

State of New Mexico



Office Of the Attorney General

2019 Annual Report

A MESSAGE FROM THE NEW MEXICO ATTORNEY GENERAL

To My Fellow New Mexicans,

The number one priority of the Office of the Attorney General is protecting New Mexican families so that they can truly prosper. Over the course of 2019, my office has done this by connecting with constituents across the state, aggressively litigating to protect New Mexico consumers, bringing justice to victims by holding the worst offenders accountable, and prosecuting public corruption to restore New Mexicans' faith in government. I am pleased to present this annual report which highlights some of our significant achievements from the last year.

I am honored to serve as your Attorney General, and I will continue to work diligently to help build safe and prosperous communities in which all New Mexicans can thrive.

Sincerely,



Hector Balderas
Attorney General



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ABOUT THE OFFICE OF THE ATTORNEY GENERAL

Authority

The Office of the Attorney General is the statutorily created Department of Justice for New Mexico, (NMSA 1978 § 8-5-1). The Attorney General's duties include but are not limited to prosecuting and defending all causes in the supreme court and court of appeals in which the state is a party or interested. prosecuting and defending in any other court or tribunal all actions and proceedings, civil or criminal, in which the state may be a party or interested when, in his judgment, the interest of the state requires such action or when requested to do so by the governor. (NMSA 1978 § 8-5-2)

Mission

Our mission is to protect New Mexicans in order to make our communities safer and more prosperous. We prosecute criminal and civil offenses; advocate for consumers and those without a voice; empower the public with education; connect the public to beneficial resources; and serve as legal counsel for the State and its agents.

Vision

We aspire to be an innovative leader in New Mexico, recognized for proactively finding solutions and responding to evolving needs by leveraging partnerships with individuals, community organizations, government agencies, and businesses.

Focus

During my tenure as Attorney General, I have committed myself and my office to protecting New Mexican families by bringing targeted enforcement on behalf of the State. Since taking office, I have focused on three key areas:

- ◆ Protecting children, vulnerable populations and families
- ◆ Targeting violent criminals, and
- ◆ Fighting public corruption.

The programming of these key areas is undertaken by the various Divisions within my office supporting this vision by focusing efforts on:

- ◆ Prevention,
- ◆ Prosecution, and
- ◆ Public awareness.

The Office of the Attorney General worked diligently to protect the safety and well-being of all New Mexicans throughout 2019, and many of our greatest successes are highlighted in this Annual Report.

NEW MEXICO

ATTORNEY GENERAL

HECTOR BALDERAS



New Mexico Attorney General Hector Balderas serves as the State's 31st Attorney General. Since he took office in January 2015, Attorney General Balderas has been committed to serving as the people's advocate and voice, working to protect New Mexico's families by focusing on economic security and public safety.

Attorney General Balderas was raised in the rural, isolated village of Wagon Mound, New Mexico. Growing up in a forgotten community, he realized the need to give a voice to underserved, vulnerable New Mexicans.

The Attorney General served in the New Mexico House of Representatives, where he introduced the Truthful Interrogation Bill to prevent police misconduct. He then served two terms as State Auditor before serving as Attorney General. When Hector was first elected State Auditor he became the nation's youngest Hispanic statewide elected official, and when he was elected as the Attorney General he received more votes than any other candidate on the statewide ballot. Hector's work for reform has been recognized with numerous awards including the New Frontier Award by the Harvard Institute of Politics and John F. Kennedy Library Foundation. As Attorney General, Hector is focused on protecting families and vulnerable populations, and believes that we will not have a prosperous New Mexico until we have safe communities.

DEPUTY ATTORNEYS GENERAL



Tania Maestas

As the Chief Deputy Attorney General Tania oversees Civil Affairs for Attorney General Hector Balderas.

Before being appointed to her position, Tania held the positions of Assistant Attorney General and Director of the Office's Open Government Division. She has dedicated the majority of her career to government practice, also serving as Chief Legal Counsel for the New Mexico Regulation and Licensing Department. Before moving to New Mexico, Tania worked with the Colorado Office of the Attorney General.

Tania received her J.D. from the University of Denver School of Law and is an instructor for the National Association of Attorneys General Training and Research Institute.

*Chief Deputy Attorney
General for Civil Affairs*



Clara Moran

As the Chief Deputy Attorney General, Clara oversees the Criminal Affairs for the Attorney General.

Before being appointed Deputy Attorney General, Clara held the position of Director of Special Prosecutions Division where she managed case assignments and case strategy of all matters within the division and handled a caseload of complex prosecutions statewide including human trafficking, child abuse, homicide, violent crimes, child exploitation, public corruption and governmental conduct violations. Before her time at the Office of the Attorney General, Clara worked as an Assistant District Attorney at the 2nd Judicial District Attorney's Office, prosecuting child abuse cases, gang crimes, and domestic violence. She is a career prosecutor who has focused her efforts on obtaining justice for vulnerable and marginalized victims of crime.

*Chief Deputy Attorney
General for Criminal Affairs*

Clara received her J.D. from the University Of New Mexico School Of Law in 2005. She was awarded the Spirit Award in 2007 from the Coalition Against Domestic Violence in 2007, Outstanding Young Lawyer of the year by the State Bar in 2008, and Jurisprudence Prosecutor of the Year in 2014 for her work in prosecuting child sexual abuse cases.

Clara currently serves on the Board of Bar Commissioners for 1st District of the State of New Mexico, has served on the Prosecutor's Section of the NM State Bar, the New Mexico Supreme Court Criminal Uniform Jury Instruction Committee and as Vice Chair of the Young Lawyers Division of the State Bar.

CONSUMER AND ENVIRONMENT PROTECTION DIVISION



**Cholla Khoury, AAG
Consumer & Environment
Protection Director**

The Consumer and Environment Protection Division (CEPD) is a specialized division for bringing affirmative civil litigation that protects New Mexico's interests by taking actions on behalf of the State of New Mexico and New Mexican consumers against individuals, businesses or other entities that threaten New Mexico families, legitimate businesses or our environment and natural resources. Over the last year CEPD has brought actions against global companies, like Monsanto who violate laws and put New Mexicans at risk. Additionally, CEPD has been focusing many resources on increasing its activity associated with protecting New Mexicans from the dangers they face online. The Division continues to file lawsuits seeking to uphold regulations that protect New Mexico's environment and natural resources. The Division acts as the consumer advocate in utility matters before the Public Regulation Commission, and seeks to pursue protection of both consumers and our environment in those matters. We continue to act on behalf of families facing foreclosure by investigating or pursuing entities or individuals that defraud New Mexicans and put their homes and futures at risk. The Division has increased its enforcement of the Charitable Solicitations Act, providing New Mexicans with the resources to make wise charitable giving decisions and ensuring that charities are properly regulated. The Division also teams up with other state's Attorneys General to participate in nation-wide, multi-state consumer protection investigations and enforcement actions. In all, the Division pursues its many matters with a multi-disciplinary, creative approach to determine the best method for protecting New Mexicans.

