

new mexico

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**ETHICS  
WATCH**

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**NMEW** Report No. 1



# LEARNING TO WALK

## NEW MEXICO'S ANEMIC FINANCIAL DISCLOSURE REGIMEN

A Report from New Mexico Ethics Watch

NMEW Report No. 1

*by Lucy River and Douglas Carver*



## **PART I. Personal Financial Disclosure in New Mexico**

There is a venerable proverb that you have to learn to walk before you learn to run. Ethics reformers in New Mexico would do well to heed that proverb, for while much of the energy in the state is focused on the possibility and parameters of a state ethics commission, there are a plethora of basic steps to policing the ethics of state officials that New Mexico has not yet taken. Chief among these are the personal financial disclosures required from elected and appointed state officials.

Most people when they hear the term “financial disclosure” think immediately of campaign finance disclosure – the need for the people to know who is funding the campaigns of our elected officials. Disclosure of who is paying for someone’s campaign for elective office is critical for a healthy democracy, and is one of the few aspects of campaign finance regulation that has been consistently upheld by the Supreme Court, even in its current recent hostility to other aspects of campaign finance regulation. Yet this is only one piece of the ethical puzzle surrounding public officials. Campaign finance disclosure helps to let the public know whether a politician is acting for the benefit of a corporate or private interest, perhaps instead of, or over and above, the interests of the politician’s constituents. But personal financial disclosures get to something more fundamental – whether an elected or appointed official is operating to benefit him- or herself. And in these disclosures, New Mexico falls woefully short.<sup>1</sup>

Additionally, it needs to be remembered that while there are many who wish to know who is paying for the campaigns of our elected officials, there are scores of officials in the state who make decisions day to day who never have to submit themselves to the scrutiny of an electoral campaign. Aside from one or two high profile controversial appointments, most gubernatorial appointees are confirmed by the New Mexico Senate with barely any discussion or review, other than someone on the Senate floor singing their praises for a minute or two. There are also many people in positions of significance and influence who make decisions concerning procurement, disposal of assets, investment of state resources and the like who never face even the pro forma

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<sup>1</sup> Justin Horwath of the *Santa Fe New Mexican* wrote an admirable piece on personal financial disclosures in September of 2016, one of the few times attention on the gaps in the state’s system of personal financial disclosures have been discussed at length. That article is available at [http://www.santafenewmexican.com/news/local\\_news/inaccurate-financial-disclosures-leave-voters-in-dark/article\\_9f40569a-a084-578b-80a5-51e24717608b.html](http://www.santafenewmexican.com/news/local_news/inaccurate-financial-disclosures-leave-voters-in-dark/article_9f40569a-a084-578b-80a5-51e24717608b.html).

scrutiny of the Senate. The only opportunity the people have to determine whether these individuals might have a potential conflict in their work is the state's Financial Disclosure Statement.

Yet despite personal financial disclosures being among the best, or often only, window into possible conflicts of interest for state officials, our financial disclosure laws are woefully weak. The basic law is found in the Financial Disclosure Act.<sup>2</sup> The Act is admirably brief, and requires the filing of financial disclosure statements on a prescribed form by candidates for legislative or statewide offices (when the candidate's declaration of candidacy is filed); legislators or those holding statewide office (in January of each year); and state agency heads or officials whose appointment to a board or commission is subject to confirmation by the state Senate (within 30 days of appointment and each January thereafter). There are also reporting requirements for spouses of these individuals. In addition, there are provisions for state employees or officials to disclose possible conflicts between the person's financial interests and the acts he or she might undertake – these disclosures are to be made in writing to the Secretary of State, but not on a “prescribed form” as is required for other officials. Notably, for these individuals there is no explicit requirement for disclosure of spousal financial interests. The Secretary of State has preliminary authority for policing the Act, with the Attorney General or a District Attorney having supplementary authority.

The reporting requirements of the act are where the truck- (or building-) sized loopholes appear. The requirements are as follows:

- The name and mailing and residence addresses of the those covered by the statement, though, oddly, spouses are not required to disclose their address;
- The name and address of the filing party and his or her spouse's employer, with a description of the business or occupation;
- All sources of gross income over \$5,000 for those covered in the statement, to be identified by broad and general categories, some of which are identified in the Act;
- A law or consulting business should have a general description of any specialized nature of the practice;
- A particular requirement that if someone in the law or consulting firm was a registered lobbyist in the state during the reporting year or the prior year, a list of all clients represented in those years;

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<sup>2</sup> Section 10-16A-1 NMSA 1978 *et seq.*

- A general description of real estate held in the state, apart from a personal residence, and the county in which such real estate is held;
- Other business interests not otherwise declared in the state worth over \$10,000;
- Memberships held by the reporting party and his or her spouse on boards of for-profit businesses in New Mexico;
- Any New Mexico business licenses held;
- Identification of any state agency that was sold goods or services over \$5,000 in the prior year;
- Identification of any state agency, other than a court, before which someone included on the report represented or assisted a client in the prior year; and
- A general “other interests” category.

These requirements seem comprehensive and thorough, but that is an illusion.

The reporting requirements are so broad and non-specific that a properly completed form tells the public virtually nothing about a person’s financial interests. To look just at basic income, it is one thing if a person takes an action that could have an effect on a source of income that generates \$5,001 a year for that person. It is something else entirely if that source of income generates \$5,000,001 a year – yet there is nothing in the Financial Disclosure Act to let the public know the scale with which we are reckoning. It is the same with business interests – there is a tremendous difference to most of us between a \$10,000 business and a \$10,000,000 business. In addition, the law explicitly only requires *general* statements of business, and *general* descriptions of real estate holdings, and generally excludes financial interests that are out of state. Financial interests of only a person’s spouse are covered – but what about family businesses, in which a person may have a minimal stake, or no stake? That the address of one’s spouse does not need to be disclosed is strange, as is the requirement that real property owned specifically excludes a person’s personal residence. In fact, there is no way to know from the form whether one owns or rents one’s residence. One can follow the law to the letter and the public will still know virtually nothing about possible conflicts of interest.

