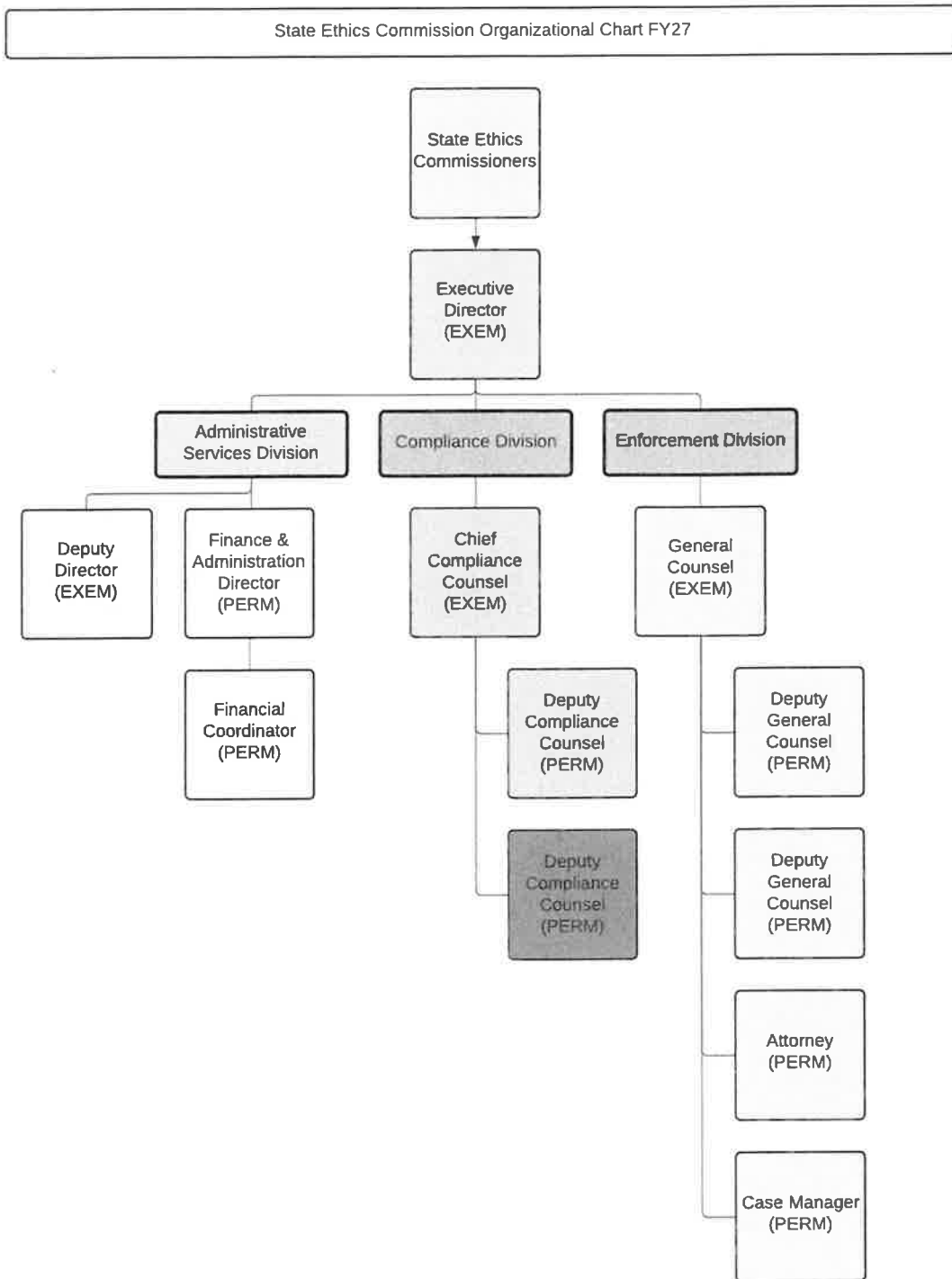
# Organizational Structure

## State Agency Organizational Chart (FY26):

State Ethics Commission Organizational Chart FY26



**State Agency Organizational Chart (FY27):**



\*The position in orange in the above chart reflects the additional position that the Commission seeks as part of its FY27 budget request.

## FY27 Objectives and Strategic Actions

Through FY27, the Commission will retain the same basic objectives as in previous fiscal years: investigation and adjudication of administrative complaints; enforcement of New Mexico's governmental conduct, procurement and disclosure laws; guidance and education; and building the agency's capacity and visibility. Looking forward to FY27, the Commission proposes the following strategic actions.

### **ADMINISTRATIVE ADJUDICATION**

The Commission's primary function is the investigation and adjudication of administrative complaints filed either by members of the public or referred by other state agencies. In FY27, the Commission intends to take the following strategic actions to improve its administrative adjudications:

#### ***Strategic Actions***

- Assign and delegate dedicated attorney staff to issue initial notices, jurisdictional determinations, referrals to other agencies, investigations, and findings of probable cause for administrative cases filed in the Commission subject to the State Ethics Commission Act.
- Continue contracting for hearing-officer services with a retired state judge or retired federal magistrate or bankruptcy judge and with the Administrative Hearings Office.
- Improve the efficiency of complaint filings and other submissions to the Commission by developing an online assessment to determine if an issue falls within the Commission's jurisdiction or implicates the Commission's enforcement authority and the appropriate type of complaint to file.

### **ENFORCEMENT**

The Commission may pursue civil enforcement actions in state court to prevent or remedy violations of the laws provided for in Section 10-16G-9(A) of the State Ethics Commission Act, including the Governmental Conduct Act, the Procurement Code, and the Campaign Reporting Act. This discretionary authority is the Commission's greatest tool to directly vindicate New Mexico's ethics laws. In FY27, the Commission intends to take the following strategic actions to enable and effectuate its enforcement authority:

#### ***Strategic Actions***

- Enter into and operate under an interagency agreement with the New Mexico Department of Justice regarding referrals, information sharing, parallel enforcement, and training.
- Contract for paralegal services to support the Commission's attorneys in the investigation and prosecution of civil enforcement actions and special statutory proceedings.

- File and litigate enforcement actions in state court as necessary and participate as *amicus curiae* on appellate cases implicating New Mexico's ethics laws.
- Review databases of filings under the Campaign Reporting Act, the Lobbyist Regulation Act, and the Financial Disclosure Act.