DIVISION OVERVIEW

Consumer Protection: CEPD is the main enforcement entity for prosecuting violations of the Unfair Trade Practices Act (NMSA § 57-12-1 et seq). Many CEPD litigation cases and investigations arise out of consumer complaints submitted to the Advocacy and Intervention Division of the Office.

Environmental Protection: CEPD helps protect New Mexico's unique environment through participating in the regulatory process and bringing actions to prevent the harm to and destruction of our environment and natural resources, when necessary.

Homeowner Protection Program: Whether it's through providing connection to free resources that can assist a consumer or providing advocacy for consumers with banks and other lending institutions, the Homeowner Protection Program's aim is to help homeowners save their homes from foreclosure.

Charities: The New Mexico Attorney General is charged with enforcing the Charitable Solicitations Act (NMSA 1978 § 57-22-1 et seq.). As part of these duties, CEPD maintains and services the online charity registration database, COROS. In addition to assisting charities in becoming compliant with registration and maintaining compliance, we have undertaken a "Charities Sweep" in which we are auditing every one of the more than 9,000 charities registered to ensure compliance with the Charitable Solicitations Act.

Consumer and Environment Protection

Division cont'd

DIVISION OVERVIEW cont'd

Energy and Utilities: The New Mexico Attorney General is charged with representing small business and residential consumers in front of the Public Regulation Commission. As part of that representation, CEPD takes a holistic approach aimed at ensuring New Mexicans have access to clean, affordable energy.

Data Breach Notifications: When companies experience a breach of consumer information, they are required to notify the Attorney General. CEPD monitors these breach notifications and pursues investigations of these breaches when warranted.

Fraud Against Taxpayers Act (FATA): The New Mexico Attorney General is charged with enforcement of the FATA (NMSA § 44-9-1, et seq.). CEPD conducts confidential investigations of sealed lawsuits brought on behalf of the government by private whistleblower plaintiffs, and may decide to intervene in a case or allow the private whistleblower to proceed on behalf of the government. Either way, the FATA provides a powerful tool for recovering public funds lost to fraud committed against the State of New Mexico and its political subdivisions through remedies including attorney fees, treble damages, and substantial civil penalties.

Multistate Investigations and Litigations: The Division partners with other states' attorneys general to investigate nationwide violations of federal or state laws. The Division is currently engaged with other states regarding issues involving anti-competitive behavior, consumer fraud, data breaches, charities, environmental issues and others.

KEY OUTCOMES

Restitution: Besides bringing litigation on behalf of the state, CEPD manages recovery on behalf of or advocates for consumers, resulting in meaningful relief for them. Besides collecting thousands of dollars to go back to New Mexico consumers, in CEPD's Homeowner Protection Program's final full year, the program resolved more than 90 consumer complaints, resulting in the recovery or protection of New Mexicans facing foreclosure, valued at more than \$3.1 million.

Judgments:

- **Real Estate Law Center:** In 2016, CEPD brought a federal lawsuit against Real Estate Law Center and five other defendants. The CEPD team successfully tried its case against the six defendants in July 2019, in front of Judge Browning in the Albuquerque Federal District Court. Some defendants settled after trial and others were found by the court to be in violation of New Mexico and Federal laws. The settling defendants are enjoined for 20 years from promoting or engaging in any real estate-related services in New Mexico. Through aggressive litigation, CEPD achieved restitution totaling \$240,286, which will go back to consumers. CEPD also received costs and fees.

Settlements:

- **Equifax:** In the summer of 2019 New Mexico settled, along with other states, with Equifax for its historical data breach which exposed the personal information of more than 800,000 New Mexicans. Besides setting state-of-the-art injunctive terms for data privacy and best practices, New Mexico received \$2.3 million in consideration of Equifax's violations of law.

Consumer and Environment Protection

Division cont'd

NEW FOR 2019 - Selected New Cases & Case Updates

Air Force PFAs/PFOAs

Contamination near Holloman and Cannon AFB

On March 5, 2019, New Mexico and the New Mexico Environment Department filed a complaint against the United States Air Force for causing environmental contamination by per and polyfluoroalkyl substances ("PFAS"), at and near the Cannon and Holloman Air Force Bases. PFAS are toxic chemicals and are sometimes referred to as "forever chemicals" due to their extreme persistence in the environment and ability to "bioaccumulate" up the food chain. The lawsuit seeks to expedite the clean-up of PFAS contamination, to recover past and future costs of response actions by the state, to impose civil penalties, and other relief as appropriate. New Mexico has filed a motion for preliminary injunction, seeking expedited discovery; performance of certain environmental monitoring and blood sampling of residents on a voluntary basis; provision of alternative drinking water for individuals with affected water supplies; and other measures. The U.S. has filed an opposition and a motion to dismiss the case, on the basis that the Air Force is allegedly addressing the situation under CERCLA and that action cannot be "challenged" by a suit seeking any other remedy. Decisions on all the motions are pending.

Monsanto

CEPD brought an action against Monsanto, Inc., Solutia, Inc., and Pharmacia Corp. for their roles in the manufacturing, distribution, marketing, promotion and sales of polychlorinated biphenyls (PCB) and PCB-containing products in New Mexico, injuring the state's natural resources and endangering public health. The suit alleges that the Defendants, who together made more than 99% of all PCBs used within the U.S. before it was banned, knew PCBs were highly toxic and harmful to human health and the environment as they continued to manufacture and market the chemicals.

Solvay/Abbot:

In July of 2019 CEPD brought suit against Solvay, Abbot Laboratories and others for the unfair and deceptive trade practices around their drug "Androgel." The complaint alleges that these companies invented a disease to drive over prescription of the drug, which exposed New Mexicans to an unnecessary and significantly higher risk of stroke, heart attack and other harmful outcomes.