There are also some odd, even inexplicable, requirements in the Act. For instance, the Act requires that the Secretary of State mail the prior year’s form to an elected official, which would seem at a minimum to encourage the replication of errors or oversights – as well as adding more work on an already overburdened state office. Additionally, the Act requires that the forms only be retained for five years after the date of filing. There can be no good reason for this rapid destruction of these documents,

particularly when statewide elected officials can hold office for eight years (and that is presuming they do not then assume a different office), there are many legislators whose service to the state extends far beyond five years, and cabinet secretaries to a governor often hold their positions for longer than five years.

It does not have to be this way. Many states have financial disclosure reporting requirements that are more comprehensive than those in New Mexico, and provide the residents of those states far more information about state officials than we do here, information that the people of those states can use to determine whether an official has acted for his or her own benefit rather than the benefit of the state. These states, for example, look at a wider range of possible conflicts other than merely those posed by a person's spouse; require income or real property to be reported in ranges or bands; or look at issues of trusts and partnerships.<sup>3</sup> While there are states that have weaker requirements than New Mexico, we should strive to be among those that are the most open. This is particularly so when our state's legislators have their legislative duties for only a limited time of the year. The potential for self-dealing in New Mexico is exacerbated when a part-time Legislature is combined with weak personal financial disclosure.

The weakness of our financial disclosure regimen is one thing – but we do not even get the basics right for our weak law.

Despite the general – even generic – disclosure requirements in New Mexico, NMEW has found that many forms submitted to the Secretary of State are incomplete and improperly completed, yet were accepted anyway. It is evident that the Secretary of State's office does not conduct even a minimal review of the forms. So not only is the law in and of itself incredibly weak, its minimal requirements are not being policed.

In order to get a sense of how the state's personal financial disclosure regimen works (or doesn't), NMEW sent Inspection or Public Records Act requests for the financial disclosure forms of the Governor, the Lieutenant Governor, and their inner circles; Cabinet Secretaries; and all members of the Legislature.<sup>4</sup> What we found was that despite having weak and ineffective financial disclosure laws that require a minimal amount of

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<sup>3</sup> The National Conference of State Legislatures has various tables concerning personal financial disclosure in the states on its website. See the following link: <http://www.ncsl.org/research/ethics/financial-disclosure.aspx>. The table specifically tallying income reporting requirements can be found at this link: <http://www.ncsl.org/research/ethics/financial-disclosure-for-legislators-income.aspx>.

<sup>4</sup> The initial requests were sent before the November 2016 elections. This discussion is based on members of the Legislature and cabinet secretaries in office at that time.

reporting, even that seems to be too much for some officials to get right, or for the Office of the Secretary of State to track.<sup>5</sup> The results of NMEW's preliminary investigation of personal financial disclosures constitute Part II of this report.<sup>6</sup>

In Part III of this report, we advocate for specific changes that the Secretary of State and the Legislature can make regarding the Financial Disclosure Act. Getting the forms filled out correctly is a *de minimus* initial goal. It is bad enough that the state has such anemic reporting requirements. It is unforgivable that even these minimal requirements are not enforced or policed.

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<sup>5</sup> It should be noted that this investigation was conducted before the present Secretary of State took office. Part III of this report will have recommendations for action for the new Secretary of State.

<sup>6</sup> Ultimately, NMEW will be tracking votes and official actions against the financial disclosure forms – but until New Mexico gets a stronger, and better enforced, financial disclosure regimen, it will be difficult to ascertain whether the state has a problem with self-dealing among state officials.

## **Part II. The Forms**

### *Introduction & Methodology*

In order to conduct research into the filing of financial disclosure statements by government and elected officials, a series of Inspection of Public Records Act (IPRA) requests were sent to the Office of the Secretary of State for documents filed between 2014 and 2016.<sup>7</sup> As the forms were received from the Secretary of State's office, information from the documents was entered into a spreadsheet, and tabulated by year for ease of reference. In all, over 561 documents were logged and analyzed. Findings regarding the filling-out of financial disclosure statements and filing procedures are discussed in this report.

While in general most of the requested forms were received without problem, some of the IPRA responses lacked all of the documents that had been requested. These requests required either a follow-up, multiple follow-ups, or resubmission of a new IPRA request in order to determine whether documents were simply missing from the response sent by the Secretary of State's office, or if those documents existed at all. At the writing of this report, some documents are still outstanding.

For instance, the 2016 form for Brent Earnest, Secretary for the Human Services Department, states he took office as Cabinet Secretary on December 1, 2014. Despite this, his 2015 disclosure form was not released, even after several follow-up inquiries. The Secretary of State's office informed NMEW by email, "If the Financial Disclosures for Mr. Earnest . . . [is] not there it means [he] did not file a Financial Disclosure with our office." Similarly, the 2016 form for M. Jay Mitchell, Secretary at the state's Department of Homeland Security and Emergency Management, was not disclosed, nor was the 2014 form for Jack Fox, Secretary of the Department of Veterans' Services. Forms that should have been filed by Secretaries Weaver (in April 2016) and Copeland (in August 2015) within 30 days of their being appointed as the heads of their respective agencies were not disclosed.

NMEW also requested the financial disclosure statements for the chief of staff for the Governor and the Lieutenant Governor, and for any other advisors to the Governor or Lieutenant Governor who have to file disclosures. We eventually received forms for Keith Gardner, the Governor's Chief of Staff, and Mark Van Dyke, the Lieutenant Governor's Chief of Staff, but only after multiple requests to the Office of the Secretary of State. Mr.

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<sup>7</sup> A list of the individuals for whom NMEW requested financial disclosure forms can be found in the appendix to this report.

Van Dyke's 2015 form was never received, and the forms we did receive were well outside the 15-day limit prescribed under IPRA.<sup>8</sup>

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<sup>8</sup> Again, it should be noted that the IPRA requests were initiated before the present Secretary of State took office. While recognizing that the Chiefs of Staff are not necessarily required under statute to file financial disclosure statements, it is still odd that there is a gap for Mr. Van Dyke.

*Findings*

a) Of the 561 statements reviewed, at least 26 were not date-stamped by the Secretary of State, so there is no way to determine whether they were filed in a timely fashion.

b) Despite the January deadline for those filing annually, NMEW found at least two statements that were filed later than required, in February:

The Financial Disclosure Statements (FDS) filed by public officials pursuant to the financial disclosure act are public records open to public inspection during regular office hours and shall be retained by the state for five years from the date of filing. If you would like to request a copy of an FDS please submit a request by contacting our office at 1.800.477.3632 or via [E-mail](#).

