



Agenda

Regular Meeting of the Ethics
and Campaign Review Board
September 11, 2025 at 3:00 PM
City Council Chambers, City
Hall
200 Lincoln Avenue

Procedures for Ethics and Campaign Review Board Meeting

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Discussion and Possible Action Items
 - a. **Case #2025-1.** Complaint Brought Forward by Victoria Murphy – In Accordance with Section 6-16.4 SFCC 1987 “Determination of Legal Sufficiency; Setting a Hearing.” Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts which, if True Show Probable Cause to Believe there was a Violation. (The Board May Go Into Executive Session Under NMSA 1978, Section 10-15-1(H)(3) to Deliberate in Connection with an Administrative Adjudicatory Proceeding.)
 1. Discussion of Actions.
 2. Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts, Which, if True, Show Probable Cause to Believe there was a Violation.
 3. Action on Any Steps as Permitted Under Section 6-16 SFCC 1987.
 - b. **Case #2025-2.** Complaint Brought Forward by Victoria Murphy – In Accordance with Section 6-16.4 SFCC 1987 “Determination of Legal Sufficiency; Setting a Hearing.” Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts which, if True Show Probable Cause to Believe there was a Violation. (The Board May Go Into Executive Session Under NMSA 1978, Section 10-15-1(H)(3) to Deliberate in Connection with an Administrative Adjudicatory Proceeding.)
 1. Discussion of Actions.
 2. Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts, Which, if True, Show Probable Cause to Believe there was a Violation.
 3. Action on Any Steps as Permitted Under Section 6-16 SFCC 1987.

6. Discussion No Action Items
 - a. Potential Revisions to City of Santa Fe Ethics Code.
7. Public Comment
8. Executive Session
9. Matters from Staff
10. Matters from the Committee
11. Matters from the Chair
12. Adjourn

Persons with disabilities in need of additional accommodations, contact the City Clerk's office at 505-955-6521, five (5) working days prior to meeting date.

**ETHICS AND CAMPAIGN REVIEW BOARD
THURSDAY, SEPTEMBER 11, 2025, 3:00 PM
COUNCIL CHAMBERS, CITY HALL 200 LINCOLN AVENUE
SANTA FE, NEW MEXICO**

1. CALL TO ORDER

A meeting of Ethics and Campaign Review Board was called to order by Paul Biderman, Chair, on Thursday, September 11, 2025, in the City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, NM.

2. ROLL CALL

MEMBERS PRESENT

Paul Biderman, Chair
Justin Miller
Andrew Black
Judith Amer
James Sullivan

MEMBERS ABSENT

Christina Brennan, excused
Jose Puentes

OTHERS PRESENT

Geralyn Cardenas, Deputy City Clerk
Xavier Vigil, City Clerks Office
Ms. Cruz, Office of the City Attorney

3. APPROVAL OF AGENDA

Chair Biderman asked that item 5 (B) be heard before item 5 (A).

MOTION A motion was made by Mr. Miller, seconded by Ms. Amer, to approve the agenda as amended.

VOTE The motion passed on a voice vote.

4. APPROVAL OF MINUTES

None.

5. DISCUSSION AND POSSIBLE ACTION ITEMS

B. CASE #2025-2. COMPLAINT BROUGHT FORWARD BY VICTORIA MURPHY - IN ACCORDANCE WITH SECTION 6-16.4 SFCC 1987 "DETERMINATION OF LEGAL SUFFICIENCY; SETTING A HEARING." CONSIDERATION OF WHETHER THE COMPLAINT SETS FORTH LEGALLY SUFFICIENT FACTS WHICH, IF TRUE, SHOW PROBABLE CAUSE TO BELIEVE THERE WAS A VIOLATION. (THE BOARD MAY GO INTO EXECUTIVE SESSION UNDER NMSA 1978, SECTION 10-15-1(H)(3) TO DELIBERATE IN CONNECTION WITH AN ADMINISTRATIVE ADJUDICATORY PROCEEDING)

- 1. DISCUSSION OF ACTIONS**
- 2. ACTION REGARDING WHETHER THE COMPLAINT SETS FORTH LEGALLY SUFFICIENT FACTS, WHICH IF TRUE, SHOW PROBABLE CAUSE TO BELIEVE THERE WAS A VIOLATION.**
- 3. ACTION ON ANY STEPS AS PERMITTED UNDER SECTION 6-16 SFCC 1987.**