Significant Case (updates):

Opioids

CEPD continues to participate in the nationwide mediation with other states and opioid manufacturers and distributors. CEPD has secured a trial date against all defendants beginning September 7, 2021 and continuing for eight weeks. The State's case is currently in the discovery stage of litigation and CEPD has been working with the various state agencies which may have been impacted.

Gold King Mine Spill

In 2016 CEPD and the New Mexico Environment Department brought a case against the U.S. EPA and private mining defendants related to the 2015 Gold King Mine disaster. The case has survived motions to dismiss and one motion for summary judgment. The case will be tried in three phases: the first phase will cover liability under CERCLA and the FTCA, and economic damage claims; the second phase will address injunctive relief under RCRA and the Clean Water Act; the third phase will address contribution and cost recovery claims among defendant's and EPA contractor Environmental Restoration's counterclaims against the state for cleanup cost recovery. Phase 1 trial is set to begin in August, 2021.

Takata

CEPD continues to litigate against the automobile manufacturers who knowingly installed dangerous Takata Airbags in vehicles, putting New Mexico drivers and their family members at risk. The case has survived motions to dismiss and is currently in litigation. Trial is set for March 8, 2021.

Consumer and Environment Protection

Division cont'd

NEW FOR 2019 - Selected New Cases & Case Updates

Texas v. New Mexico

In 2014, Texas sued New Mexico alleging New Mexico permitted groundwater pumping and surface diversions in the Rio Grande south of Elephant Butte Dam that intercept Rio Grande Project water delivered to Texas. Texas claims New Mexico's actions violate the Rio Grande Compact, which apportions the waters of the Rio Grande among Colorado, New Mexico, and Texas. The United States, which operates the Rio Grande Project, has joined the case as a plaintiff, making similar allegations to Texas. New Mexico originally moved to dismiss both complaints, however its motions were denied. In 2018, New Mexico answered the complaints and filed several counterclaims against Texas and the United States arguing Texas also violated the Compact by pumping groundwater; that the United States violated the Compact and other federal statutes by adopting the 2008 Operating Agreement and taking other actions that have reduced the allocation of Rio Grande water New Mexico receives and increased the allocation Texas receives; and that Texas has been unjustly enriched by the United States' Compact violations.

After five years of preliminary motions initiated by former Attorney General Gary King, this is New Mexico's first chance to assert defenses, utilize the best science, and demand a better planning process to ensure there is adequate water resources for all citizens. The pleadings emphasize the fact that Texas is not entitled to relief, because it has not suffered damages. Additionally, Texas has failed to take steps to mitigate the harm and injury

alleged in its Complaint. The pleadings further detail Texas' failure to properly regulate or manage surface or groundwater located within Texas, failure to prevent groundwater development in Texas, and failure to properly plan for known and expected drought or water shortages.

New Mexico now seeks to defend against Texas's and the United States' claims as well as to press counterclaims against both plaintiffs. Development of a robust technical case will be critical to defending against the claims of Texas and the United States and pursuing our own counterclaims. During 2019, the parties engaged in extensive discovery to prepare for trial that is tentatively scheduled for April of 2021.

Vivint Solar

In March of 2018 CEPD filed a lawsuit against Vivint Solar, a Utah company selling residential purchase power agreements door-to-door in New Mexico. The complaint alleges violations of New Mexico's consumer protection acts, racketeering act and others. Besides unfair and unconscionable sales and marketing by the company, Vivint has filed thousands of fixture filings on consumers' homes, essentially creating a lien on the property and interfering with consumers' ability to sell their home. The case has survived a motion to dismiss and is currently in discovery.

Tiny Labs and Google

In September 2018 CEPD initiated a lawsuit against Tiny Lab, Twitter, MoPub, Google, Admob, Aerserv, Inmobi, Applovin and Ironsource for illegally tracking children through online apps. Some of the information that appears to be being collected includes persistent identifiers like IP addresses and, in some instances, location. Additionally, the complaint alleges Google violated New Mexico's consumer protection laws by falsely identifying apps as being child safe, when they were not. Defendants have filed motions to dismiss, which are fully briefed and pending before the court.

PNM Application for San Juan Generating Station Abandonment

CEPD staff devoted significant time analyzing and providing testimony regarding PNM's proposed abandonment of the San Juan Generating Station in front of the Public Regulation Commission.

LITIGATION DIVISION



**Joseph Dworak, Litigation
Division Director**

The Litigation Division serves the state through a number of important roles. The division's attorneys provide professional and effective legal representation to state officials, agencies, and judges when sued in their official capacity. The division also seeks to protect New Mexico citizens and the state treasury by initiating and defending civil lawsuits on behalf of the state. Finally, the division conducts administrative prosecutions for professional licensing boards and commissions in an effective and ethical manner that helps protect public health and safety while at the same time ensuring due process of licensees. Below is a sampling of the various areas the division practices in:

- ◆ Civil Litigation
- ◆ Administrative Prosecutions
- ◆ Civil Appeals & Antitrust Litigation
- ◆ Tobacco Enforcement
- ◆ Bankruptcy
- ◆ Extraordinary Writs

Civil Litigation

The Litigation Division represents the state in civil law suits, including state agencies, public officials, and the Office of the Attorney General; and appears in all courts, ranging from magistrate court through every state and federal court.

In 2019, the Litigation Division was involved in 81 litigation cases. A list of representative cases is below.

Duran v. Lujan Grisham et al

Thanks to the Division's aggressive defense in the most recent phase of this 40+ year prison reform litigation, the parties negotiated a new settlement agreement that terminates the perpetual provisions of the Duran Consent Decree and will lead to the dismissal of the entire case in the near future.

Collins v. Daniels

Successfully defended the constitutionality of New Mexico's Bail Reform and obtained significant sanctions against opposing counsel for bringing frivolous claims.

NM Patriots v. Toulouse Oliver et al.

Successfully argued for the dismissal of a complaint challenging the denial of several petitions for referenda pertaining to a number of bills passed during the 2019

Legislative Session.

12th Judicial Court et al. v. Board Of Otero County Commissioners

The Litigation Division's aggressive representation of its client and the public interest led to the pursuit of a voluntary resolution of serious health and safety issues present at the Twelfth Judicial District courthouse in Alamogordo, NM.