For individuals who are required to file an annual FDS, the 2016 Financial Disclosure Statement form is available [online](#). Annual Financial Disclosure Statements are due during the month of January. [Click here](#) for an example of a correctly filed FDS.

Who Must Disclose	Filing Dates
Candidates for legislative and statewide offices.	At the time a declaration of candidacy or nominating petition is filed.
Incumbents in legislative and statewide offices.	During the month of January.
A state agency head or official whose appointment to a board or commission is subject to senate confirmation.	Within 30 days of appointment and during the month of January every year thereafter.
State employees and public officials with financial interests that may be affected by their employment or service, but who are otherwise not required to file.	Prior to entering employment or assuming office and during the month of January every year thereafter.
State employees in the executive branch who, by Executive Directive, are required to file.	Upon taking office and during the month of January every year thereafter (or as otherwise directed by Executive Directive).

STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE

Bureau of Elections, Ethics Administration  
325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
Phone: (505) 827-3600 Toll-Free: (800) 477-3632 Fax:  
(505) 827-8403

RECEIVED  
16 FEB -9 AM 10:48  
OFFICE OF  
SECRETARY OF STATE

**2016 Financial Disclosure Statement**

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
ACKLEY	DARRYL	M

STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE

RECEIVED

16 FEB -1 AM 9:22

Bureau of Elections, Ethics Administration  
325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
Phone: (505) 827-3600 Toll-Free: (800) 477-3632 Fax:  
(505) 827-8403

OFFICE OF  
SECRETARY OF STATE

## 2016 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Gallagher	Kathryn	Lynn
Residence Address	Email Address	
	lynn.gallagher@state.nm	
City	State	Zip
Santa Fe	NM	87505

c) Some forms were not signed by the person submitting it, but were still accepted:

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Signature: \_\_\_\_\_ Date: 1-15-15

Printed Name: Michael S. Sanchez

4

And:

2016 MAR -8 PM 12: 21

OFFICE OF  
SECRETARY OF STATE

Bureau of Elections, Ethics Administration  
325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
Phone: (505) 827-3600 Toll-Free: (800) 477-3632 Fax:  
(505) 827-8403

## 2016 Financial Disclosure Statement

Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Pinto	John	
Residence Address		Email Address
509 W. Morgan Ave.		
City	State	Zip
Gallup	New Mexico	87301
Mailing Address (If different from above)		

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

d) Other statements seemed to have been filed in duplicate or triplicate—the same exact form date-stamped by the Office of the Secretary of State on differing dates. For example, two Cabinet Secretaries’ 2014 statements were identical apart from the date stamp:

STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE  
DIANNA J. DURAN

Bureau of Elections, Ethics Administration  
325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
Phone: (505) 827-3600 Toll-Free: (800) 477-3632  
Fax: (505) 827-4954

### 2014 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
BARELA	JONATHAN (JON)	L.

STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE  
DIANNA J. DURAN

Bureau of Elections, Ethics Administration  
325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
Phone: (505) 827-3600 Toll-Free: (800) 477-3632  
Fax: (505) 827-4954

### 2014 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
BARELA	JONATHAN (JON)	L.

Or:



I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Signature: Hanna Skandera Date: 1.15.14

Printed Name: Hanna Skandera

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e) Many individuals did not select the appropriate filing category, or simply left it blank:

## 2014 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

1. REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Unthawik	Robert	Michael
Residence Address	Email Address	
4607 Hilltop Pl N.E.		

Or:

STATE OF NEW MEXICO  
 OFFICE OF THE SECRETARY OF STATE  
 DIANNA J. DURAN

16 JAN 23 PM 4:37  
 STATE

Bureau of Elections, Ethics Administration  
 325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87501  
 Phone: (505) 827-3600 Toll-Free: (800) 477-3632  
 Fax: (505) 827-4954

## 2014 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Marcaute	Gregory	Paul

f) Some did not select the correct filing status (e.g. appointed vs. employee vs. public officer), while some selected several. There seems to be general confusion as to whether an incumbent who is also running for that same office in an election year should file two statements, or one form but checking both boxes. The instructions don't give direction, as can be seen here:

FILING STATUS		Employment Status
<input type="checkbox"/> CANDIDATE FOR	Office:	
<input type="checkbox"/> INCUMBENT IN	Office:	
<input type="checkbox"/> APPOINTED TO	Board or Commission subject to Senate Confirmation:	
<input checked="" type="checkbox"/> PUBLIC OFFICER WITH	Agency Name:	
<input checked="" type="checkbox"/> EMPLOYEE OF	Agency Name: NM DWS	1/1/2011

EMPLOYER INFORMATION			
Employer's Full Name	Employer's Phone Number		
NM Department of Workforce Solutions (505) 847-8405			
P.O. Box or Street Address of Employer	City	State	Zip
401 Broadway NE	Alb	NM	87102
Title or Position (held by reporting individual)	Nature of business or occupation		
Cabinet Secretary	Government		

Vs.

FILING STATUS <i>Please check the appropriate box and fill in the requested information</i>		Date assumed office, employed, or appointed
<input checked="" type="checkbox"/> CANDIDATE FOR	Office: State Rep Dist 49	1998
<input checked="" type="checkbox"/> INCUMBENT IN	Office: State Rep Dist 49	

Vs:

1. REPORTING INDIVIDUAL		
Last Name Kaufman-Bell	First Name Vivette	Middle H.
Residence Address 624 Vista Viva Ln	State NM	Email Address 87121
City	State	Zip
Mailing Address (If different from above)		
City	State	Zip

FILING STATUS <i>Please check the appropriate box and fill in the requested information</i>		Date assumed office, employed, or appointed
<input type="checkbox"/> CANDIDATE FOR	Office:	
<input type="checkbox"/> INCUMBENT IN	Office:	
<input type="checkbox"/> APPOINTED TO	Board or Commission subject to Senate Confirmation:	
<input checked="" type="checkbox"/> PUBLIC OFFICER WITH	Agency Name: NM Office of African American Affairs	2/18
<input type="checkbox"/> EMPLOYEE OF	Agency Name:	

g) There were errors in entries pertaining to sources of gross income over \$5,000. For instance, one filer stated a company name and rental property as the recipients of income:

