

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**ETHICS BOARD**

**November 1, 2023**

**Santa Fe, New Mexico**

1. This meeting of the Santa Fe County Ethics Board was convened by Assistant County Attorney Roger Prucino at approximately 5:30 p.m. on the above-cited date at the Johnson Street Conference Room, 100 Catron Street, Santa Fe.

2. The following members were present and affirmed the meeting was properly called:

**Members Present:**

Frances Carlson  
Jesse Guillen  
Jonelle Maison  
Tom Quaid  
Clifford Rees

**Member(s) Absent:**

None

**County Staff Present:**

Gabe Bustos, Staff Liaison  
Roger Prucino, Assistant County Attorney  
Sara Smith, Operations Director (via Webex)

**Others Present:**

Hank Hughes, District 5 Commissioner

3. **Approval of Agenda**

Mr. Prucino recommending switching items 5 and 6 to get a chair elected as soon as possible.

Mr. Rees suggested including clarification of the following items: the County's policy on dissemination of information by board members i.e., speaking to the press; and acceptable political activity by board members, i.e., working for a candidate, campaign contributions.

Ms. Maison referred to a handout outlining the policy on board members speaking to the media. Mr. Prucino stated those items could be addressed as part of the general overview.

Mr. Rees asked if the date of the next meeting would be give under announcements. He noted a discussion of board training on the Open Meetings Act, IPRA, and the Governmental Conduct Act would be welcome to ensure they are meeting all ethical requirements. Mr. Prucino indicated all that can be discussed under announcements.

Ms. Maison moved to approve, accepting the friendly amendments, and Mr. Rees seconded. The motion to approve the agenda passed without opposition.

#### **4. Introductions**

Those present introduced themselves. Mr. Prucino said he is filling in for Estevan Sanchez who generally attends these meetings.

#### **6. Election of Chair and Vice Chair**

Mr. Rees nominated Ms. Maison as chair and Ms. Carlson seconded. There were no further nominations and Ms. Maison was unanimously elected chair.

Mr. Rees nominated himself as vice chair. There were no other nominations and Mr. Quaid seconded the nomination. Upon unanimous voice vote Mr. Rees was named vice chair.

Ms. Maison took over the duties of chair.

#### **5. Overview of Ethics Board Structure and Responsibilities**

Copies of the County's Code of Conduct was distributed to the board members. Mr. Prucino shared a power point presentation, and Mr. Bustos said this should be available on BoardDocs. Mr. Rees asked that an org chart of the County be provided.

Chair Maison asked if they were in the position of providing advisory opinions and Mr. Prucino confirmed that was one of the board's activities.

Mr. Rees asked for clarification of the bullet stating one cannot be associated with County government in any way. Mr. Prucino said the statute says exactly that.

Mr. Quaid asked about the policy on public participation. Mr. Prucino stated after a complaint has gone through the contract attorney investigation and determination process, a public hearing takes place, which are conducted subject to the Open Meetings Act. Regarding the regular meetings of the Ethics Board, public comment can only occur during the public comment section, and there is no back and forth dialogue.

Mr. Rees expressed his desire for clarity on issues such as serving as an election judge and registering voters. Chair Maison said the implication of the second bullet is that the prohibition applies to only one member.

Chair Maison pointed out that the board members are also subject to the state regulations.

Things such as the Governmental Conduct Act are available in libraries and online. Mr. Rees referred in particular to the Attorney General’s Compliance Guide, which is also online and is in the process of being revised.

Ms. Carlson asked who does the actual investigation. Mr. Prucino explained that employees are not subject to the actions of the Ethics Board. For the other categories, the CCEO (County Contract Ethics Officer) conducts the investigation after initial vetting of threshold questions by the Legal Department. He added he was not aware of when the Ethics Board is notified of complaints.

Mr. Rees noted the CCEO acts as investigator and prosecutor. Mr. Prucino confirmed that the CCEO makes a report and recommendations. There is a two-year statute of limitations.

Chair Maison noted if the CCEO recommends dismissal the complainant can appeal.

Mr. Guillen referred to the statement “The jurisdiction of the Ethics Board is limited to the scope of matters covered by the Santa Fe Code of Conduct.” Mr. Prucino said in formal hearings, the board is limited to enforcing or making determinations based on County ordinances including the Code of Conduct. He didn’t believe they were required to enforce state laws.

Mr. Rees stated it appeared the board’s purview and jurisdiction were fairly narrow. Mr. Prucino said he didn’t believe there was any jurisdiction over the state Governmental Conduct Act but he would look into that.

Chair Maison asked if the board’s decision was a final agency decision. Are appeals handled *de novo*. Mr. Rees said Section 22 explains that appeals can be made to the District Court.

There was discussion regarding the rules for administrative hearings. Mr. Prucino said the Open Meetings Act addresses some of the issues, which is reviewed yearly and identifies such things as noticing requirements. Mr. Rees said he would be interested in a citation on that.

Given the infrequency of meetings and communications occurring through email, Ms. Carlson asked for clarification on the issue of “rolling quorums.” Mr. Rees said that is covered by pages 7 and 8 of the Open Meetings Act commentary on the Attorney General’s website. There are three different compliance guides for three different statutes. Ms. Carlson expressed her concern that her personal email be subject to public exposure. She has been the subject of public disclosure requests in the past. Mr. Prucino said that is an ongoing discussion at the County and could be part of the training. Conflicts can arise.

Mr. Prucino indicated the last slide of the power point summarizes the three significant duties of the board. When a complaint appears before the board, *ex parte* communication and conflict of interest issues become important.

Mr. Rees said it appears the board acts as judge/jury.

Ms. Carlson asked if the Code applies to contract employees. Mr. Prucino said he was not aware of any instances of that occurring. Mr. Rees said they would be subject to contract remedies. Governmental contractors can be under the jurisdiction of the State Ethics Commission because of the definition of governmental contractor.

Ms. Carlson asked if they could get a redacted copy of a previous complaint acted on by the board. Chair Maison said the process hasn't happened, and there has only been one advisory opinion.

Mr. Guillen asked if executive sessions could occur during hearings. Mr. Rees said it's possible deliberations could occur in closed session as occurs in some state proceedings and the final action occurs in open session.

Chair Maison said it appears censure is their only remedy because if there is a criminal offense it will trigger involvement of law enforcement and the district attorney, although this would probably be determined before it came to the board. She reviewed the penalties outlined in the code. Page 15 speaks to the issue of deliberation.

Chair Maison asked about training. Mr. Quaid noted that all employees get annual ethics training. This board worked on the training program.

Mr. Rees suggested the board take that training. Chair Maison recommended having HR provide information on feedback from the training. Mr. Prucino said the training takes place in person.

Mr. Rees asked for data on the types of complaints that have been filed, and how those were resolved. Chair Maison asked Mr. Bustos to check into that.

## **7. Announcements**

Mr. Quaid made a motion to meet on the first Wednesday of every second month, in the odd months, at 5:30 p.m. Ms. Carlson seconded. The next meeting was scheduled for January 3, 2024. The motion carried by unanimous voice vote.

Mr. Rees pointed out communication should take place through staff including suggestions for agenda items. Information such as the org chart or links to pertinent documents can be forwarded via email.

**8. Adjournment**

Upon motion by Mr. Quaid and second by Ms. Carlson, and with no further matters to come before this body, the meeting was declared adjourned at approximately 6:52 p.m.

Approved by:

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Jonelle Maison, Chair  
Ethics Board

Respectfully submitted by:

Debbie Doyle, Wordswork

# DRAFT

SUBJECT TO APPROVAL