Zuni Public School District et al. v. State of New Mexico et al.

Successfully defended the State during a week-long trial, bringing this twenty-year-long education litigation closer to completion.

In re Feinhandler

Following its successful litigation of a will dispute, the Division expects to obtain close to \$500,000 for the General Fund.

McCubbin Collection & Lincoln County

Swift action led to the termination of a private auction sale and recovery of 37 historical documents pertaining to the Lincoln County War, valued at \$200,000, for the benefit of all New Mexicans. Both state and county probate documents will be housed in Lincoln County through an MOU drafted by the division.

Pennymac v. Naranjo

In important ongoing litigation, the Division is protecting the public interest by arguing that banks selling publicly insured FHA loans must comply with applicable HUD regulations before foreclosing on such loans – protecting homeownership by requiring lenders to take additional steps that decrease likelihood of defaults.

Litigation Division cont'd

Tobacco Master Settlement Agreement Enforcement

The Attorney General is charged with enforcement of the Master Settlement Agreement (MSA), a 1998 agreement between the largest cigarette manufactures and 46 states. Through the office's tobacco project, headed by Project Coordinator Phillip Bachicha and Assistant Attorney General Olga Serafimova, the Litigation Division protects New Mexico's interests by litigating against tobacco manufactures that attempt to evade payments under the MSA. Since 1999 and the inception of the agreement, the Office of the Attorney General has recovered over \$793 million, including \$34,789,028.61 in 2019. The division is currently involved in litigation with both 2004 non-participating manufactures adjustment arbitration and 2005 arbitration.

With the 2004 arbitration, the state received an unfavorable ruling this year when the New Mexico Supreme Court denied a petition to appeal the district court's order to compel New Mexico into the 2004 arbitration. The arbitrating states are currently discussing new arbitrator selection, and the participating manufactures have begun to request discovery from New Mexico.

The 2005 arbitration has begun to pick up speed with the arbitrating states, including New Mexico, having had several meetings in Chicago to discuss tobacco litigation. Nearly all of the states wish to combine arbitration years to help address the backlog, but Missouri has stalled these efforts, as the manufactures refuse to arbitrate multiple years without all states in agreement. New Mexico has expressed its position that multi-year arbitration would be in the best interest of the state in order to catch up on the backlog arbitration and most efficiently use the state's resources and maximize MSA payments.

In July 2019, the district court issued an order denying Grand River Enterprises appeal and upholding a 2018 decision by the Office of the Attorney General to deny Grand River from being able to place their cigarettes on New Mexico's tobacco directory for failure to satisfy the state's requirements. Grand River has appealed to the New Mexico Supreme Court, but the petition for certiorari has not been granted as of the end of the year.

The Litigation Division is working diligently to prepare for a heavy workload anticipated for the tobacco project in 2020. Efforts are underway to expand the tobacco unit with multiple attorneys involved and increase administrative assistance. The office recently secured the assistance of an expert economist and is currently receiving proposals for outside counsel to assist in the tobacco multistate litigation and arbitration.

Administrative Prosecution

The attorneys of the Litigation Division serve as civil administrative prosecutors for 33 professional and occupational licensing boards and commissions. Prosecutors present formal charges against applicants or licensees who are alleged to have violated licensing statutes and regulations in order to protect the public and maintain trust in these regulated professions. Our prosecuting attorneys work closely with board or commission staff, investigators, inspectors, complainants, and witnesses to build cases that are persuasive to the licensing board or commission while also able to withstand judicial review if the case is appealed to district court.

In 2019, the Litigation Division focused on reducing inefficiencies and building partnerships. As a result the division recorded some impressive statistics.

- ◆ Over 217 referrals requesting prosecution were received by the division, including: 20 cases involving regulated activities by an unlicensed individual; 21 applicants that were denied a professional license; and 175 referrals for discipline against licensed individuals.
- ◆ Over 440 Notices of Contemplated Action (NCA) were filed, eliminating our backlog
- ◆ 116 administrative hearings were set
- ◆ 93 settlement agreements negotiated and approved by boards/commissions

Prosecutors in the Litigation Division were successful in arguing that that the Board of Dentistry should permanently revoke the license of Dr. William Gardner. Dr. Gardner was found in violation of unprofessional conduct, fraudulent record keeping, and insurance fraud.

Litigation Division Cont'd

Civil Appeals

The Litigation Division defends the constitutionality of state laws and brings lawsuits to defend the constitutional rights of New Mexico and New Mexicans. The Division also houses the Office's Civil Appellate practice, overseen by the Civil Appellate Chief, Nicholas Sydow, which works on civil cases on appeal, amicus briefing, and other matters in the appellate courts.

Bankruptcy

The Division takes the lead in representing the State and its various agencies in bankruptcy cases, both within New Mexico and nationally. Lead by bankruptcy counsel Assistant Attorney General Jim Jacobsen, the Attorney General's Office appeared on behalf of the State of New Mexico in 217 new bankruptcy cases filed in the District of New Mexico during FY 2019. The Attorney General's Office also appeared in bankruptcy cases in Oklahoma and Texas. The Taxation and Revenue Department and the Energy, Minerals and Natural Resources Department were the primary client agencies.

The Taxation and Revenue Department seeks to recover unpaid New Mexico taxes from individuals and companies seeking relief under the federal bankruptcy laws. The joint efforts of the Attorney General's bankruptcy lawyer and the staff of the Taxation and Revenue Department recovered \$3,125,244.60 from debtors during FY 2019. Through the first half of FY 2020, they had recovered an additional \$1,928,765.41. The Oil Conservation, Mining and Minerals, and Energy Conservation and Management Divisions of the New Mexico Energy, Minerals and Natural Resources Department are responsible for ensuring that oil and gas, mining, and geothermal energy projects do not damage New Mexico's environment or spoil its waters. Working together, the Attorney General's Office ensured that financially stressed companies, such as Legacy Reserves, Remnant Oil & Gas, and Westmoreland Coal were not able to evade their legal and moral environmental obligations to the people of New Mexico.

Extraordinary Writs

The Litigation Division provides legal representation to judges and public officials in extraordinary writs, most of which are filed in the New Mexico Supreme Court. Representing the judiciary is a distinct role for the Office of the Attorney General and offers its attorneys a unique opportunity to engage with the bench.