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Business owner	Artivus CRM Solutions LLC
Rental Property	Residential Rental Properties (below)

And that was not the only time this occurred:

Last Name	STRICKLER	First Name	<del>MA</del> MARIE	Initials	R
Name of Spouse's Employer	HOMEMAKER				
Address of Spouse's Employer	2204 N. SAN DIEGO AVE				
City	FARMINGTON, NM	State		Zip	87401
Spouse's title or position held	Nature of business or occupation				

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
SUN LAND & MINERALS CO	CONDO P HILLIPS
ENCLAVA OIL & GAS	MCELLANE ENERGY
RED WILLOW OIL & GAS	RAYLETS OPERATING
LOGOS RESOURCES	MANANA OIL & GAS
XTO ENERGY	HUNTINGTON CANYON LARGE

h) Some individuals cited per diems as income. Many (almost all others) who should receive per diems, principally legislators, did not:

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
STATE OF NEW MEXICO SALARY, BENEFITS, PER DIEM REFUNDS	TOM CHURCH

i) Some declared their retirements as income. Some did not:

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
NM PERS	JACK R FOX
Social Security	JACK R FOX / Cleta MARVINE FOX
US Military Retirement	JACK R FOX

j) Several people entered their employer as 'self-employed,' or, 'self,' with their title being simply, 'consultant,' and therefore the nature of the source of their

income remains a secret. For example, a former Cabinet Secretary's husband's source of income as a consultant is not revealed on the form below, due to the vague nature of the disclosure. Typically, this would be disclosed in Section 3. It is important to note, however, that despite the requirements of the Act, the instructions for Section 3 do not make it clear that income to one's spouse is supposed to be entered here, although many of those who have filled out these statements have elected to place it there:

2. SPOUSE OF REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Medina	Jessie	
Name of Spouse's Employer Consultant		
Address of Spouse's Employer 5300 Beebe St NE		
City	State	Zip
Albuquerque	New Mexico	87111
Spouse's title or position held Self-employed		Nature of business or occupation Consulting

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Wages	Self
Consulting	Spouse
Investments	Self/Spouse

There are further examples of the negative aspects of putting down consulting or self-employed in the employer section. The following scenarios do not disclose the true source of income or the client, which is the point of the disclosure.

Example from a Senator's form:

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION			
Employer's Full Name		Employer's Phone Number	
Self Employed		575-522-0259	
P.O. Box or Street Address of Employer		City	State
1410 Chaparro #15		Las Cruces	NM
		Zip	
		88001	
Title or Position held by reporting individual		Nature of business or occupation	
Owner		Real Estate Investor	

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Investment Income	Self
E & H Properties	Self

Example from another Representative's 2014 form:

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION			
Employer's Full Name	Employer's Phone Number		
D + B Enterprise	575-546-9376		
P.O. Box or Street Address of Employer	City	State	Zip
420 S. State	Deming	NM	88030
Title or Position held by reporting individual	Nature of business or occupation		
Owner	Contract		

Nowhere on her form did it state what type of business D + B Enterprise undertakes.

Example from yet another Representative's 2014 form:

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION			
Employer's Full Name	Employer's Phone Number		
WJ Consulting	703 200 3688		
P.O. Box or Street Address of Employer	City	State	Zip
Box 3215	Gallup	NM	87305
Title or Position held by reporting individual	Nature of business or occupation		
Owner	Consulting		

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
WJ Consulting	Doreen Wanda Johnson
4. If reporting individual or spouse is involved in a law practice, consulting operation or similar business:	
Describe the major areas of specialization or sources of income.	Income received by (list the name of the reporting individual or spouse)
Consulting Services	WJ Consulting - Doreen Wanda Johnson

Note, her 2015 form revealed her business to involve event management. These discrepancies between forms are common.

k) One Senator basically signed an empty form. She declared no income, no retirement, no support, no contract income, no per diems. Nothing.

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
N/A	

6. Real estate owned in New Mexico: (other than personal residence)			
Owner	County	General description	
N/A			
7. Other business interests in New Mexico of \$10,000 or more:			
Name of business	Position held	By whom (list name of reporting individual or spouse)	Purpose of business
N/A			

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Signature: J.M. G Date: 1/21/15

Printed Name: Linda M. Lopez

Or:

## 2015 Financial Disclosure Statement

- Annual Filing     Filing with Declaration of Candidacy  
 Within 30 days of Appointment or Employment

<b>1. REPORTING INDIVIDUAL</b>		
Last Name	First Name	Middle
Irwin	Dona	G
Residence Address	Email Address	
420 S. State		

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
NONE	

l) Hand-written statements were often nearly illegible, as was the case with this Representative's statements:

Last Name	STRICKLER	First Name	<del>JOHN</del> MARIE	Middle	R
Name of Spouse's Employer					
HOMEMAKER					
Address of Spouse's Employer					
2204 N. SAN DIEGO AVE					
City	FARMINGTON, NM			State	Zip
				97401	
Spouse's title or position held			Nature of business or occupation		

3. All sources of gross income of more than \$5,000 during the prior calendar year. (For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or source, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
SUN LAND & MINERALS CO	CONDO P HILLIPS
ANCAVA OIL & GAS	MCELLANE ENERGY
RED WILLOW OIL & GAS	RAYLETS OPERATING
LOGOS RESOURCES	MANANA OIL & GAS
XTO ENERGY	HUNTINGTON CANYON LARGE

m) Many financial disclosure forms are missing/have inaccurate employer information. For instance, this Representative, in his 2014, 2015, and 2016 statements, fails to enter his employer information. Even if he is self-employed, retired, or unemployed, there should be some entry in the section entitled 'Reporting Individual's Employer' Information:

Last Name	Townsend	First Name	JAMES	Middle	Greer
Residence Address			Email Address		
69 W Compress Rd			townsend@PVTN.NET		
City	Artesia	State	NM	Zip	88210
Mailing Address (If different from above)					
City			State		Zip