Chair Biderman said we have two complaints from the same person regarding two different candidates for Mayor. Both complaints involve not identifying the campaign treasurer on campaign materials. We will not be considering if we adjudicate this issue, but will determine if a prima facie case has been made. Commissioner Greene is the candidate in case B and is present today. The case alleges that a fundraiser flyer did not list the campaign treasurer. This involves Commissioner Greene's candidacy. We have not received a written response from Commissioner Green, but he is here today. The issue is if there is enough evidence for a violation. We will hear Commissioner Green's response in person.

Commissioner Green stated that Peter Dwyer, Attorney, is representing him.

Mr. Dwyer said he has several concerns. The correct form was not used for the complaint. The incorrect citation was used, as it is a criminal code citation. The case does not identify any person regarding witnesses. The case presented is signed by a notary, but the statement is not up to legal standards. It is not a sworn complaint. The complaint does not meet the prima facie code. He asks that you dismiss this case.

Ms. Amer asked what needs to be done to meet the prima facie code.

Mr. Dwyer said normally, the signature is notarized to show the signature is of the person required. There should be an assertion that the statements made in the case are true under penalty of perjury. There should be a sworn oath.

Ms. Amer asked Ms. Cardenas if complainants ask you to act as a notary for

them.

Ms. Cardenas said yes. She did fail to stamp her seal on this one, but it does certify only that this is the signature of the complainant.

Mr. Black asked if this is the standard form.

Ms. Cardenas said this is the form available on our website and is the form staff gives to complainants. She does believe that there is an error on the citation on the form.

Mr. Miller thanked Mr. Dwyer and Commissioner Green for being present at this meeting and stated that the complainant is not present. The form needs to be corrected to properly reflect the citation and to add sworn statement language. He would like to discuss the allegations made. He does not see any indication that the flyer came from the campaign and he does not see anything that says this flyer meets the definition of campaign materials.

Mr. Sullivan said he agrees with Mr. Miller.

Mr. Black noted that it appears that part of the flyer is cut off.

Ms. Cardenas said that is how we received the document.

Chair Biderman said he is flexible with the public as to the complaint forms. Members of the public should not have to hire a lawyer to get everything exactly right. He is concerned as well about the dissemination numbers. Unless 100 people receive the material, it does not fall under the regulations. The complaint does not provide enough information for us to determine that.

MOTION A motion was made by Ms. Amer, seconded by Mr. Black, to dismiss the case without prejudice.

VOTE The motion passed on a roll call vote as follows:

Mr. Black, yes; Ms. Amer, yes; Mr. Sullivan, yes; Mr. Miller, yes. Chair Biderman, yes.

A. CASE #2025-1. COMPLAINT BROUGHT FORWARD BY VICTORIA MURPHY - IN ACCORDANCE WITH SECTION 6-16.4 SFCC 1987 "DETERMINATION OF LEGAL SUFFICIENCY; SETTING A HEARING." CONSIDERATION OF WHETHER THE COMPLAINT SETS FORTH LEGALLY SUFFICIENT FACTS WHICH, IF TRUE, SHOW PROBABLE CAUSE TO BELIEVE THERE WAS A VIOLATION.(THE BOARD MAY

GO INTO EXECUTIVE SESSION UNDER NMSA 1978, SECTION 10-15-1(H)(3) TO DELIBERATE IN CONNECTION WITH AN ADMINISTRATIVE ADJUDICATORY PROCEEDING.)

- 1. DISCUSSION OF ACTIONS.**
- 2. ACTION REGARDING WHETHER THE COMPLAINT SETS FORTH LEGALLY SUFFICIENT FACTS, WHICH, IF TRUE, SHOW PROBABLE CAUSE TO BELIEVE THERE WAS A VIOLATION.**
- 3. ACTION ON ANY STEPS AS PERMITTED UNDER SECTION 6-16 SFCC 1987.**

Chair Biderman said this is an identical complaint to item B with the exception of the attachments and the candidate name - Tarin Nix. Mr. Nix did file a written response, which we have.

Mr. Sullivan said he needs to recuse himself from this case as he may have a conflict with a previous case involving Ms. Murphy.

