

## Local woman accuses the Cibola commission, treasurer for breaching public trust

Written by Gallupsun Staff  
Friday, 24 February 2017 04:14

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### Public Information 1:

Cibola County Commission and new County Treasurer have violated their Oath of Office to the New Mexico Constitution, and State Statutes. I am speaking of

Article X, Section 2, Subsection D;

All county officers, after having served two consecutive four-year terms, shall be ineligible to hold any county office for two years thereafter. (As amended, November 3, 1998.) © 2013 State of New Mexico. New Mexico Compilation Commission. All rights reserved.

Recently elected Cibola County Treasurer, Kathy Gonzales, has chosen to appoint the former Cibola County Treasurer, Delores Vallejos (2008 -2016), as her Deputy Treasurer. Vallejos termed out and must abstain from “any county office” for two (2) years, per the passage above directly pulled from the current New Mexico Constitution.

The county argument is, the “Appointed Deputy” position is not subject to the Constitution or supporting state statute. But, the position is not equal to that of a regular employee. The appointed deputy position is not advertised, vetted (background checked and interviewed), or required to undergo a drug test as a regular employee is required. The appointed deputy is hired into an office as a secondary officer to the elected position.

**State Statute 4-44-35. Deputy county officers; oaths; bonds.**

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Before assuming the duties of his office, each deputy county officer shall take and subscribe the oath of office prescribed by the constitution for county officers, . . . ,

Deputy county officers

may be individually bonded or included within the coverage under any schedule or blanket corporate surety bond procured by the board of county commissioners.

**History:** 1941.. Laws 1967, ch. 238, § 7.

**State Statute 10-1-13.** County officers; oath; bond.

A. As used in this section, "county officer" means county commissioner, county assessor, county clerk, county sheriff, county treasurer, probate judge, county flood commissioner and small claims court clerk.

B. Before assuming the duties of office, each county officer shall take and subscribe the oath of office prescribed by the Constitution of New Mexico and.. . . :

C. Each county officer shall appoint a deputy or clerk, as allowed by law, who shall take the oath of office

required of the appointing county officer

and shall receive salary as provided

by law

. In case of the death of the appointing county officer, the deputy shall continue in office and perform the duties of the county officer until a new county officer is appointed and qualified as required by law.

**History:** 1953 5-1-13, enacted by Laws 2011, ch. 56, § 25.

Upon further review of state statutes it is found that the Attorney General has issued an Opinion.

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### **OPINIONS OF ATTORNEY GENERAL**

#### **Eligibility.**

**A person having served two consecutive terms as county treasurer may not hold over for a third term**

**or be appointed to serve.**

**1979 N.M. Op. Att'y Gen. No. 79-19**

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Will you, the tax paying voters, allow county elected Officers to continue this practice of DISREGARDING New Mexico State Law and VIOLATING their Oath of Office? If we must follow the laws shouldn't they?

By Deniece J. Cornett

Cibola County Citizen