FILING STATUS <i>Please check the appropriate box and fill in the requested information</i>		Date assumed office, employed, or appointed
<input checked="" type="checkbox"/> CANDIDATE FOR	Office: N.M. St. Rep. Dist 54	
<input checked="" type="checkbox"/> INCUMBENT IN	Office: N.M. St. Rep. Dist 54	
<input type="checkbox"/> APPOINTED TO	Board or Commission subject to Senate Confirmation:	
<input type="checkbox"/> PUBLIC OFFICER WITH	Agency Name:	
<input type="checkbox"/> EMPLOYEE OF	Agency Name:	

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION			
Employer's Full Name		Employer's Phone Number	
P.O. Box or Street Address of Employer		City	State Zip
Title or Position held by reporting individual		Nature of business or occupation	

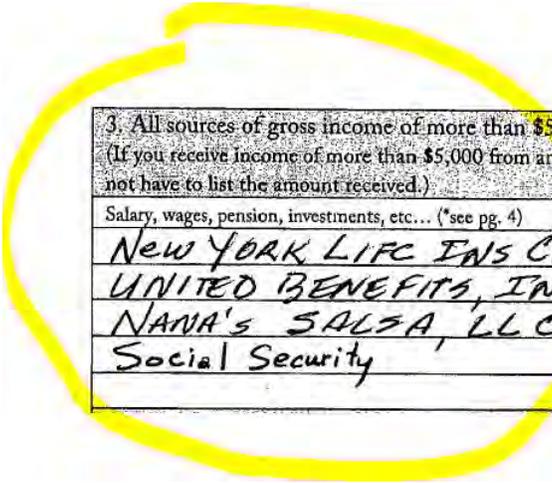
One Representative failed to disclose her income earlier in 2016 during her annual filing, but once she filed as a candidate for Secretary of State several months later, she disclosed Nana's Salsa and her husband's income as income:

Form stamped January 19, 2016:

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
	N/A

Vs. form stamped February 2, 2016:



3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
NEW YORK LIFE INS CO	AMADO ESPINOZA
UNITED BENEFITS, INC	AMADO ESPINOZA
NANA'S SALSA, LLC	NORA ESPINOZA
Social Security	Amado Espinoza

Another Representative did not enter any income sources in Section 3 of either his 2014 or 2016 annual statements. When he filed for candidacy in 2016, however, he did declare income for both him and his spouse:

3. All sources of gross income of more than \$5,000 during the prior calendar year. \*For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
95,000	Tim and Jennifer Lewis

Another Representative's 2014 form listed both himself and his spouse as working at Los Alamos National Laboratory, yet he only listed his salary in Section 3 under income, excluding his spouse's. He also did not list income from his contracting business (referenced in Section 7 of his form). Incidentally, his 2015 form *did* correctly list Tri-Son as income, and his wife's salary as income in Section 3.

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION			
Employer's Full Name		Employer's Phone Number	
Los Alamos National Laboratory		(505) 665-0375	
P.O. Box or Street Address of Employer		City	State Zip
P.O. Box 11663		Los Alamos	NM 87544
Title or Position held by reporting individual		Nature of business or occupation	
Senior Researcher		Material Science & Engineering	

2

2. SPOUSE OF REPORTING INDIVIDUAL		
Last Name	First Name	Middle
Cerrota	Ellen	K.
Name of Spouse's Employer		
Los Alamos National Laboratory		
Address of Spouse's Employer		
P.O. Box 11663		
City	State	Zip
Los Alamos	NM	87544
Spouse's title or position held		Nature of business or occupation
Material Scientist		Material Science

3. All sources of gross income of more than \$5,000 during the prior calendar year. For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)

Salary, wages, pension, investments, etc... (see pg. 4)	Received by (list the name of the reporting individual or spouse)
Job (Los Alamos National Laboratory)	Carl Trujillo

4. If reporting individual or spouse is involved in a law practice, consulting operation or similar business:			
Describe the major areas of specialization or sources of income.		Income received by (list the name of the reporting individual or spouse)	
5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:			
Client name & address		Represented by (list the name of the reporting individual's firm or spouse's firm)	
6. Real estate owned in New Mexico: (other than personal residence)			
Owner	County	General description	
Carl Trujillo Ellen Carrera	Santa Fe	2.4 acres vacant land	
7. Other business interests in New Mexico of \$10,000 or more:			
Name of business	Position held	By whom (list name of reporting individual or spouse)	Purpose of business
Tri-Son Development Inc.	President	Self	Construction

n) One Representative's 2014 form shows basic entry errors and misunderstanding of what's required in filling out the form. She reports herself as being retired. When entering her spousal information, rather than entering her spouse's employment title and area of employment, she enters her own information. Presumably she thinks that under her spouse's information, where it asks for "spouse's title or position held," she should (mistakenly) enter her own, "State Rep 25". This is another example of why clearer instructions are needed.

1. REPORTING INDIVIDUAL:		
Last Name <b>TRUJILLO</b>	First Name <b>CHRISTINE</b>	Middle <b>V</b>
Residence Address <b>1923 Madeira Dr NE NM</b>		Email Address <b>cvtrujillo@msn.c</b>
City <b>Albuquerque</b>	State <b>NM</b>	Zip <b>87110</b>
Mailing Address (If different from above) <b>same</b>		
City	State	Zip

FILING STATUS <i>Please check the appropriate box and fill in the requested information</i>		Date assumed office, employed, or appointed
<input type="checkbox"/> CANDIDATE FOR	Office:	
<input checked="" type="checkbox"/> INCUMBENT IN	Office: <b>HD 25 State Rep</b>	<b>Jan 19, 2013</b>
<input type="checkbox"/> APPOINTED TO	Board or Commission (subject to Senate Confirmation):	
<input type="checkbox"/> PUBLIC OFFICER WITH	Agency Name:	
<input type="checkbox"/> EMPLOYEE OF	Agency Name:	

REPORTING INDIVIDUAL'S EMPLOYER INFORMATION				
Employer's Full Name <b>N/A RETIRED</b>		Employer's Phone Number		
P.O. Box or Street Address of Employer		City	State	Zip
Title or Position held by reporting individual		Nature of business or occupation		

2

2. SPOUSE OF REPORTING INDIVIDUAL:		
Last Name <b>Petty</b>	First Name <b>Dale</b>	Middle <b>M</b>
Name of Spouse's Employer <b>consultant</b>		<b>Petty &amp; Associates</b>
Address of Spouse's Employer <b>1923 MADEIRA DR NE</b>		
City <b>ALB</b>	State <b>NM</b>	Zip <b>87110</b>
Spouse's title or position held <b>State Rep 25</b>		Nature of business or occupation <b>Retired</b>

Interestingly, on her 2015 form, she declared ownership of land, both her own and belonging to her spouse. She did not declare this land in 2014. It is quite possible that she bought land in between filing years, but this leads to our recommendation that whoever receives and stamps the statements, compares one year's form to the prior year's form to follow up on such oddities.

