



Attorney General Of New Mexico

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September 29, 2015

Honorable Dianna J. Duran
New Mexico Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501

Re: Representation of the Office of the Secretary of State ("SOS")

Dear Ms. Duran:

As you are aware, the Criminal Affairs Division of the Office of the Attorney General ("OAG") filed a criminal information and complaint on August 28, 2015, alleging certain violations of the Campaign Reporting Act ("Act") and other criminal charges against you in your personal capacity. Subsequently, the SOS referred to the OAG's Open Government Division thirty-one (31) matters for civil enforcement pursuant to Sections 1-19-34.4 and -35(A) of the Act. Most of the referrals involve the failure of certain reporting individuals to pay fines the SOS imposed for the late filing of certain reports required by the Act.


In light of the ongoing criminal complaint, I believe the most prudent course is to return the 31 referred matters to the SOS. I am making this decision after careful consideration and even though I am confident that the OAG could otherwise handle the referrals competently and appropriately. Although I understand this may cause some inconvenience for your office, the Act authorizes the SOS to refer these and other civil matters for enforcement to the district attorneys, as well as to the OAG. *See* NMSA 1978, Sections 1-19-34.4, -34.6(B), (C). I recommend you proceed in accordance with this statute.

For the same reason, this Office will no longer provide legal advice and representation to the SOS. This includes withdrawing from any further participation in the arbitrations currently pending between the SOS and Stand4KidsNM on November 6, 2015, between the SOS and CHILE-PAC on a date yet to be determined, and between the SOS and Stefania Ackerman on a date yet to be determined. Beginning immediately, the SOS will need to seek other legal counsel. Until OAG resumes its representation of your office, please advise the OAG of any litigation in which the SOS is a party so we can properly commission the attorneys who represent the SOS.

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Although not made lightly, I believe that the decision to discontinue our legal representation of the SOS while the criminal proceedings are pending will facilitate the operations of both our offices. Assistant Attorney General Sally Malavé of the Open Government Division, who has been providing legal counsel to the SOS, will be available at a mutually convenient time to transfer all pending civil matters to Rob Doughty or other counsel as you direct.

Sincerely,



HECTOR H. BALDERAS
ATTORNEY GENERAL