

NEW MEXICO
STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

L. Teresa Padilla
Director

State Personnel Board

Laura A. Liswood

Chair

David F. Cunningham

Vice Chair

Cristin M. Heyns-Bousliman

Member

Carol A. Parker

Member

Fred Radosevich

Member

State Personnel Board

Special Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Monday, May 8, 2023

Minutes

The meeting was called to order by Vice Chair Cunningham at 1:02 pm

Director Padilla called roll: Chair Liswood present telephonically, Vice Chair Cunningham, Member Radosevich, and Member Parker present. Member Heyns-Bousliman absent. A quorum was established.

Approval of Agenda - Member Parker moved to approve the agenda; Member Radosevich second; roll call agenda adopted as presented.

Executive Session

Vice Chair Cunningham moved the board enter closed session as authorized by the administrative adjudication and pending litigation exceptions of the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3). Member Radosevich second; roll call; the Board is off the record at 1:04.

Vice Chair Cunningham called the meeting back to open session at 1:35 and pursuant to Open Meetings Act, NMSA 1978, Section 10-15-1(J) the matters discussed during the closed session were limited only to those specified in the motion for closure and that no votes or official actions were taken.

Motions on Administrative Appeal (*Lucero, Ronda v. New Mexico Corrections Department*; Docket No. 22-010)

1st motion - Member Parker moved to rescind the decision of the April 28, 2023 meeting on *Lucero, Ronda v. New Mexico Corrections Department*; Docket No. 22-010; Member Radosevich second; roll call; Vice Chair Cunningham abstained from the vote.

2nd motion - Vice Chair Cunningham moved to reverse ALJ's recommended decision and adopts the following modifications to the ALJ recommended findings of fact and conclusions of law:

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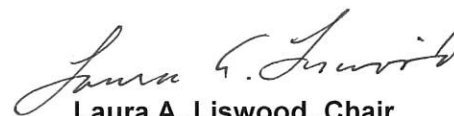
- Modifying finding of fact No. 40 as follows: it was improper and unethical for Ms. Lucero to request video footage from December 23, 2021 and December 30, 2021.
- Adopt an additional finding of fact as follows: video footage requested - she was deceptive regarding her reason for needing this footage as she was not working on her case in the capacity of an OPS investigator.
- Conclusion of law No. 7 amended as follows: The Department proved by a preponderance of evidence Ms. Lucero violated the Department's Code of Ethics, and those violations were sufficient grounds for dismissal under that code.
- Conclusion of law No. 11 is amended as follows: the Department proved by a preponderance of evidence that its dismissal of Ms. Lucero was reasonable under the circumstances.

Based on the evidence in the record, the State Personnel Board finds there was just cause for Appellant's discipline and the discipline of dismissal was reasonable.

Member Parker second; roll call; motion carries.

Member Radosevich moved to adjourn; Member Parker second; roll call. The meeting was adjourned at 1:41 p.m.

Approved:


Laura A. Liswood, Chair
State Personnel Board

Attest:


L. Teresa Padilla, Director
State Personnel Office