### **GUIDANCE AND EDUCATION**

The Commission has the responsibility to provide guidance on the Governmental Conduct Act, the Procurement Code and other of the state's ethics and disclosure laws to officials and employees across New Mexico's state and local governments. In FY27, the Commission intends to take the following strategic actions to continue and increase its guidance function:

#### **Strategic Actions**

- Subject to requested appropriations, fully fund one additional attorney position. This position would be dedicated to compliance and advisory work, enabling the Commission to issue more timely and legally sound advisory opinions and advisory letters, and to expand its education and outreach efforts.
- Research and prepare recommended amendments to the state ethics laws for consideration by members of the legislature during future legislative sessions.
- Develop and offer trainings, opinion and editorial pieces, and continuing legal education courses (and related materials) on the Governmental Conduct Act, the Procurement Code, and other laws within the Commission's authority; provide those trainings to both state agencies, local public bodies, and affiliate organizations.
- Expand ethics training through NMEdge, the State of New Mexico Enterprise Learning Management (ELM), and online platforms by developing modules and programs that provide accessible education on ethics laws for state and local government officials and employees.
- Issue advisory opinions and advisory letters upon proper request.
- Work with the New Mexico Compilation Commission to ensure that State Ethics Commission advisory opinions are published on [www.NMOneSource.com](http://www.NMOneSource.com) and New Mexico's statutes are annotated with the growing body of State Ethics Commission advisory opinions.
- Improve the Commission's guidance function by exploring the development of an online application to provide answers to ethics questions based on the Commission's advisory opinions and advisory letters.

### **CAPACITY BUILDING**

FY27 will be the Commission's eighth year. The Commission remains a young state agency, still largely staffed by its original personnel. Notably, in FY27 the Commission will be served by its second General Counsel, following the conclusion of the first General Counsel's term. To further build capacity to perform its basic constitutional

and statutory mandates, in FY27, the Commission intends to take the following strategic actions:

**Strategic Actions**

- Conduct a summer associate program for law students to develop a pipeline of New Mexico lawyers familiar with and concerned about New Mexico's ethics and disclosure laws and the Commission's work enforcing those laws.
- Relatedly, pending approval of the Commission's FY27 request, the Commission seeks to add one additional attorney position. This position would expand capacity by allowing the current compliance attorney, who now splits time between compliance (60%) and enforcement (40%), to focus exclusively on compliance, while dedicating the new position to enforcement responsibilities.

**IMPROVED ENGAGEMENT WITH LOCAL GOVERNMENTS**

While the Commission lacks jurisdiction for administrative complaints filed against local government officials and employees, many of New Mexico's ethics laws apply to these individuals. The Commission interacts with New Mexico local governments in two main ways: First, the Commission provides advisory letters and trainings to local government officials and employees. Second, the Commission has the discretionary authority to commence civil actions in district court to enforce violations of those ethics laws that apply to local government officials and employees. Beyond its enforcement duties and its responsibilities to provide advisory services and trainings, the Commission can more deeply engage with local governments to better ensure compliance with New Mexico's ethics and disclosure laws. To that end, in FY27, the Commission intends to take the following strategic actions:

**Strategic Actions**

- Host an Annual Statewide Ethics Conference to connect local ethics boards across the state, offering networking opportunities, workshops, and discussions on topics such as ethics enforcement, public trust, transparency, and the latest developments in ethics laws.
- Develop a toolkit of resources that local governments can consult to enact local ethics and disclosure ordinances and local ordinances creating local ethics boards to adjudicate local ethics complaints.
- Participate in conferences hosted by the Municipal League, the New Mexico Association of Counties, and the New Mexico Public Procurement Association to discuss best practices and to publicize the Commission's work and resources available to local governments.

**REVISED UNIFORM LAW ON NOTARIAL ACTS (RULONA)**

The Commission may "deny, refuse to renew, revoke, suspend or impose a condition on a commission as a notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public . . . ." § 14-14A-22(A). Under this authority, the Commission investigates and

adjudicates complaints against notaries public. These RULONA administrative cases are handled separately from the Commission’s ethics docket, and they reflect a growing and significant part of the Commission’s work.

**Strategic Actions**

- Subject to requested appropriations, fully fund one additional attorney position. Adding this position would allow the current attorney who divides time between compliance (60%) and enforcement (40%) to shift fully to RULONA enforcement, dedicating resources to this growing docket while strengthening the Commission’s overall enforcement capacity.
- Contract for paralegal services to assist Commission staff attorneys in the management of the RULONA administrative docket.
- Continue to work with the Business Services Division of the Office of the Secretary of State to ensure that Commission adverse actions on notary public commissions are reflected and made available to the public.

**NONDISCLOSURE OF SENSITIVE PERSONAL INFORMATION (ARTICLE 16I)**

The Commission is authorized to enforce the *Nondisclosure of Sensitive Personal Information Act*, NMSA 1978, §§ 10-16I-1 to 10-16I-4. Under this law, state agency employees are prohibited from intentionally disclosing “sensitive personal information” acquired by virtue of their position, except in narrowly defined circumstances. Sensitive personal information includes, among other things, an individual’s status as a recipient of public assistance or a crime victim, sexual orientation, gender identity, disability, medical condition, immigration status, national origin, religion, or social security number. Violations may result in civil penalties of two hundred fifty dollars (\$250) per violation, up to a maximum of five thousand dollars (\$5,000). The Commission shares enforcement authority with the Attorney General and district attorneys and may bring civil actions in district court to prevent or penalize violations.

**Strategic Actions**

- Contract for paralegal services to support the Commission’s attorneys in the investigation and prosecution of civil enforcement actions and special statutory proceedings.
- File and litigate enforcement actions in state court as necessary and participate as *amicus curiae* on appellate cases implicating New Mexico’s ethics laws.
- Coordinate with state agencies to raise awareness of employees’ obligations under the Act and provide technical assistance to ensure compliance.
- Track enforcement activity under the Act to evaluate trends, inform policy recommendations, and support transparency in the protection of sensitive personal information.

## Performance Measures

Under the Accountability in Government Act, NMSA 1978, §§ 6-3A-1 to -10 (1999, as amended 2019), each state agency submits performance measures and outcomes under those measures to the State Budget Division of the Department of Finance and Administration and the Legislative Finance Committee. The Commission's performance measures were recently amended to better reflect agency performance. These amendments were made in consultation with staff of the Legislative Finance Committee and the Department of Finance and Administration. The Commission's current performance measures and outcomes are:

Existing Measure	FY25 Actual	FY27 Target
Percent of advisory opinions issued within sixty days of receipt of request.	100%	90%
Percent of ethics complaints within the agency's jurisdiction that are either disposed of or set for public hearing within 180 days after a complaint is received.	98%*	90%

\* There are several reasons why the Commission sometimes requires more than 180 days to resolve an administrative complaint. There are substantial delays that can occur before a probable cause determination and a hearing. Under applicable regulations (1.8.3 NMAC), the parties to administrative cases may request extensions to deadlines. These requests are routinely made and granted. Further, the Risk Management Division of the General Services Department is required to hire and pay attorneys to represent respondents who are officers or employees of the state. Risk Management Division counsel often request extensions of time to become familiar with the case. Further, parties often elect to challenge Commission subpoenas. Litigating novel and complex issues in front of district courts and the courts of appeal is common, and these proceedings can take longer than 180 days to resolve. Last, it can also take time for the Commission's general counsel and other Commission attorneys to schedule interviews and depositions, working with the schedules of parties and witnesses.