6. Real estate owned in New Mexico: (other than personal residence)		
Owner	County	General description
<b>Christine Trujillo</b>	<b>Taos</b>	<b>RURAL LAND</b>
<b>Dale Petty</b>	<b>Clovis</b>	<b>RURAL LAND</b>

In 2016, the same Representative filed an annual form (stamped on January 26, 2016) and later a declaration of candidacy form (stamped on March 8, 2016). On the former, she declared her real estate as follows:

6. Real estate owned in New Mexico: (other than personal residence)		
Owner	County	General description
Self	Taos	1.5 acres mountain
Husband	Clovis	30 acres farmland

vs. three months later, on the declaration of candidacy form, her husband's property in Clovis had grown by 110 acres:

6. Real estate owned in New Mexico: (other than personal residence)		
Owner	County	General description
CHRISTINE TRUJILLO	TAOS	1 1/2 acre <del>mountain</del> mountain property
Dale Petty	Clovis	140 acres farm land

Again, this could simply indicate an accrual of additional landholdings. But such shifts should prompt the Secretary of State to follow up with the filer to confirm that the form reflects accurate information.

o) In her 2014 annual disclosure, a Representative seems to explicitly flout the requirements of the Financial Disclosure Act. Rather than declaring her husband's law firm clients that engaged in lobbying, she simply states that they are, "numerous," instead of listing each one:

5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:	
Client name & address	Represented by (list the name of the reporting individual's firm or spouse's firm)
Hinkle Law Firm represents numerous clients that lobby directly through industry organizations or through lobbyists.	

Neither did she take the opportunity to list those clients in the income section of the form:

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Interest	Joint
DIVIDENDS	Joint
CATTLE SALES	Joint
LEGAL/ Oil & Gas Income	Spouse

Similarly, in her 2015 annual filing:

5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:	
Client name & address	Represented by (list the name of the reporting individual's firm or spouse's firm)
HINKLE LAW FIRM represents numerous clients that lobby indirectly AND directly through industry organizations OR through lobbyists.	

And again in 2016:

5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:	
Client name & address	Represented by (list the name of the reporting individual's firm or spouse's firm)
HINKLE LAW FIRM represents numerous clients that lobby indirectly AND directly through industry organizations OR through lobbyists.	

p) Another Representative's 2016 form listed her spouse as a lobbyist. In section 5 of that form it notes that there is supposedly an attachment listing the Representative's clients, but the Secretary of State's office did not attach that list, if it existed on record at all. Despite a follow-up request, the attachments are still outstanding as of the publishing of this report.

5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:	
Client name & address	Represented by (list the name of the reporting individual's firm or spouse's firm)
New Mexico Government Affairs P.O. Box 32616 SF, NM 87594	Scott Scaylen
See attached for clients	

q) In 2014, 2015, and 2016, one Representative stated that either he or his spouse provided services to a State agency in excess of \$5,000. The Representative neglected to list the name of the person providing the goods or services, as required, instead inputting, "apartment rentals"; and he did not actually list the rentals as an income source elsewhere on the form:

10. State agencies to which you or your spouse provided goods or services in excess of \$5,000 during the prior calendar year:	
Agency to which services or goods were provided	Person providing goods or services (list the name of the reporting individual or spouse)
Taos City Housing Authority 4239 N DCBU TAOS NM	apartment rentals

Here is Section 3 of that form:

3. All sources of gross income of more than \$5,000 during the prior calendar year. *For the list of all sources, see page 4. (If you receive income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Contract for educ services	spouse
NMERA retirement	spouse
NMERA retirement	self
Social Security	Self

r) In one Representative's 2014 form, there was supposed to be an attachment listing his wife's lobbying clients. The list is missing from the IPRA response,

despite a follow-up request for the documents:

3. All sources of gross income of more than \$5,000 during the prior calendar year. (For the list of all sources, see page 4. If you have gross income of more than \$5,000 from any source(s) you must report each source, or sources, of that income. However, you do not have to list the amount received.)	
Salary, wages, pension, investments, etc... (*see pg. 4)	Received by (list the name of the reporting individual or spouse)
Salary	Moe Justice Law Office / Maestas
Salary	Alarid Consulting / Alarid
4. If reporting individual or spouse is involved in a law practice, consulting operation or similar business:	
Describe the major areas of specialization or sources of income.	Income received by (list the name of the reporting individual or spouse)
Personal Injury - Auto	Moe Justice Law / Maestas
Criminal Defense - Misd.	Moe Justice Law / Maestas
Consulting	Alarid Consulting / Alarid
5. If the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was a registered lobbyist in the previous two years, disclose all clients represented:	
Client name & address	Represented by (list the name of the reporting individual's firm or spouse's firm)
See Attachment A	Vanessa Alarid / Alarid Consulting

Many of these errors, omissions or oversights may seem trivial – but given how slight New Mexico’s personal financial disclosure reporting requirements are, there is no excuse for getting it wrong. And it is evident from this preliminary investigation that the Office of the Secretary of State is conducting minimal, if any, oversight of the Financial Disclosure Act.

## **Part III. Conclusions and Recommendations**

New Mexico Ethics Watch has a two-pronged proposal for initial reforms of the state's financial disclosure regime. These reforms are simple, commonsense measures that merely require the Office of the Secretary of State to do its job regarding financial disclosures, and require the Legislature to make minor, but important, changes to the Financial Disclosure Act.

### *Recommendations for the Secretary of State*

The first prong calls for the Secretary of State to properly enforce the Financial Disclosure Act, and to ensure that the forms are made easily accessible to the public.

