

Corruption allegations lay bare the need for long-overdue ethics reform

Written by By Kathleen Sabo Executive Director NM Ethics Watch
Friday, 13 August 2021 06:18



For the past five years, New Mexico Ethics Watch has been digging into the murky, flimsy world of public officials' financial disclosure statements as required to be filed under the Financial Disclosure Act.

In multiple reports, we have pointed out both the deficiencies in the law and in filed disclosure statements – pushing for more stringent requirements, more stringent and meaningful auditing, and setting out a path to reform either through rulemaking by the Secretary of State or legislative reform of scant, outmoded requirements.

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With the news of a search warrant being executed against the House Majority Leader, Sheryl Williams Stapleton, D-Albuquerque, for alleged corruption, financial disclosure statements are once again in the news. A quick look at Rep. Williams Stapleton's 2020 financial disclosure statement reveals that although she listed her husband's employment as the manager of a restaurant – which we now know was Albuquerque's A Taste of the Caribbean – she did not report his employment as an income source, as required for any source of gross income of more than \$5,000 in a calendar year. If his earnings were above that in 2020, not reporting them is a clear violation of the Financial Disclosure Act.

As a nonprofit organization, not a state agency, NMEW has used discretion in deciding which financial disclosure statements to examine. We have looked at candidate disclosures to make sure they have been filed in a timely manner as required by the Act and, when they have not been found in online public records, we have notified the Secretary of State's Office and they have performed an audit. We have examined the disclosure of Senate-appointed board and commission members required to file by law under the Act, and found that many had either not been filed or were filed late. We have also examined all legislators' and cabinet members' disclosures and found and detailed woeful deficiencies in reporting and in the Financial Disclosure Act itself. (All of our reports regarding financial disclosure statements and the Financial Disclosure Act can be found on our website at nmethicswatch.org.)

Just recently, as a tangent to research we were undertaking to determine whether any legislators were using capital outlay funds to funnel to businesses or entities from whom they would receive kickbacks – yes, the VERY issue that demanded a search warrant be executed upon Rep. Williams Stapleton – we discovered several financial disclosure statements where legislators did not report ANY income, not even the per diem income they receive from the state for service in the legislature!

We've found plenty of smoke, but we just haven't been able to expose any real fire, perhaps fueled by New Mexico's stubborn insistence on continuing to have an outmoded "citizen legislature" whose members do not receive a salary, but merely expenses.

Thanks to the actions of APS (Albuquerque Public Schools) Superintendent Scott Elder in reporting what he found to be suspicious behaviors and transactions of Rep. Williams Stapleton, the full investigative and enforcement power of the Attorney General's Office has found what looks like a long-smoldering fire – one that allegedly has bilked potentially millions from New Mexico taxpayers and once again besmirched New Mexico's public servants and its legislature.

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This alleged corruption could have been prevented had New Mexico had stronger laws on its books – that required more detailed financial disclosure, that required more stringent auditing of financial disclosure statements and capital outlay requests and disbursements, and that provided transparency to the public in where the capital outlay funds were actually going.

Although we and other good government groups can talk and write until we are blue in the face about the need for more transparency, more disclosure, and ethics reforms, generally, we currently must depend upon the fortitude and courage of upright, ethical legislators and public servants to enact these reforms.

Today, we challenge these legislators to come forth and work with Ethics Watch and others to enact meaningful reform of ethics laws, so that citizens and taxpayers can have faith that those who choose to serve the public are in fact doing just that and not serving themselves.

On top of that, it would behoove the legislature to make all proceedings related to the alleged ethics violation open to the public and recorded. If the rules currently do not allow for public proceedings, then those rules – and other House and Senate rules governing legislative ethics concerns and proceedings – need to also be on the list for immediate reform.

New Mexico Ethics Watch is a nonprofit, nonpartisan organization and a principal leader in ethics reform in New Mexico. Our values are that ethics is for everyone; that good government leads to improved schools, healthier communities, and better business, and attention to ethics in public life leads to more equitable opportunities for all.

By Kathleen Sabo
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