## Considerations

Two considerations are relevant to the Commission's strategic plan for FY27:

1. Since the Commission's creation on July 1, 2019, the Commission has grown in an incremental and fiscally responsible manner. With 10 funded staff positions, the Commission remains very lean in comparison to its constitutional and statutory mandate to ensure compliance with New Mexico's governmental ethics, procurement, and disclosure laws.
2. Under Section 10-16G-10(K) of the State Ethics Commission Act, a public official or state employee who is a respondent to an administrative complaint alleging an ethics violation made in the performance of the respondent's duties shall be entitled to representation by the risk management division of the general services department. After consulting with other state ethics commissions, this provision stands as an aberration among other state ethics regimes. As a result of Section 10-16G-10(K) and considering the incentives of private attorneys providing legal defenses to their clients, administrative matters where respondents are represented by risk counsel tend to generate significant expense for the State and significant work for the Commission's attorney staff. So long as Section 10-16G-10(K) remains the law, the Commission will maintain a concern whether it has adequate attorney staff to investigate and adjudicate administrative ethics cases.

## Appendix I: Current Commissioners

**The current Commissioners are:**

**Hon. William F. Lang, Chair**

Appointing authority: Governor Michelle Lujan Grisham  
Term expires: June 30, 2026

**Jeffrey Baker, Member**

Appointing authority: Legislatively appointed Commissioners  
Term expires: July 26, 2028

**Stuart M. Bluestone, Member**

Appointing authority: Speaker of the House, Javier Martínez  
Term expires: June 30, 2027

**Hon. Celia Castillo, Member**

Appointing authority: President Pro Tem of the Senate, Mimi Stewart  
Term expires: June 30, 2029

**Hon. Gary L. Clingman, Member**

Appointing authority: Legislatively appointed Commissioners  
Term expires: July 26, 2028

**Hon. Dr. Terry MacMillan**

Appointing authority: Minority Floor Leader of the Senate, Gregory Baca  
Term expires: June 30, 2027

**Dr. Judy Villanueva, Member**

Appointing authority: Minority Floor Leader of the House, Gail Armstrong  
Term expires: July 1, 2029

## Appendix II: The Commission's Legal Authority

### **Article V, Section 17 of the New Mexico Constitution**

A. The "state ethics commission" is established as an independent state agency under the direction of seven commissioners, no more than three of whom may be members of the same political party, whose terms and qualifications shall be as provided by law. The governor shall appoint one commissioner. One commissioner each shall be appointed by the president pro tempore of the senate, the minority floor leader of the senate, the speaker of the house of representatives and the minority floor leader of the house of representatives, all as certified by the chief clerks of the respective chambers. Two commissioners, who shall not be members of the same political party, shall be appointed by the four legislatively appointed commissioners.

B. The state ethics commission may initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law, for state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law.

C. The state ethics commission may require the attendance of witnesses or the production of records and other evidence relevant to an investigation by subpoena as provided by law and shall have such other powers and duties and administer or enforce such other acts as further provided by law. (As added November 6, 2018.)

### **NMSA 1978, § 1-19-34.6 (2021) (Campaign Reporting Act)**

A. If the secretary of state exhausts efforts in seeking voluntary compliance and reasonably

believes that a person committed, or is about to commit, a violation of the Campaign Reporting Act, the secretary of state shall refer the matter to the state ethics commission for enforcement; provided, however, that if the secretary of state waives the imposition of a fine pursuant to Subsection D of Section 1-19-35 NMSA 1978, the matter shall not be referred.

B. With or without a referral from the secretary of state, the state ethics commission may institute a civil action in district court for any violation of the Campaign Reporting Act or to prevent a violation of that act that involves an unlawful solicitation or the making or acceptance of an unlawful contribution. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of up to one thousand dollars (\$1,000) for each violation not to exceed a total of twenty thousand dollars (\$20,000), and forfeiture of any contribution received as a result of an unlawful solicitation or unlawful contribution. Each unlawful solicitation and each unlawful contribution made or accepted shall be deemed a separate violation of the Campaign Reporting Act.

C. With or without a referral from the secretary of state, the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Campaign Reporting Act other than that specified in Subsection B of this section. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of up to one thousand dollars (\$1,000) for each violation not to exceed a total of twenty thousand dollars (\$20,000).

### **NMSA 1978, § 1-19-34.8 (2021) (Campaign Reporting Act)**

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a

provision of the Campaign Reporting Act in accordance with the provisions of that act.

B. The secretary of state shall forward complaints it receives alleging violations of the Campaign Reporting Act to the state ethics commission in accordance with the provisions of the Campaign Reporting Act and a formalized agreement.

**NMSA 1978, § 1-19A-15.1 (2021) (Voter Action Act)**

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a provision of the Voter Action Act in accordance with the provisions of the State Ethics Commission Act [10-16G-1 to 10-16G-16 NMSA 1978].

B. The secretary of state shall forward complaints it receives alleging violations of the Voter Action Act to the state ethics commission in accordance with a formalized agreement.

**NMSA 1978, § 2-11-8.2 (2021) (Lobbyist Regulation Act)**

A. The secretary of state shall advise and seek to educate all persons required to perform duties pursuant to the Lobbyist Regulation Act of those duties. This includes advising all registered lobbyists at least annually of the Lobbyist Regulation Act's deadlines for submitting required reports. The state ethics commission, in consultation with the secretary of state, shall issue advisory opinions, when requested to do so in writing, on matters concerning the Lobbyist Regulation Act.

B. The secretary of state may conduct examinations of reports and the state ethics commission may initiate investigations to determine whether the Lobbyist Regulation Act has been violated. Any person who believes that a provision of the Lobbyist Regulation Act

has been violated may file a written complaint with the state ethics commission pursuant to the terms of the State Ethics Commission Act [10-16G-1 to 10-16G-16 NMSA 1978]. If the commission has jurisdiction for the complaint, the state ethics commission shall refer the complaint to the secretary of state. Upon referral, the secretary of state shall attempt to achieve voluntary compliance with the Lobbyist Regulation Act. Within twenty days after receiving the complaint from the state ethics commission, the secretary of state shall return the complaint to the state ethics commission and certify to the state ethics commission whether voluntary compliance was achieved. If the secretary of state certifies voluntary compliance, the state ethics commission shall dismiss the complaint or that part of the complaint alleging a violation of the Lobbyist Regulation Act. If the secretary of state does not certify voluntary compliance, the state ethics commission shall proceed with the complaint pursuant to the terms of the State Ethics Commission Act.