A) The Secretary of State should ensure that all financial disclosure forms are properly completed, and reject any that are incomplete or improperly completed. This should include a comparison of one year's filings to a prior year's. The Secretary should indicate on her office's website which officials have not filed a properly-completed form by the required deadline. The Secretary should also aggressively pursue fines against late filers. As of this writing, it is unclear how stringently the Secretary of State's office has been in enforcing the Act, but the number of forms that NMEW has uncovered that are facially non-compliant with the Act seems to indicate that policing enforcement has been lax, at best.

B) The Secretary of State should promulgate regulations to put the Financial Disclosure Act into effect. There is a title in the New Mexico Administrative Code (Title 1, General Government Administration, Chapter 8) reserved for "Governmental Conduct and Conflicts of Interest", but strangely – or tellingly – there are no regulations there.

C) The Secretary of State should post financial disclosure forms on its website for easy access by members of the public, rather than making the public go through the Inspection of Public Records process to obtain a person's form. This used to be the practice of the office – NMEW hopes that the new Secretary of State will return to this practice. The information on the financial disclosure statements is information that the press and the public should be able to obtain automatically, without having to jump through hoops.

D) The Secretary of State should also work to modernize the forms. In 2017, there is no reason that these forms should be filled out by hand when they could easily be completed with interactive PDFs or the like. This would also aid in reading the forms, for the handwriting is frequently nearly illegible. The Secretary should also include modifying the forms to make reporting requirements clearer, such as including an affirmative

statement with a check box stating that that a lawyer or consultant had no clients required to be reported.

### *Recommendations for the Legislature*

The second prong calls for the Legislature to make a series of changes to the Financial Disclosure Act so that it is not riddled with loopholes and has reporting requirements so vague as to be worthless. The Legislature should amend the Financial Disclosure Act as follows:

A) Remove the requirement that sources of income be reported under "broad general categories" and real estate holdings by "general description", and instead require specificity in reporting for these categories.

B) Expand collateral filing requirements to include domestic partners and other family or household members.

C) Require reporting of income under bands of income so that it is clear how significant a holding a particular asset or financial interest is.

D) Tighten the requirements surrounding reporting of the filer's residences, requiring a spouse or domestic partner to report their residence address; requiring the filer of the form to indicate whether their residence is owned or rented, and if rented, from whom; and requiring owned residences to be declared along with other real property holdings.

E) Require elected officials appointed to their positions to have to file a financial disclosure within 30 days of appointment, as state agency heads and other appointed officials must.

F) Remove the present limitations on reporting membership on boards, business interests, professional licenses, and similar associations to New Mexico. Such licenses, board memberships, and business interests should be reported wherever they occur.

G) Remove the requirement that the prior year's forms of elected officials be mailed to the official. It is the elected official's responsibility to file these forms, and they should be responsible enough to keep copies of their prior filings. The Secretary of State's office is overburdened as it is without this requirement, which only serves, at best, to replicate errors.

H) Remove the requirement that the financial disclosure forms be retained for only five years. There is no good reason for this requirement. All forms filed for an official

should be available as long as that official is in office or a position of authority, and should be retained under normal state records retention law.

NMEW will continue following the issue of personal financial disclosures, pressing the Office of the Secretary of State to do its job in policing and enforcing the act, and pressing the Legislature to work for more open and accountable government. With such a lax personal financial disclosure regimen in the state, we cannot get to higher level ethics reforms, such as a statewide ethics commission, because we do not have the basics down. We are trying to run, but we barely are able to walk.

We anticipate a follow up report later in 2017 discussing progress that has – or hasn't – been made on personal financial disclosures in the state, diving more deeply into the details of the financial disclosure forms, and examining whether there is a problem with self-dealing in state government.

Good government is open government. Good governance requires public accountability. New Mexico's present system of personal financial disclosure fails on these fronts. We hope you will help us to change for the better.

## **Appendix**

The Inspection of Public Records Act (IPRA) requests to the Secretary of State that were used in this report were done in various phases, detailed below. As noted in Part II of this report, many requests required multiple follow ups, and some documents were never received that should be on file with the Secretary of State. As argued in the report, if the Secretary of State posted all of the financial disclosure forms, there would be no need of the back-and-forth NMEW experienced.

9/13/2016: 2015 financial disclosure statements for House and Senate Leadership, and Cabinet Secretaries. Three forms were not disclosed, even with follow-up emails. A new IPRA request was generated for those. The majority of the statements were received within 15 calendar days.

9/26/2016 (resent on 9/28, since Secretary of State's office said original was not received, although NMEW received a ticket number for the original request): 2014 Financial Disclosure Forms for House and Senate Leadership, and Cabinet Secretaries. Three forms were not disclosed, even with follow-up emails. A new IPRA request was generated for those. The majority of the statements were received within 15 calendar days.

9/26/2016: 2016 Financial Disclosure Forms for House and Senate Leadership, and Cabinet Secretaries. The majority of the statements were received within three business days. One form was not disclosed, even with follow-up emails. A new IPRA request was generated for that form.

10/18/2016: The aforementioned missing statements were requested in a new IPRA request dated 10/18. A response was received within three business days. Five forms are still outstanding.

10/26/2016: 2014, 2015, 2016 Financial Disclosure Statements for the balance of the Senate, for the Governor, and the Lieutenant Governor. This IPRA request was fulfilled within three business days.

10/26/2016: 2014, 2015, 2016 Financial Disclosure Statements for Chiefs of Staff, and any other advisors to the Governor and Lieutenant Governor. This IPRA request was not fulfilled. A new IPRA request was generated.

11/3/2016: 2014-16 Financial Disclosure Statements for the balance of the House. The majority of the statements requested in the IPRA request were disclosed within three business days. Attachments listing the lobbying clients from a Representative's 2014 form

were not disclosed. Attachments listing a Representative's spouse's lobbying clients from her 2016 statements were not disclosed.

12/22/16: A new IPRA request was generated, again requesting 2014-2016 statements for the Governor's and Lieutenant Governor's Chiefs of Staff, and any other advisors to the Governor and Lieutenant Governor. In response, we received an email that day from an official at the Secretary of State's office stating that, "There is not a 2015 financial disclosure statement on file in this office for Mark Van Dyke. We are not familiar with which staff members the Governor and Lieutenant Governor seek advice and counsel from. However, we will search our records for statements from 'other advisors' if you can supply the names by which we may conduct the search." NMEW could find no online listing of such advisory staff, such as Cabinet Directors, Directors of Policy, Public Information Officers, etc., to the Governor or Lieutenant Governor, making formulating the request as suggested by the Office of the Secretary of State impossible.