In 2019, the Litigation Division defended 28 extraordinary writs, including a historically interesting matter, *Fleming v. Hon. Matthew Reynolds*, which involved issues related to a gold mine claim from the time New Mexico was a territory of the Spanish Empire.

CIVIL RIGHTS BUREAU



Jennie Lusk, AAG
Civil Rights Bureau Chief

The **Civil Rights Bureau** was founded in April of 2019, concentrated in its first year on promoting humane treatment of immigrants, asylum-seekers and their families and on bringing New Mexico's problems to light through multi-state litigation.

Because of the variety and frequency of attacks targeting immigrants and asylum-seekers, the bureau has prioritized litigation on behalf of the immigrant population and coalition-building among advocates who share the Attorney General's commitment to safety and to equal and humane treatment for all people in New Mexico's borders.

Immigration Litigation

The Office of Attorney General joined with other states to bring more than a dozen lawsuits recognizing the status of immigrants in our borders. Below are representative cases brought on behalf of the Civil Rights Bureau:

CA v. McAleenan #2:19-cv-07390 Sued the federal government for arbitrarily separating families at the border resulting in a 10/7/19 stay and placement on inactive status while the policy of separation is enjoined.

Make the Road NY v. Wolf, #19-cv-2369 (D.C.); and DHS v. Thuraissiagian (#19-161, filed 1/22/20 in U.S. Supreme Court) Condemned "expedited removal" rules changes that give inadequate review of worthy asylum petitions.

U.S. Department of Commerce v. NY (Supreme Court #18-966) Stopped the census bureau from collecting citizenship data as part of its survey of people and challenged the State of Alabama's attempt not to count noncitizens in its census.

California v. Trump, #4:19-cv-00872-HSD (N.D. CA). Opposed construction of a 30-foot border wall especially as authorized first through the declaration of an emergency and later as paid for by military funds diverted by President Trump.

New Mexico hunters, civic leaders and environmentalists joined in the litigation to argue that construction of such a wall in New Mexico would harm wildlife and violate state law providing for wildlife corridors among other legal problems.

Flores v. Barr, #2:85-cv-4544 DMG (CA); amicus filed 1/28/20 at the 9th Circuit, #19-56326 Emphasizing the States' interests in ensuring that institutionalized children are detained only in humane conditions. Made the case for respecting existing requirements for detention of immigrant children—including their release within 72 hours—rather than allowing the federal government to eliminate such requirements through a change to federal regulations.

WA v. DHS, #2:19-cv-02043 (W.D. WA) Joined litigation challenging Immigration and Customs Enforcement (ICE) courthouse arrests of immigrants responding to legal process or seeking law enforcement help.

DHS v. Univ of California, U.S. Supreme Court # 18-587, 18-588 and 18-589 Challenged the rollback of the Deferred Action for Childhood Arrivals (DACA) program.

Padilla v. ICE, #2:18-cv-00928 (9th Cir) appeal from Wash W.D. and 9th Cir. #19-35565 Opposed denying asylum-seekers an adequate bond hearing to determine whether incarceration is justified.

CIVIL RIGHTS BUREAU cont'd

Immigration Litigation cont'd

East Bay Sanctuary Covenant v. Trump #18-17274 (9th Cir. amicus filed 5/15/19); **Al Otro Lado v. Nielsen**, # 3:17-cv-02366 (S.D. Cal) Challenged the “turn-back” policy requiring those who pass through a third country on the way to the United States to seek asylum there prior to applying for asylum here and implementing the “Migrant Protection Protocol” allowing return to Mexico of persons who have a court date in the U.S.

Doe v. Trump, #3:19-cv-01743 (OR) Opposed requiring immigrants to attain health care coverage in order to be considered for entry to the United States.

California v. Barr (9th Cir. amicus filed 5/29/19) Challenged attempts to deny Judge Advocate General (JAG) law enforcement grant funds to states and

cities that implement so-called “sanctuary” policies.

Washington v. DHS, #4:19 cv 05210 (E.D. Wash.); **Baltimore v. Trump** 9US Dist Ct, Baltimore Div, #1:18 cv 03636) Opposed requiring immigrants to prove their financial assets (a “public charge” challenge).

Washington v. Trump, 9th Cir. #17-35105; **Darweesh and People of NY v. Trump**, E.D. N.Y. #1:17-cv-00480, , **City and County of San Francisco v. Sessions**, #17-cv-4642, **Providence v. Barr** #19-1802 (1st Cir. Ct. App amicus); **City of Chicago v. Whitaker**, #18-2885 (7th Cir); **City of Philadelphia v. Sessions** #17-cv-3894 (E.D. PA); **US v. California**, #2:18-cv-00490 (E.D. CA) Opposed a travel ban based on country of origin alone.

Moreno v. Nielsen, #1:18-cv-01135; **Ramos v. Nielsen**,(N.D. Cal #3:18-cv-01554; **Centro Presente v. Trump**, #1:18-cv-10340-DJC (U.S. Dist. Mass) Opposed withdrawal of support for people with Temporary Protected Status.

Doe v. Trump, #3:19-cv-01743-SI, (U.S. Dist. WA, Portland) Opposed health care coverage requirement for immigrants as condition of admission to the U.S.

Civil Rights Advocacy in New Mexico

In the community activism arena (as opposed to in-court challenges), the Civil Rights Bureau’s work included:

- ◆ Protesting the arbitrary cessation of the federal government program that once allowed people with life-threatening medical conditions and their families to live in the U.S. while seeking treatment;
- ◆ Consulting with the short-staffed International Boundary Water Commission near Las Cruces to ensure that private militias building a border wall did not encroach on its property;
- ◆ Reporting the militia’s trespass on railroad property by the Guardian Patriots (formerly the United Constitutional Patriots) militia members as they detained immigrants crossing the border on foot. In addition, the bureau provided linkages for the Attorney General with border law enforcement and civic leaders;
- ◆ Advocating for non-citizen children to receive meals in schools;
- ◆ Supporting the “NO BAN” (National Origin-Based Antidiscrimination for Nonimmigration), Act that repeals three versions of the Muslim ban and broadens Sec. 202(a) of the INA to prohibit discrimination on the basis of religion
- ◆ Helping UNM School of Law with immigration advocate contacts as it attempts to establish a legal clinic for immigrants in New Mexico.