Chair Biderman said we will need to reconsider the previous vote on item B as the complainant is also Ms. Murphy.

Mr. Sullivan recused himself from both cases A and B.

MOTION A motion was made by Ms. Amer, seconded by Mr. Black. To reconsider the vote on item 5 (B).

VOTE The motion passed on a roll call vote as follows:

Mr. Black, yes; Ms. Amer, yes; Mr. Miller, yes. Chair Biderman, yes.

MOTION A motion was made by Ms. Amer, seconded by Mr. Black, to dismiss the case without prejudice.

VOTE The motion passed on a roll call vote as follows:

Mr. Black, yes; Ms. Amer, yes; Mr. Miller, yes. Chair Biderman, yes.

Ms. Amer said the response is not attested to in any way.

Chair Biderman said he does not see a rule pertaining to the response in our code. It is not a requirement.

Mr. Black noted that campaigns should try to avoid this issue in the future as it is

important for transparency.

MOTION A motion was made by Mr. Miller, seconded by Mr. Black, to dismiss the case for lack of legal sufficiency.

VOTE The motion passed on a roll call vote as follows:

Mr. Black, yes; Ms. Amer, yes; Mr. Miller, yes. Chair Biderman, yes.

6. DISCUSSION NO ACTION ITEMS

A. POTENTIAL REVISIONS TO CITY OF SANTA FE ETHICS CODE

Chair Biderman said this is a general discussion about the possibility of revisions to the City of Santa Fe Code and to see if revisions are necessary. He looked at the Ethics Code as it exists. There are ethics issues that may not be able to be disposed of in the peoples interest, such as harassment, Councilors influencing City staff and discrimination. He throws those out for discussion.

Ms. Amer said she thinks we should continue to pursue this. It would be difficult to determine a line crossed regarding the work of Councilors with staff and influencing.

Mr. Miller said it may be a good way to proceed by focusing on the ethics code.

Ms. Amer asked if the City has an EEO office that is active.

Ms. Cardenas said there was a position budgeted for by the City, but the City has not filled that position.

Chair Biderman said if there is a complaint, there is no one within the City government to make a decision if it is valid. It would just go to the City Manager. Is he correct.

Ms. Cardenas said that is how she understands it.

Chair Biderman introduced Ms. Cruz, with the City Attorney's Office, who is here for Marcos.

Chair Biderman said he thinks we need to look at that.

Mr. Black said social media has become today's campaign signs. We might look at that and if there are significant provisions in the code addressing social media.

Ms. Amer agreed and said we may also look at AI use in campaigns and

dissemination.

Chair Biderman suggested that the Board make a list of issues we want to address, assign them to subcommittees with less than a quorum of Board members, to do research and then come back to the Board with proposals.

Everyone agreed to the process.

The volunteers for the subcommittees were as follows:

Ethics Subcommittee - Chair Biderman, Ms. Amer and Ms. Brennan.

Campaign Subcommittee - Mr. Black, Mr. Sullivan and Mr. Miller.

7. PUBLIC COMMENT

Commissioner Greene encouraged the Board to look at PACs in the Campaign Subcommittee and have a clear set of rules.

8. EXECUTIVE SESSION

None.

9. MATTERS FROM STAFF

Ms. Cardenas said the City Clerk asked her to schedule a meeting for this Board in November. She will look at dates and see when we can get a quorum.

10. MATTERS FROM THE COMMITTEE

Chair Biderman said he would like to request assistance from the City Attorney's office for drafting.

Mr. Black said he would like to see the changes be made as necessary to the form for complaints.

11. MATTERS FROM THE CHAIR

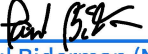
None.

12. ADJOURN

MOTION A motion was made by Mr. Amer, seconded by Mr. Black. To adjourn the meeting.

VOTE The motion passed on a voice vote.

There being no further business before the Board, the meeting adjourned at 12:07 pm.


Paul Biderman (Nov 15, 2025 06:48:27 MST)

Paul Biderman, Chair


Elizabeth Martin (Nov 12, 2025 14:30:05 MST)

Elizabeth Martin, Stenographer






ECRB 091125 one

Final Audit Report

2025-11-12

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Final Audit Report

2025-11-15

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