



STATE OF NEW MEXICO  
**DIANNA J. DURAN**  
SECRETARY OF STATE

Mr. Gary King  
P.O. Box 40  
Moriarty, New Mexico 87035

October 13, 2011

Re: Campaign Contribution Limits

Dear Mr. King:

I am writing regarding your October, 2011 campaign report.

We have noted that you listed a contribution of \$15,000.00 received on September 22, 2011, and, as you know, it has raised concerns about whether that contribution violates the campaign contribution limits set forth in § 1-19-34.7 NMSA 1978. On its face, the \$15,000.00 contribution appears to be a violation of the Campaign Reporting Act.

We are requesting that you provide an explanation to our office within ten (10) working days as to your legal position that the \$15,000 contribution is subject to the 2010 reporting requirement, and not subject to the current law, so we may make a determination as to whether it is an action for which a penalty is to be imposed.

Additionally, we received a copy of an email sent by Phillip Sisneros of your office to Heath Haussamen, which is set forth below:

**From:** "Sisneros, Phillip" <[psisneros@nmaq.gov](mailto:psisneros@nmaq.gov)>  
**To:** Heath Haussamen <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Sent:** Tuesday, October 11, 2011 4:06 PM  
**Subject:** Re: \$15,000 donation  
Heath,

*The contribution was for retirement of debt from the Attorney General's 2010 re-election campaign and subject to 2010 reporting requirements. As such, we are confident the contribution does not fall within the limits of the new law. And just so you know, the NY firm does not have any contracts with the AGO.--*

**Phil Sisneros**  
Director of Communications  
Office of NM Attorney General  
Gary K. King  
505-827-6792 SF  
505-222-9174 ABQ  
505-231-5846 Cell  
[psisneros@nmaq.gov](mailto:psisneros@nmaq.gov)

As you know, the Governmental Conduct Act, § 10-16-3(A), entitled Ethical principles of public service; certain official acts prohibited; penalty, states that "A legislator or public officer or employee shall treat the legislator's or public officer's or employee's government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests." Additionally, in your letter to my office dated June 26, 2011, you stated that you have a "policy prohibiting the use of agency equipment for campaign purposes."

As such, I am requesting that you also address Mr. Sisneros' response, in his capacity as your Director of Communications in the Attorney General's office, to the inquiry regarding your campaign account using the state email account.

As you know, both § 1-19-34.4(C) NMSA 1978 of the Campaign Reporting Act and § 10-16-13.1 NMSA 1978 of the Governmental Conduct Act provide that the Secretary of State shall seek to ensure voluntary compliance with the provisions of those Acts. We appreciate your timely response to the concerns set forth above.

Sincerely,



Thomas Dow  
General Counsel