CIVIL RIGHTS BUREAU cont'd

Other Civil Rights Bureau Work

Litigation Asserting LGBTQI & Trans Rights plus Nondiscriminatory Policies :

- ◆ Grimm v. Gloucester, # 19-1952 (4th Cir.) for constitutional rights of transgender student; also, Adams v. Sch. Bd. of St. Johns County, #18-13592 (11th Cir.);
- ◆ Opposed Transgender Ban in the military, Karnoski v. Trump # 18-35357 (9th Cir);
- ◆ Opposed discrimination against a lesbian security guard on the basis of sexual orientation, Evans v. Georgia Regional Hospital, #17-370 (11th Cir.)
- ◆ Fought gender discrimination, Greater Philadelphia Chamber of Commerce v. City of Philadelphia, #18-2175 (3rd Cir.) supports State's responsibility to combat sex discrimination in the workplace; also Horton v. Midwest Geriatric Management, #18-1103, E.D. MO, 8th Cir; Amicus supporting the proposition that Title VII protects persons on the basis of sexual orientation in employment discrimination cases.

Other Civil Rights Bureau issues in litigation:

- ◆ Asserted State interest in fair student loan disputes, PA v. Navient, #19-2116 (3d Cir.)
- ◆ Asserted State requirement under State statute to make a priority placement of an Indian child with the child's tribal family, Brackeen v. Bernhardt, #4:17-00868 (N.D. TX)

OPEN GOVERNMENT DIVISION



**Sally Malave, Director
Open Government**

The Open Government Division has three primary areas of responsibility. First, it provides legal representation to eighty boards, commissions and state agencies, including nearly three dozen professional licensing and environmental permitting boards. Second, the Division researches and drafts Attorney General opinions in response to requests by state legislators, state officers and district attorneys. Third, it promotes public transparency by reviewing and responding to complaints alleging violations of the Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA) and by providing state-wide training to governmental bodies, media organizations and the public regarding their rights and responsibilities under the Acts.

Year in Review In 2019, attorneys in the Division attended 497 proceedings, including regular board meetings, disciplinary and rulemaking hearings. Notably, Assistant Attorney General Marah deMeule assisted the Insurance Nominating Commission as it selected the next Superintendent of Insurance, who began his term in January 2020.

Through the end of December, the Division was in the midst of 69 judicial appeals and similar court proceedings on behalf of state agencies, boards and commissions.

The Office of the Attorney General issued five advisory opinions in 2019 on a variety of topics, including (1) the ability of a District Attorney's Office to use of funds and services received from third parties; (2) the disposition under the Probate Code of estate funds pending efforts to locate potential heirs; (3) the OAG Rules governing the advertising and sale of motor vehicles; (4) the administration of private sector residential Property Assessed Clean Energy (PACE) financing loans; and (5) and the application of the Anti-donation Clause to nonprofit public libraries.

The Division supervised the production of 94 OMA/IPRA determinations and answered countless telephone calls from public officials and members of the public regarding OMA, IPRA and other aspects of government practice. It provided 19 statewide trainings on OMA/IPRA compliance traveling to Carlsbad, Farmington, Deming, Estancia, Las Vegas, Los Lunas, Rio Rancho, Taos, Tatum, Tucumcari, as well as Albuquerque and Santa Fe, drawing approximately 940 persons in attendance

The Division houses the records custodian for the OAG, who in 2019 received and responded to 374 requests to inspect public records held by the OAG.

The Division received and approved 29 school bonds, totaling approximately \$157,167,000.00 and reviewed 112 contracts (including 17 in which the OAG was a party) for Governmental Conduct Act compliance and legal sufficiency. The Division also approved 5 Closing Agreements negotiated by the Taxation and Revenue Department.

During the 2019 Legislative Session, the Division received, routed and administered 497 requests for bill analysis from the New Mexico Legislative Council Service.



ADVOCACY AND INTERVENTION DIVISION



**Jennifer Saavedra, AAG
AAI Director**

The Advocacy and Intervention Division (AAI) is the first point of contact for all complaints received by the Office of the Attorney General. Advocates in the Division answer phones, meet with walk-in complainants, and respond to complaints filed online. The Division provides advocacy and intervention services as well as community outreach for constituents and consumers. These services include disability advocacy and advocacy for victims of crime and their families.

Advocacy and Intervention Services

AAI consumer advocates provide rapid assistance to all New Mexicans with various concerns such as identity theft, car buying, payday and student loans, and scams of all varieties. The Office of the Attorney General cannot act as a private attorney for individual citizens. However, in some matters, if a consumer is unable to resolve a dispute with a business, the Advocacy and Intervention's complaint resolution services may be available. There is no charge to the public for these services. The Office of the Attorney General can never guarantee a particular outcome, however, advocates successfully mediated over 200 cases in 2019 recovering nearly \$400,000 for consumers. These are cases that without the intervention of the Office of the Attorney General would have clogged New Mexico courts or gone unresolved.

Attorney General Balderas has made a commitment to New Mexico consumers that his advocacy staff will respond to complaints within 72 hours and has pledged that even when his office receives complaints that go beyond the authority and scope of the office, advocates will attempt to link constituents with other agencies.

2019 Key Accomplishments and Outcomes:

- ◆ In 2019, Advocacy & Intervention advocates received 23,327 phone calls from constituents.
- ◆ 7,691 consumer & constituent complaints were opened.
- ◆ 2,710 of the consumer & constituent complaints were electronically submitted through the Office of the Attorney General's Electronic Complaint System (ECS).
- ◆ 2,134 of the complaints received were related to scams.
- ◆ AAI Advocates were able to assist consumers throughout the State of New Mexico in 2019 and recovered \$385,059.62.



Advocacy and Intervention Division

cont'd

Disability Advocacy

In 2019, the Office of the Attorney General has made tremendous strides in engaging and addressing issues concerning the disability community. Our advocates offer resources and support to disabled constituents. Often times, this support includes making appropriate referrals or providing guidance for submitting a complaint or concern. Our office received concerns regarding services, ADA compliance, and consumer issues on a wide range of topics. These topics include guardianship, transportation, education, sub-minimum wage, abuse, neglect, exploitation, housing, representative payee, inclusion and human rights for all people with disabilities. In addition, this year we partnered with many state and private agencies to better serve the disability community.