The following is the complete list of individuals whose financial disclosure forms were used in this report:

**Governor Susana Martinez**

**Lieutenant Governor John A. Sanchez**

**The Governor's chief of staff**, and, any other advisors to the Governor who are required to file a financial disclosure form with the Secretary of State pursuant to Section 10-16A-3 NMSA 1978.

**The Lieutenant Governor's chief of staff**, and, any other advisors to the Lieutenant Governor who are required to file a financial disclosure form with the Secretary of State pursuant to Section 10-16A-3 NMSA 1978.

**Cabinet Secretaries:**

Yvette Kaufman-Bell, Executive Director, African American Affairs Office

Myles Copeland, Secretary, Aging & Long-Term Services

Jeff Witte, Director, Agriculture Department

Monique Jacobson, Secretary, Children, Youth and Families Department

Gregg Marcantel, Secretary, Corrections Department

Veronica Gonzales, Secretary, Cultural Affairs Department

Jon Barela, Secretary, Economic Development Department

Dave Martin, Secretary, Energy, Minerals & Natural Resources Department

Tom Blaine, State Engineer, Office of the State Engineer

Ryan Flynn, Secretary, Environment Department

Duffy Rodriguez, Acting Secretary, Finance and Administration Department

Ed Burckle, Secretary, General Services Department

Lynn Gallagher, Secretary Designate, Health Department

Dr. Barbara Damron, Secretary, Higher Education Department

M. Jay Mitchell, Secretary, Homeland Security and Emergency Management Department

Brent Earnest, Secretary, Human Services Department

Kelly Zunie, Secretary, Indian Affairs Department

Darryl Ackley, Secretary, Information Technology Department

Justin Najaka, Director, State Personnel Office

Hanna Skandera, Secretary, Public Education Department

Scott Weaver, Secretary-Designate, Public Safety Department

Mike Unthank, Superintendent, Regulation and Licensing Department

Demesia Padilla, Secretary, Taxation and Revenue Department

Rebecca Latham, Secretary, Tourism Department

Tom Church, Secretary, Department of Transportation

Gen. Jack R. Fox, Secretary, Veterans Services Department

Darin Childers, Director, Workers' Compensation Department

Celina Bussey, Secretary, Workforce Solutions Department

**House and Senate Leadership:**

Rep. Don Tripp,

Rep. Nate Gentry,

Rep. Brian Egolf,

Rep. Alonzo Baldonado,

Rep. Sheryl Williams Stapleton,

Sen. Michael Sanchez,

Sen. Stuart Ingle,

Sen. Michael Padilla,

Sen. William Payne,

Senator Mary Kay Papen.

**State Senators:**

Barela, Ted;

Brandt, Craig W.;

Burt, William F.;

Campos, Pete;

Candelaria, Jacob R.;

Cervantes, Joseph;

Cisneros, Carlos R.;

Cotter, Lee S.;

Griggs, Ron;

Ivey-Soto, Daniel A.;

Kernan, Gay G.;

Leavell, Carroll H.;

Lopez, Linda M.  
Martinez, Richard C;  
McSorley, Cisco;  
Moores, Mark;  
Morales, Howie C.;  
Munoz, George K.;  
Neville, Steven P.;  
O'Neill, Bill B.;  
Ortiz y Pino, Gerald;  
Pinto, John;  
Pirtle, Cliff R.;  
Rodriguez, Nancy;  
Rue, Sander;  
Ryan, John C.;  
Sanchez, Clemente;  
Sapien, John M.  
Sharer, William E.;  
Shendo, Benny, Jr.;  
Smith, John Arthur;  
Soules, William P.;  
Stewart, Mimi;  
Torraco, Lisa;  
White, James P.;  
Wirth, Peter;  
Woods, Pat

**State Representatives:**

Adkins, David E.

Alcon, Eliseo Lee,

Armstrong, Deborah A.,

Bandy, Paul C.,

Brown, Cathrynn N.,

Chasey, Gail,

Clahchischilliage, Sharon,

Cook, Zachary J.,

Crowder, Randal S.,

Dines, Jim,

Dodge, George, Jr.,

Espinoza, Nora,

Ezzell, Candy Spence,

Fajardo, Kelly K.,

Gallegos, David M.

Gallegos, Doreen Y.,

Garcia, Harry,

Garcia, Miguel P.,

Garcia Richard,

Stephanie, Gomez,

Bealquin Bill, Gonzales,

Roberto "Bobby" J.,

Hall, Jimmie C.,

Hamilton, Dianne Miller,  
Harper, Jason C.,  
Herrell, Yvette,  
Irwin, Dona G.,  
James, Conrad,  
Johnson, D. Wonda,  
Larrañaga, Larry A.,  
Lechuga-Tena, Idalia,  
Lewis, Tim D.,  
Little, Rick,  
Louis, Georgene,  
Lundstrom, Patricia A.,  
Madalena, James Roger,  
Maestas, Antonio,  
Maestas Barnes, Sarah,  
Martínez, Javier,  
McCamley, Bill,  
McMillan, Terry H.,  
McQueen, Matthew,  
Montoya, Rod,  
Nunez, Andy,  
Pacheco, Paul A.,  
Powdrell-Culbert, Jane E.,  
Rehm, William "Bill" R.,  
Roch, Dennis J.,

Rodella, Debbie A.,  
Romero, G. Andrés,  
Roybal Caballero, Patricia,  
Ruiloba, Patricio,  
Salazar, Nick L.,  
Salazar, Tomás E.,  
Scott, Larry R.,  
Smith, James E.,  
Steinborn, Jeff,  
Strickler, James R.J.,  
Townsend, James G.,  
Trujillo, Carl,  
Trujillo, Christine,  
Trujillo, Jim R.,  
Varela, Luciano "Lucky",  
Wooley, Bob,  
Youngblood, Monica,  
Zimmerman, John L.

new mexico  
**ETHICS WATCH**

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