C. The secretary of state and the state ethics commission shall at all times seek to ensure voluntary compliance with the provisions of the Lobbyist Regulation Act. Additionally, the state ethics commission shall give a person who violates that act unintentionally or for good cause ten days' notice to come into compliance before the commission takes any action on a complaint filed with or referred to the commission against that person.

D. Any person who fails to file or files a report after the deadline imposed by the Lobbyist Regulation Act shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required for the filing of the report until the complete report is filed, up to a maximum of five thousand dollars (\$5,000).

E. If the secretary of state determines that a reporting entity subject to the reporting provisions of the Lobbyist Regulation Act has failed to file or has filed a report after the deadline, the secretary of state shall by written notice set forth the violation and the fine that may be imposed and inform the reporting

individual that the individual has ten working days from the date of the letter to come into voluntary compliance and to provide a written explanation, under penalty of perjury, stating any reason why the violation occurred. If a timely explanation is filed and the secretary of state determines that good cause exists to waive the imposition of a fine, the secretary of state may by a written notice of final action partially or fully waive the imposition of a fine for any late report or statement of no activity. A written notice of final action shall be sent by certified mail. The secretary of state may file an appropriate court action to remit outstanding fines for good cause or refer unpaid fines for enforcement pursuant to Subsection F of this section.

F. The secretary of state may refer a matter to the state ethics commission for a civil injunctive or other appropriate order or enforcement.

**NMSA 1978, § 2-11-8.3 (2021) (Lobbyist Regulation Act)**

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a provision of the Lobbyist Regulation Act in accordance with the provisions of that act.

B. The secretary of state shall forward complaints it receives alleging violations of the Lobbyist Regulation Act to the state ethics commission in accordance with the Lobbyist Regulation Act and a formalized agreement.

**NMSA 1978, § 10-16-11 (2021) (Governmental Conduct Act)**

...

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate

to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the state ethics commission and are open to public inspection.

...

E. All legislators shall attend a minimum of two hours of ethics continuing education and training developed and provided, in consultation with the director of the legislative council service, by the state ethics commission or a national state legislative organization of which the state is a member, approved by the director, biennially.

**NMSA 1978, § 10-16-18 (2021) (Governmental Conduct Act)**

A. If the state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act, the state ethics commission may refer the matter to the attorney general or a district attorney for enforcement.

B. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars

(\$250) for each violation not to exceed five thousand dollars (\$5,000).

**NMSA 1978, § 10-16A-8 (2021) (Financial Disclosure Act)**

A. If the state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Financial Disclosure Act, the commission may refer the matter to the attorney general or a district attorney for enforcement.

B. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Financial Disclosure Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

**NMSA 1978, § 10-16B-5 (2019) (Gift Act)**

A. The state ethics commission may initiate investigations to determine whether the provisions of the Gift Act have been violated. A person who believes that a violation of the Gift Act has occurred may file a complaint with the state ethics commission.

B. If the state ethics commission determines that a violation has occurred, the commission shall refer the matter to the attorney general for criminal prosecution.

**NMSA 1978, § 13-1-196 (2019) (Procurement Code)**

Any person, firm or corporation that knowingly violates any provision of the Procurement Code is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each procurement in violation of any provision of the

Procurement Code. The district attorney in the jurisdiction in which the violation occurs or the state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code; provided that the commission may refer a matter for enforcement to the attorney general or the district attorney in the jurisdiction in which the violation occurred. Any penalty collected under the provisions of this section shall be credited to the general fund of the political subdivision in which the violation occurred and on whose behalf the suit was brought.

**NMSA 1978, § 13-1-196.1 (2019) (Procurement Code)**

The state ethics commission may investigate complaints against a contractor who has a contract with a state agency or a person who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a state agency. The state ethics commission may impose the civil penalties authorized in Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the provisions of those sections.

**NMSA 1978, § 10-16G-1 to -16 (2019, as amended through 2023) (State Ethics Commission Act)**

**§ 10-16G-1. Short Title**

Sections 1 through 16 of this act may be cited as the "State Ethics Commission Act".

**§ 10-16G-2. Definitions**

As used in the State Ethics Commission Act:

A. "commission" means the state ethics commission;

B. "commissioner" means a member of the commission;

C. "complainant" means a person who files a verified complaint with the commission;

D. "complaint" means a complaint that has been signed by the complainant and the complainant attests under oath and subject to penalty of perjury that the information in the complaint, and any attachments provided with the complaint, are true and accurate;

E. "director" means the executive director of the commission;

F. "government contractor" means a person who has a contract with a public agency or who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a public agency;

G. "legislative body" means the house of representatives or the senate;

H. "lobbyist" means a person who is required to register as a lobbyist pursuant to the provisions of the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978];

I. "political party" means a political party that has been qualified in accordance with the provisions of the Election Code [Chapter 1 NMSA 1978];

J. "public agency" means any department, commission, council, board, committee, agency or institution of the executive or legislative branch of government of the state or any instrumentality of the state, including the New Mexico mortgage finance authority, the New Mexico finance authority, the New Mexico exposition center authority, the New Mexico hospital equipment loan council and the New Mexico renewable energy transmission authority;

K. "public employee" means an employee of a public agency;

L. "public official" means a person elected to an office of the executive or legislative branch of the state or a person appointed to a public agency; and

M. "respondent" means a person against whom a complaint has been filed with or by the commission.

**§ 10-16G-3. State Ethics Commission Created; Membership; Terms; Removal**

A. The "state ethics commission", as created in Article 5, Section 17 of the constitution of New Mexico, is composed of seven commissioners, appointed as follows:

(1) one commissioner appointed by the speaker of the house of representatives;

(2) one commissioner appointed by the minority floor leader of the house of representatives;

(3) one commissioner appointed by the president pro tempore of the senate;

(4) one commissioner appointed by the minority floor leader of the senate;

(5) two commissioners appointed by the four legislatively appointed commissioners; and

(6) one commissioner appointed by the governor, who shall be a retired judge and who shall chair the commission.

B. No more than three members of the commission may be members of the same political party.

C. The appointing authorities shall give due regard to the cultural diversity of the state and to achieving geographical representation from across the state. Each appointing authority shall file letters of appointment with the secretary of state.

