



STATE ETHICS COMMISSION

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

Jeremy D. Farris, Executive Director

August 18, 2022

Via Electronic Mail

Sharon Pino
Deputy Secretary of State and Chief of Staff
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87501
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Re: Referral of State Ethics Commission Case No. 2022-032 pursuant to NMSA 1978, Subsection 1-19-34.4(C).

Dear Deputy Secretary of State Pino,

On August 17, 2022, the State Ethics Commission received an administrative complaint, which the Commission has assigned No. 2022-032, that is subject to referral to the Office of the Secretary of State. In this matter, the complainant, Greg Gallegos, alleges that the respondent, Cynthia4nmhouse, a candidate committee, violated Sections 1-19-34(B) and 1-19-34.7 of the Campaign Reporting Act, NMSA 1978, §§ 1-19-25 to -37 (1979, as amended 2021). *See* Attach 1., Compl., *Gallegos v. Cynthia4nmhouse*, No. 2022-032 (State Ethics Comm'n, Aug. 17, 2022).

Because the State Ethics Commission has jurisdiction for this complaint, the complaint's Campaign Reporting Act claims are subject to referral to the Office of Secretary of State under Subsection 1-19-34.4(C) of the Campaign Reporting Act. So that the parties to the administrative matter are fully apprised of the statutorily required process, that subsection provides:

Any person who believes that a provision of the Campaign Reporting Act has been violated may file a written complaint with the state ethics commission pursuant to the terms of the State Ethics Commission Act. 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 Campaign Reporting Act. Within *thirty-five 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 voluntarily compliance, the state ethics commission shall dismiss the complaint or that part of the

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complaint alleging a violation of the Campaign Reporting Act. If the secretary of state does not certify voluntarily compliance, the state ethics commission shall proceed with the complaint pursuant to the terms of the State Ethics Commission Act.

See NMSA 1978, § 1-19-34.4(C) (2021); *see also* Substitute Joint Powers Agreement for Shared Jurisdiction Under the Campaign Reporting Act between the New Mexico State Ethics Commission and the New Mexico Secretary of State, at § II(A) (Aug. 17, 2021), *available at* <https://www.sec.state.nm.us/wp-content/uploads/2021/08/2021-08-16-Amendment-No.-1-to-JPA-for-CRA-MTO-JDF-DFA-signed.pdf> (last accessed Mar. 31, 2022);

Accordingly, the Commission requests that the Office of the Secretary of State review the attached complaint. If the Office of Secretary of State is able to certify voluntarily compliance with the Campaign Reporting Act, please provide that certification by **September 22, 2022**.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,

/s/ Jeremy Farris
Jeremy Farris
Executive Director
State Ethics Commission

(Enclosures)

cc: Walker Boyd, General Counsel, State Ethics Commission (via email:
Walker.Boyd@state.nm.us)

Mandy Vigil, Director, Elections Division, Office of the Secretary of State (via email:
Mandy.Vigil@state.nm.us)

Greg Gallegos, *Complainant to Case No. 2022-032* (via Proceedings Portal and email:
info@kghnm.com)

Cynthia4nmhouse, *Respondent to Case No. 2022-032* (via Proceedings Portal and email:
cborrego@comcast.net)