2019 Key Accomplishments and Outcomes:

- ◆ Hosted along with the State Treasurer's Office and the Office of the State Auditor the New Mexico Dream Bigger Summit: Creating a More Inclusive New Mexico. Over 300 participants attended.
- ◆ Participated in Disability Rights Awareness Day
- ◆ Attended National Disability Summit in New Orleans
- ◆ Presented at the University of New Mexico's Center for Developmental Disabilities Partners and Policy Making
- ◆ Participated in the IDEA Advisory Panel and PTA conference
- ◆ Participated in the Grandparents Raising Grandchildren Task Force, Mi Via Advisory Committee, Community and Employment Subcommittee, NM HCBS Rate Study Subcommittee, New Mexico Allies Board, HB 12 Task Force, House Memorial 12 Task Force, Medically Fragile Family Advisory Board, Developmental Disabilities Planning Council Planning Rule Making, ACQ DD Waiver Steering Committee, the ACQ Subcommittees and ACQ Advisory Board, and Mi Via Renewal Steering Committee



Disability Summit 2019

Victim Services

Victim Services is committed to offering resources and support to victims of crime and their families. The victim advocates serve all of the Criminal Affairs Divisions, and are staffed by three full time victim advocates. Victim Advocates work diligently to assist victims of crimes as they navigate the criminal legal process. The Office of the Attorney General recognizes the importance of victims' rights and is committed to working proactively to ensure that those rights are upheld throughout the criminal legal process. The goal of victim services is to provide comprehensive services in a competent, sensitive, and professional manner. The Office of the Attorney General also recognizes the value of preventing victimization and decreasing criminal behaviors through education, outreach and access to services. Victim advocates respond to mass casualty incidents throughout the state and assists local law enforcement and victim service providers with knowledge, experience and training in crisis situations. The unit relies on a network of service providers across the state to whom victims may be referred for services that fall outside the scope of what the Office of the Attorney General can provide.

Advocacy and Intervention Division

cont'd

Victim Services cont'd

2019 Key Accomplishments and Outcomes:

- ◆ Received 200 inquiries from victims and/or constituents who were seeking information, referrals, or services regarding criminal matters not being handled by our office
- ◆ Mailed 159 notifications to victims related to cases in the New Mexico Court of Appeals
- ◆ Attended 5 adult sex offender parole board hearings on behalf of victims and/or their families
- ◆ Attended 5 oral arguments at the New Mexico Court of Appeals on behalf of victims and/or families
- ◆ Conducted 7 presentations to multi-disciplinary teams, which consist of law enforcement, victim service providers, public educators, school counselors, tribal members, and members of city council
- ◆ Responded to 1 critical incident situation (murder-suicide) in Santa Fe, NM. Incident occurred outside of a government building where one of the decedents was employed. Crisis intervention was provided to co-workers and family members on scene. CVRC was offered to the family which covered the cost of the funeral for the murder victim.
- ◆ Conducted 10 outreach presentations and reached nearly 1,600 students, parents and community members
- ◆ Victim Services worked in preparing victims and their families in a total of ten trials, five preliminary hearings and one amenability hearing this year. Out of the ten trials, seven had successful outcomes. Each of the preliminary hearings were bound over to District Court, and the juvenile offender was found not amenable to treatment. These successes include, State v. Davon Lymon, State v. Ronnie Ruiz, State v. Edward Cebada, State v. Gary Gregor, State v. Selito Dos Santos, State v. Laura Seeds and State v. Richard Martinez.
- ◆ Victim Services has also successfully collaborated with Chaves, Eddy, Luna, Sierra, Grant, Otero and Dona Ana counties to provide crucial resources, training and information to aid in combatting Human Trafficking in those areas.



Community Outreach

In 2019, the Advocacy and Intervention Division successfully participated in community outreach through public safety awareness events, consumer protection resource tables, Law Enforcement Torch Run to support Special Olympics of New Mexico, and school outreach with staff, students, parents and communities.

School presentations were the number one submitted request through our online presentation request form. Requests included

presentations on cyber bullying and online safety, school wide safety awareness, teen dating and healthy relationships, suicide prevention and awareness and bully prevention and awareness.

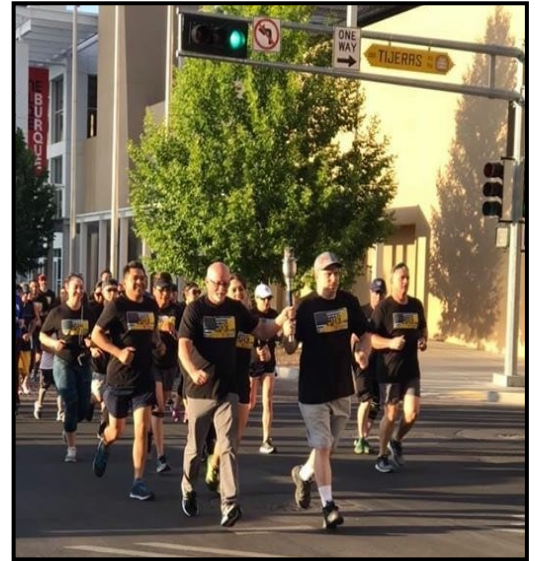
Advocacy and Intervention Division

cont'd

Community Outreach cont'd

2019 Key Accomplishments and Outcomes:

- ◆ In April 2019, AAI assisted in establishing an online community outreach request form. This increased the community outreach provided by our office by 80% from 2018. Since the establishment of the online request form, there were 77 online requests submitted through this innovative resource tool.
- ◆ Participated in monthly Special Olympics fundraiser events. The New Mexico Office of the Attorney General will be receiving a Silver Participating Agency Award at the Regional Special Olympics Conference for helping raise over \$3,000 for Special Olympics of New Mexico.
- ◆ Provided information and resources to 26,108 community members in 2019, this was a drastic increase from 4,790 community members in 2018. The collected data also showed a significant increase in our school community outreach efforts. In 2019, we participated in 127 community outreach events. Highest presentation requests were for the months of May, September, October and November averaging 16 per month.
- ◆ Participated in the New Mexico Public Education Department's Safe and Healthy Schools to support school safety and stop school violence.
- ◆ Participated in the Inspire NM Educators Conference and the New Mexico Technology in Education Conference. At both conferences our office presented on cyberbullying and cyber safety to help create a positive digital citizenship in schools.
- ◆ Established a partnership with the New Mexico Public Education Department's Safe and Healthy Schools Bureau to provide resources and training for school staff to stop school violence via our STOP Grant funded trainer.
- ◆ Ongoing collaboration with the Colorado Attorney General's Office to support and share the work being done through



SPECIAL INVESTIGATIONS DIVISION



Ben Baker,
Special Investigations
Division Director

The Special Investigations Division (SID) works to provide a safe environment for New Mexico's most vulnerable populations, including children and the elderly. The Division is responsible for reviewing and investigating crimes that are referred to the New Mexico Office of the Attorney General (OAG), which often results in the arrest and incarceration of dangerous and corrupt criminal offenders. Additionally, the Division regularly supports efforts to secure restitution for victims of financial crimes and fraud.