D. Commissioners shall be appointed for staggered terms of four years beginning July 1, 2019. The initial commissioners appointed by the speaker of the house of representatives and senate minority floor leader shall serve an initial term of four years; members appointed by the president pro tempore of the senate and house minority floor leader shall serve an initial term of two years; members appointed by the legislatively appointed members shall serve an initial term of one year; and the member appointed by the governor shall serve an initial term of three years. Members shall serve until their successors are appointed and qualified.

E. A person shall not serve as a commissioner for more than two consecutive four-year terms.

F. When any member of the commission dies, resigns or no longer has the qualifications required for the commissioner's original selection, the commissioner's position on the commission becomes vacant. The director shall notify the original appointing authority of the vacant position. The original appointing authority shall select a successor in the same manner as the original selection was made. A vacancy shall be filled by appointment by the original appointing authority no later than sixty days following notification of a vacancy for the remainder of the unexpired term. A vacancy on the commission shall be filled by appointment by the original appointing authority for the remainder of the unexpired term.

G. The commission shall meet as necessary to carry out its duties pursuant to the State Ethics Commission Act. Commissioners are

entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

H. Four commissioners consisting of two members of the largest political party in the state and two members of the second largest political party in the state constitute a quorum for the transaction of business. No action shall be taken by the commission unless at least four members, including at least two members of the largest political party in the state and two members of the second largest political party in the state, concur.

I. A commissioner may be removed only for incompetence, neglect of duty or malfeasance in office. A proceeding for the removal of a commissioner may be commenced by the commission or by the attorney general upon the request of the commission. A commissioner shall be given notice of hearing and an opportunity to be heard before the commissioner is removed. The supreme court has original jurisdiction over proceedings to remove commissioners, and its decision shall be final. A commissioner is also liable to impeachment pursuant to Article 4, Section 36 of the constitution of New Mexico.

**§ 10-16G-4. Commissioners; Qualifications; Limitations**

A. To qualify for appointment to the commission, a person shall:

- (1) be a qualified elector of New Mexico;
- (2) not have changed party registration in the five years next preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the commission;
- (3) not continue to serve as a commissioner if the member changes party registration after the date of appointment in such a manner as to make the member ineligible to serve on the commission; and
- (4) not be, or within the two years prior to appointment shall not have been, in New Mexico, any of the following:
  - (a) a public official;
  - (b) a public employee;
  - (c) a candidate;

- (d) a lobbyist;
- (e) a government contractor; or
- (f) an office holder in a political party at the state or federal level.

B. Before entering upon the duties of the office of commissioner, each commissioner shall review the State Ethics Commission Act and other laws and rules pertaining to the commission's responsibilities and to ethics and governmental conduct in New Mexico. Each commissioner shall take the oath of office as provided in Article 20, Section 1 of the constitution of New Mexico and, pursuant to the Financial Disclosure Act [Chapter 10, Article 16A NMSA 1978], file with the secretary of state a financial disclosure statement within thirty days of appointment and during the month of January every year thereafter that the commissioner serves on the commission.

C. For a period of one calendar year following a commissioner's tenure or following the resignation or removal of a commissioner, the commissioner shall not:

- (1) represent a respondent, unless appearing on the commissioner's own behalf; or
- (2) accept employment or otherwise provide services to a respondent unless the commissioner accepted employment or provided services prior to the filing of a complaint against the respondent.

D. During a commissioner's tenure, a commissioner shall not hold another public office or be:

- (1) a public employee;
- (2) a candidate;
- (3) a lobbyist;
- (4) a government contractor; or
- (5) an office holder in a political party at the state or federal level.

E. A commissioner who changes political party affiliation in violation of the provisions of Subsection A of this section or who chooses to seek or hold an office in violation of Subsection D of this section shall resign from the commission or be deemed to have resigned.

**§ 10-16G-5. Commission; Duties and Powers**

A. The commission shall:

(1) employ an executive director, who shall be an attorney, upon approval of at least five commissioners;

(2) develop, adopt and promulgate the rules necessary for it to implement and administer the provisions of the State Ethics Commission Act; and

(3) establish qualifications for hearing officers and rules for hearing procedures and appeals.

B. Beginning January 1, 2020, the commission shall:

(1) receive and investigate complaints alleging ethics violations against public officials, public employees, candidates, persons subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers;

(2) hold hearings in appropriate cases to determine whether there has been an ethics violation;

(3) compile, index, maintain and provide public access to all advisory opinions and reports required to be made public pursuant to the State Ethics Commission Act;

(4) draft a proposed code of ethics for public officials and public employees and submit the proposed code to each elected public official and public agency for adoption; and

(5) submit an annual report of its activities, including any recommendations regarding state ethics laws or the scope of its powers and duties, in December of each year to the legislature and the governor.

C. Beginning January 1, 2020, the commission may:

(1) by approval of at least five commissioners, initiate complaints alleging ethics violations against a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer;

(2) petition a district court to issue subpoenas under seal requiring the attendance of witnesses and the production of books, records, documents or other evidence relevant or material to an investigation;

(3) issue advisory opinions in accordance with the provisions of the State Ethics Commission Act;

(4) compile, adopt, publish and make available to all public officials, public employees, government contractors and lobbyists an ethics guide that clearly and plainly explains the ethics requirements set forth in state law, including those that relate to conducting business with the state and public agencies; and

(5) offer annual ethics training to public officials, public employees, government contractors, lobbyists and other interested persons.

**§ 10-16G-6. Executive director; appointment; duties and powers**

A. The commission shall appoint an executive director who shall be knowledgeable about state ethics laws and who shall be appointed without reference to party affiliation and solely on the grounds of fitness to perform the duties of the office. The director shall hold office from the date of appointment until such time as the director is removed by the commission.

B. The director shall:

(1) take the oath of office required by Article 20, Section 1 of the constitution of New Mexico;

(2) hire a general counsel who may serve for no more than five years, unless rehired for up to an additional five years;

(3) hire additional personnel as may be necessary to carry out the duties of the commission;

(4) prepare an annual budget for the commission and submit it to the commission for approval;

(5) make recommendations to the commission of proposed rules or legislative changes needed to provide better administration of the State Ethics Commission Act;

(6) perform other duties as assigned by the commission; and

(7) be required to reapply for the position after six years of service and may serve as director for no more than twelve years.

C. The director may:

(1) enter into contracts and agreements on behalf of the commission; and

(2) have the general counsel administer oaths and take depositions subject to the Rules of Civil Procedure for the District Courts.

D. For a period of one calendar year immediately following termination of the director's employment with the commission, the director shall not:

(1) represent a respondent, unless appearing on the director's own behalf; or

(2) accept employment or otherwise provide services to a respondent, unless the director accepted employment or provided services prior to the filing of a complaint against the respondent.

**§ 10-16G-7. Recusal and Disqualification of a Commissioner**

A. A commissioner may recuse from a particular matter.

B. A commissioner shall recuse from any matter in which the commissioner is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the commissioner can make a fair and impartial decision, including:

(1) when the commissioner has a personal bias or prejudice concerning a party to the proceeding or has prejudged a disputed evidentiary fact involved in a proceeding prior to a hearing. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship that renders the commissioner unable to exercise the commissioner's functions impartially;

(2) when the commissioner has a pecuniary interest in the outcome of the matter; or

(3) when in previous employment the commissioner served as an attorney, adviser, consultant or witness in the matter in controversy.

C. A party to the proceeding may request the recusal of a commissioner and shall provide the commission with the grounds for the request. If the commissioner declines to recuse upon request of a party to the proceeding, the commissioner shall provide a full explanation in support of the refusal to recuse.

D. A party may appeal a commissioner's refusal to recuse, or if the propriety of a

commissioner's participation in a particular matter is otherwise questioned, the issue shall be decided by a majority of the other commissioners present and voting.

E. A disqualified commissioner shall not participate in any proceedings with reference to the matter from which the commissioner is disqualified or recused, and the commissioner shall be excused from that portion of any meeting at which the matter is discussed.

F. Minutes of commission meetings shall record the name of any commissioner not voting on a matter by reason of disqualification or recusal.

G. If two or more commissioners have recused themselves or are disqualified from participating in a proceeding, the remaining commissioners shall appoint temporary commissioners to participate in that proceeding. Appointments of temporary commissioners shall be made by a majority vote of the remaining commissioners in accordance with the political affiliation and geographical representation requirements and the qualifications set forth in the State Ethics Commission Act.

H. The commission shall promulgate rules for the recusal and disqualification of commissioners, for an appeal of a recusal decision and for the appointment of temporary commissioners.

**§ 10-16G-8. Advisory Opinions**

A. The commission may issue advisory opinions on matters related to ethics. Advisory opinions shall:

(1) be requested in writing by a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer;

(2) identify a specific set of circumstances involving an ethics issue;

(3) be issued within sixty days of receipt of the request unless the commission notifies the requester of a delay in issuance and continues to notify the requester every thirty days until the advisory opinion is issued; and

(4) be published after omitting the requester's name and identifying information.

B. A request for an advisory opinion shall be confidential and not subject to the

provisions of the Inspection of Public Records Act.

C. Unless amended or revoked, an advisory opinion shall be binding on the commission in any subsequent commission proceedings concerning a person who acted in good faith and in reasonable reliance on the advisory opinion.

**§ 10-16G-9. Commission Jurisdiction; Compliance Provisions**

A. The commission has jurisdiction to enforce the applicable civil compliance provisions for public officials, public employees, candidates, persons subject to the Campaign Reporting Act [~~1-19-25 to 1-19-36~~ NMSA 1978], government contractors, lobbyists and lobbyists' employers of:

- (1) the Campaign Reporting Act;
- (2) the Financial Disclosure Act [Chapter 10, Article 16A NMSA 1978];
- (3) the Gift Act [~~10-16B-1 to 10-16B-4~~ NMSA 1978];
- (4) the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978];
- (5) the Voter Action Act [~~1-19A-1 to 1-19A-17~~ NMSA 1978];
- (6) the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978];
- (7) the Procurement Code [~~13-1-28 to 13-1-199~~ NMSA 1978];
- (8) the State Ethics Commission Act;
- (9) the Revised Uniform Law on Notarial Acts [Chapter 14, Article 14A NMSA 1978]; and
- (10) Article 9, Section 14 of the constitution of New Mexico.

B. All complaints filed with a public agency regarding the statutes listed in Subsection A of this section shall be forwarded to the commission.

C. The commission may choose to act on some or all aspects of a complaint and forward other aspects of a complaint to another state or federal agency with jurisdiction over the matter in accordance with Subsection E of this section.

D. If the commission decides not to act on a complaint, whether the complaint was filed with the commission or forwarded from another public agency, or decides only to act

on part of a complaint, the commission shall promptly forward the complaint, or any part of a complaint on which it does not wish to act, to the public agency that has appropriate jurisdiction within ten days of the decision. The complainant and respondent shall be notified in writing when the complainant's request has been forwarded to another agency unless otherwise provided pursuant to Subsection H of Section 10-16G-10 NMSA 1978.

E. The commission may share jurisdiction with other public agencies having authority to act on a complaint or any aspect of a complaint. Such shared jurisdiction shall be formalized through an agreement entered into by all participating agencies involved with the complaint and the director. The commission may also investigate a complaint referred to the commission by the legislature, or a legislative committee, in accordance with an agreement entered into pursuant to policies of the New Mexico legislative council or rules of the house of representatives or senate.

F. The commission may file a court action to enforce the civil compliance provisions of an act listed in Subsection A of this section. The court action shall be filed in the district court in the county where the defendant resides.

**§ 10-16G-10. Complaints; Investigations; Subpoenas**

A. A complaint of an alleged ethics violation committed by a public official, public employee, candidate, person subject to the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978], government contractor, lobbyist, lobbyist's employer or a restricted donor subject to the Gift Act [Chapter 10, Article 16B NMSA] may be filed with the commission by a person who has actual knowledge of the alleged ethics violation.

B. The complainant shall set forth in detail the specific charges against the respondent and the factual allegations that support the charges and shall sign the complaint under penalty of false statement. The complainant shall submit any evidence the complainant has that supports the complaint. Evidence may include documents, records and names of witnesses. The commission shall prescribe the forms on which complaints are to be filed. The

complaint form shall be signed under oath by the complainant.

C. Except as provided in Subsection H of this section, the respondent shall be notified within seven days of the filing of the complaint and offered an opportunity to file a response on the merits of the complaint.

D. The director shall determine if the complaint is subject to referral to another state agency pursuant to an agreement or outside the jurisdiction of the commission, and if so, promptly refer the complaint to the appropriate agency. If the director determines that the complaint is within the commission's jurisdiction, the director shall have the general counsel initiate an investigation.

E. The general counsel shall conduct an investigation to determine whether the complaint is frivolous or unsubstantiated. If the general counsel determines that the complaint is frivolous or unsubstantiated, the complaint shall be dismissed, and the complainant and respondent shall be notified in writing of the decision and reasons for the dismissal. The commission shall not make public a complaint that has been dismissed pursuant to this subsection or the reasons for the dismissal.

F. If the general counsel and the respondent reach a settlement on the matters of the complaint, the settlement shall be submitted to the commission for its approval, and if the matter has been resolved to the satisfaction of the commission, the complaint and terms of the settlement shall be subject to public disclosure.

G. If an independent hearing officer determines that there is probable cause, the director shall promptly notify the respondent of the finding of probable cause and of the specific allegations in the complaint that are being investigated and that a public hearing will be set. If the finding of probable cause involves a discriminatory practice or actions by the respondent against the complainant, no settlement agreement shall be reached without prior consultation with the complainant. In any case, the notification, complaint, specific allegations being investigated and any response to the complaint shall be made public thirty days following notice to the respondent. The hearing officer chosen to

consider probable cause shall not participate in the adjudication of the complaint.

H. Notwithstanding the provisions of Subsections C and G of this section, the director may delay notifying a respondent and complainant and releasing to the public the complaint and related information required by Subsection G of this section if it is deemed necessary to protect the integrity of a criminal investigation. A decision whether to delay notifying a respondent shall be taken by a majority vote of the commission and shall be documented in writing with reasonable specificity.

I. As part of an investigation, the general counsel may administer oaths, interview witnesses and examine books, records, documents and other evidence reasonably related to the complaint. All testimony in an investigation shall be under oath, and the respondent may be represented by legal counsel. If the general counsel determines that a subpoena is necessary to obtain the testimony of a person or the production of books, records, documents or other evidence, the director shall request that the commission petition a district court to issue a subpoena.

J. The commission may petition the court for a subpoena for the attendance and examination of witnesses or for the production of books, records, documents or other evidence reasonably related to an investigation. If a person neglects or refuses to comply with a subpoena, the commission may apply to a district court for an order enforcing the subpoena and compelling compliance. All proceedings in the district court prior to the complaint being made public pursuant to Subsection G of this section, or upon entry of a settlement agreement, shall be sealed. A case is automatically unsealed upon notice by the commission to the court that the commission has made the complaint public. No later than July 1 of each even-numbered year, the chief justice of the supreme court shall appoint an active or pro tempore district judge to consider the issuance and enforcement of subpoenas provided for in this section. The appointment shall end on June 30 of the next even-numbered year after appointment.

K. A public official or state public employee who is a respondent who is subject

to a complaint alleging a violation made in the performance of the respondent's duties shall be entitled to representation by the risk management division of the general services department.

**§ 10-16G-11. Status of Investigation; Reports to Commission**

A. If a hearing has not been scheduled concerning the disposition of a complaint within ninety days after the complaint is received, the director shall report to the commission on the status of the investigation. The commission may dismiss the complaint or instruct the director to continue the investigation of the complaint. Unless the commission dismisses the complaint, the director shall report to the commission every ninety days thereafter on the status of the investigation.

B. Upon dismissal of a complaint or a decision to continue an investigation of a complaint, the commission shall notify the complainant and respondent in writing of its action. If the commission has not notified a respondent pursuant to the provisions of Subsection G of Section 10 of the State Ethics Commission Act, the commission shall vote on whether to notify the respondent. A decision whether to continue to delay notifying the respondent shall be taken by a majority vote of a quorum of the commission and shall be documented in writing with reasonable specificity.

**§ 10-16G-12. Investigation Report; Commission Hearings; Decisions and Reasons Given; Disclosure of an Ethics Violation**

A. Upon receipt of the general counsel's recommendation, the commission or hearing officer shall:

- (1) dismiss a complaint and notify the complainant and the respondent of the dismissal; or
- (2) set a public hearing, as soon as practicable.

B. At any time before or during a hearing provided for in Subsection A of this section, the hearing officer may, at a public meeting, approve a disposition of a complaint agreed to

by the general counsel and the respondent, as approved by the commission.

C. The hearing provided for in Subsection A of this section shall be pursuant to the rules of evidence that govern proceedings in the state's courts and procedures established by the commission. An audio recording shall be made of the hearing. The respondent may be represented by counsel. The parties may present evidence and testimony, request the director to compel the presence of witnesses and examine and cross-examine witnesses.

D. The hearing officer shall issue a written decision that shall include the reasons for the decision. If the hearing officer finds by a preponderance of the evidence that the respondent's conduct constituted a violation, the decision may include recommendations for disciplinary action against the respondent, and the hearing officer may impose any fines provided for by law. A finding of fraudulent or willful misconduct shall require clear and convincing evidence.

E. The complainant or respondent may appeal a decision of the hearing officer within thirty days of the decision to the full commission, which shall hear the matter within sixty days of notice of the appeal and issue its decision within 180 days.

F. The commission shall publicly disclose a decision, including a dismissal following a finding of probable cause or the terms of a settlement, issued pursuant to this section. The commission shall provide the decision to the complainant, the respondent and the:

- (1) house of representatives if the respondent is a public official who is subject to impeachment;
- (2) appropriate legislative body if the respondent is a member of the legislature;
- (3) respondent's appointing authority if the respondent is an appointed public official;
- (4) appropriate public agency if the respondent is a public employee;
- (5) public agency with which the respondent has a government contract if the respondent is a government contractor; and
- (6) secretary of state and the respondent's employer, if any, if the respondent is a lobbyist.

G. The commission shall produce a quarterly report subject to public inspection containing the following information:

- (1) the number of complaints filed with and referred to the commission;
- (2) the disposition of the complaints; and
- (3) the type of violation alleged in the complaints.

**§ 10-16G-13. Confidentiality of Records; Penalty**

A. A decision that a respondent's conduct constituted a violation, and the terms of a settlement approved by the commission, are public records. Pleadings, motions, briefs and other documents or information related to the decision are public records, except for information that is confidential or protected pursuant to attorney-client privilege, provider-patient privilege or state or federal law.

B. If a complaint is determined to be frivolous, unsubstantiated or outside the jurisdiction of the commission, the complaint shall not be made public by the commission; provided that the commission shall not prohibit the complainant or respondent from releasing the commission's decision or other information concerning the complaint.

C. Except as otherwise provided in the acts listed in Section 9 of the State Ethics Commission Act, all complaints, reports, files, records and communications collected or generated by the commission, hearing officer, general counsel or director that pertain to alleged violations shall not be disclosed by the commission or any commissioner, agent or employee of the commission, unless:

- (1) disclosure is necessary to pursue an investigation by the commission;
- (2) disclosure is required pursuant to the provisions of the State Ethics Commission Act; or
- (3) they are offered into evidence by the commission, respondent or another party at a judicial, legislative or administrative proceeding, including a hearing before a hearing officer.

D. Information and reports containing information made confidential by law shall not be disclosed by the commission or its director, staff or contractors.

E. A commissioner, director, staff or contractor who knowingly discloses any confidential complaint, report, file, record or communication in violation of the State Ethics Commission Act is guilty of a petty misdemeanor.

**§ 10-16G-14. Criminal Violations; Referral**

If the commission finds at any time that a respondent's conduct amounts to a criminal violation, the director shall consult with the attorney general or an appropriate district attorney, and the commission may refer the matter to the attorney general or an appropriate district attorney. The commission may provide the attorney general or district attorney with all evidence collected during the commission's investigation. Nothing in this section prevents the commission from taking any action authorized by the State Ethics Commission Act or deciding to suspend an investigation pending resolution of any criminal charges.

**§ 10-16G-15. Time Limitations on Jurisdiction**

A. The commission shall not accept or consider a complaint unless the complaint is filed with the commission within the later of two years from the date:

- (1) on which the alleged conduct occurred; or
- (2) the alleged conduct could reasonably have been discovered.

B. The commission shall not adjudicate a complaint filed against a candidate, except pursuant to the Campaign Reporting Act or Voter Action Act, less than sixty days before a primary or general election. During that time period, the commission may dismiss complaints that are frivolous or unsubstantiated or refer complaints that are outside the jurisdiction of the commission.

C. A complainant shall be notified in writing of the provisions of this section and shall also be notified in writing that the complainant may refer allegations of criminal conduct to the attorney general or the appropriate district attorney.

D. When commission action on a complaint is suspended pursuant to the provisions of this section, the respondent shall promptly be

notified that a complaint has been filed and of the specific allegations in the complaint and the specific violations charged in the complaint.

**§ 10-16G-16. Prohibited Actions**

A. A person shall not take or threaten to take any retaliatory, disciplinary or other adverse action against another person who in good faith:

(1) files a verified complaint with the commission that alleges a violation; or

(2) provides testimony, records, documents or other information to the commission during an investigation or at a hearing.

B. A complainant and a respondent shall not communicate ex parte with any hearing officer, commissioner or other person involved in a determination of the complaint.

C. Nothing in the State Ethics Commission Act precludes civil or criminal actions for libel or slander or other civil or criminal actions against a person who files a false claim.

**NMSA 1978, § 10-16I-4. (2025)**  
**Enforcement; penalties. (Nondisclosure of Sensitive Personal Information)**

The attorney general, a district attorney and the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act. Penalties for a violation of that act shall be a civil penalty of two hundred fifty dollars (\$250) for each violation, but not to exceed five thousand dollars (\$5,000).

**NMSA 1978, § 14-14A-22 (2022) (Revised Uniform Law on Notarial Acts)**

A. The state ethics commission may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

(1) failure to comply with the Revised Uniform Law on Notarial Acts;

(2) a fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the state ethics commission;

(3) a conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit during the term of the notary public's commission or during the five years immediately preceding such term;

(4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;

(5) failure by the notary public to discharge any duty required of a notary public, whether by the provisions of the Revised Uniform Law on Notarial Acts, rules of the secretary of state or any federal or state law;

(6) use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have;

(7) violation by the notary public of a rule of the secretary of state regarding a notary public;

(8) denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;

(9) failure of the notary public to maintain an assurance as provided in Subsection D of Section 20 [14-14A-20 NMSA 1978] of the Revised Uniform Law on Notarial Acts; or

(10) if the individual ceases to be a resident of this state or ceases to be employed in this state.

**§ 14-14A-24. Prohibited acts.**

I. An individual who performs a purported notarial act with knowledge that the individual's commission as a notary public has expired or that the individual is otherwise disqualified from the office of notary public or as a notarial officer is guilty of a misdemeanor and upon conviction shall be punished by a fine of five hundred dollars (\$500) and shall be removed from office by the state ethics commission.



## FY27 Appropriation Request Checklist

Agency Name: State Ethics Commission

Business Unit: 41000

### Reports to Include in PDF Submission

Form #	Title	Agency Level
<input checked="" type="checkbox"/>	<b>Cvr Ltr</b> Cover Letter	<i>Agency Level</i>
<input checked="" type="checkbox"/>	<b>S-1</b> Certification	<i>Agency Level</i>
<input checked="" type="checkbox"/>	<b>S-2</b> Organizational Chart	<i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	<b>S-8</b> Financial Summary (BFM)	<i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	<b>S-9</b> Account Code Revenue / Expenditure Report	<i>Agency/Program Level</i>
<input type="checkbox"/>	<b>S-10</b> Fund Balance Projection	<i>Fund Level</i>
<input checked="" type="checkbox"/>	<b>S-13</b> Detail of Rate Line Items (see instructions)	<i>Agency Level</i>
<input checked="" type="checkbox"/>	<b>P-1</b> Program Narrative	<i>Program Level</i>
<input type="checkbox"/>	<b>R-2</b> Transfer Report	<i>Agency Level</i>
<input checked="" type="checkbox"/>	<b>REV/EXP</b> Revenue-Expenditure Comparison Report	<i>Agency/Program Level</i>
<input type="checkbox"/>	<b>FFRW</b> Detail of Federal Funds Revenue Worksheet	<i>Agency/Program Level</i>
<input type="checkbox"/>	<b>EB-1</b> Expansion Justifications	<i>Program Level</i>
<input type="checkbox"/>	<b>EB-2</b> Expansion Fiscal Summary	<i>Program Level</i>
<input type="checkbox"/>	<b>EB-3</b> Expansion Line Item Detail	<i>Program Level</i>
<input type="checkbox"/>	<b>LFR</b> Legislating for Results Expansion Tool	<i>Program Level</i>
<input checked="" type="checkbox"/>	<b>E4</b> Pcode Detail	<i>Program Level</i>
<input checked="" type="checkbox"/>	<b>E5</b> Contract by Pcode	<i>Program Level</i>
<input type="checkbox"/>	<b>SAR</b> Special Appropriation Request Report	<i>Agency Level</i>
<input checked="" type="checkbox"/>	<b>APR</b> Annual Performance Report	<i>Program Level</i>
<input checked="" type="checkbox"/>	<b>Table 2</b> Table 2 Performance Measure Summary	<i>Program Level</i>
<input checked="" type="checkbox"/>	<b>SP</b> Strategic Plan	<i>Agency Level</i>
<input type="checkbox"/>	<b>ITP</b> Information Technology Plan	<i>Agency Level</i>
<input type="checkbox"/>	<b>C-1</b> Base Operating Budget	<i>Agency Level</i>
<input type="checkbox"/>	<b>C-2</b> IT Request Plan	<i>Agency Level</i>
<input type="checkbox"/>	<b>Perf Audit</b> Update to LFC Performance Audits (within last 2 years)	<i>Agency Level</i>

### Documents to Attach in BFM (PDF Optional)

### Where to Attach

<input checked="" type="checkbox"/>	<b>Board Cert</b> Board or Commission Budget Certification	<i>Form 9900</i>
<input type="checkbox"/>	<b>E-6B</b> Leased Passenger-Related Vehicles	<i>Form 3300/4300</i>