The Division is comprised of separate units, each handling investigations in its own specialty area; these units include Special Investigations; Internet Crimes Against Children; Human Trafficking; Anti-Money Laundering Unit; Guardianship Unit, and the Social Security Administration Cooperative Disability Investigations (CDI) Unit.



NEW FOR 2019

The Special Investigations Division (SID) had an extremely busy year in 2019, which included initiating investigations into public corruption, law enforcement misconduct, and clergy abuse.

A major highlight in 2019 includes an investigation where OAG agents identified three children who were being sexually exploited by their parents. As a result of our efforts, we protected the children from their parents by developing criminal cases against them and further assisted during parental rights termination proceedings.

Also important for 2019, is our offices coordination with other law enforcement agencies, prosecutorial agencies, and New Mexico Probation and Parole to locate and arrest violent offenders who had outstanding warrants. This joint effort resulted in 62 arrests across several counties in New Mexico.

Additionally, we were happy to see several of our investigations come to a close with successful outcomes, such as the case against Edward Boysel who operated a conceal carry training company, failing to report income, falsifying records and information in order to obtain public assistance and launder money. In 2019, Boysel pleaded guilty to five charges, received four years in prison and ordered to pay \$140,000 in restitution.

Also, last year we highlighted the case of James Labros who exploited two Albuquerque seniors by embezzling their life savings, totaling over \$1 million dollars. Since then, Lambros has pleaded guilty to five charges including larceny, embezzlement, tax fraud, forgery and theft of a credit card. In 2019, he was sentenced to 12 years in prison with five years of probation.

Special Investigations cont'd

KEY OUTCOMES

2019 Special Investigations Division Accomplishments: (Totals for Special Investigations; Internet Crimes Against Children; Human Trafficking; Anti-Money Laundering; Guardianship and Social Security Administration Units)

- ◆ 85 Arrests
- ◆ 233 Search Warrants
- ◆ 70 Subpoenas
- ◆ 709 Cases Opened
- ◆ 905 Closed Cases (*includes prior year)
- ◆ 120 Law Enforcement Trainings
- ◆ 38 Law Enforcement Operations
- ◆ 1,318 Cybertips reviewed

Special Investigations Unit

During 2019, the Special Investigations Unit achieved the following statistical outputs:

- ◆ 52 Search Warrants
- ◆ 15 Subpoenas
- ◆ 06 Criminal Complaints
- ◆ 03 Arrests
- ◆ 682 Open Cases (*included prior year cases)
- ◆ 403 Cases Opened (*during 2019)
- ◆ 476 Closed Cases (*includes prior year cases)



The following are case highlights and outreach training conducted by the Special Investigations Unit:

- ◆ On December 23, 2019, OAG agents filed a Criminal Complaint against Tonita Gurule-Giron, elected mayor of Las Vegas, NM. She was charged with engaging in an official act for personal financial gain, violation of ethical principles of public service, soliciting or receiving an illegal kickback, conspiracy to commit making or permitting a false public voucher, unlawful interest in a public contract and demanding or receiving a bribe by a public officer or employee. OAG began its investigation after receiving several complaints against the mayor alleging that she was pressuring city employees into awarding city contracts to her boyfriend's construction company. Her boyfriend, Marvin Salazar was also charged with offering or paying an illegal kickback and making or permitting false public voucher, for his participation in the scheme. After the charging, Tonita abruptly resigned from her position as Mayor of Las Vegas, NM.
- ◆ On March 12, 2019, OAG Special Agents arrested former Roman Catholic priest Sabine Griego after an investigation into sexual misconduct upon a child who attended a school where Griego worked. OAG has charged him with one count of sexual penetration of a minor and coercion resulting in great bodily harm and mental anguish.
- ◆ After a newspaper article with video of a Rio Arriba Sheriff's deputy tasing a child multiple times surfaced. OAG began investigation into whether Deputy Jeremy Barne's use of force was excessive. After intensive investigation Barnes was charged with child abuse, false imprisonment, aggravated battery and violation of ethical principals of public service.



Special Investigations cont'd

SPECIAL INVESTIGATIONS UNIT cont'd

Guardianship Unit

This unit focuses on crimes by guardians who are appointed to make decisions for people incapacitated and unable to manage their finances, property, health care or living arrangements. During the 2017 legislative session, OAG was awarded funding to employ one special agent and one prosecutor to work guardianship related matters. In 2018, OAG filled these positions and once the unit was publicly announced OAG's Guardianship Unit began receiving several case referrals. In 2019, the Guardianship Unit conducted an investigation after receiving a referral identifying a Representative Payee service provider in Albuquerque, alleging that its owner was stealing funds from over 200 of its clients. Multiple search warrants and interviews were conducted. In all, 247 individual victims were exploited and nearly \$50,000 was stolen from the victims by the owner of the business. The target has since been indicted and charged with Embezzlement (over \$20,000) and Tampering with Evidence. Trial is scheduled for April 2020.

Internet Crimes Against Children Unit

The OAG Internet Crimes Against Children Unit (ICAC) investigates the production, distribution and possession of child pornography within the state of New Mexico. ICAC also leads the statewide effort and is the task force commander for all 89 state, local, federal, tribal and military affiliate law enforcement agencies.

- ◆ 13 Arrests
- ◆ 78 Search Warrants
- ◆ 245 Cases Opened
- ◆ 275 Reviewed Cases
- ◆ 261 Case Referrals
- ◆ 461 Closed Cases (includes cases open prior to 1/1/2019)
- ◆ 68 Outreach Presentations
- ◆ 2 Law Enforcement Operations
- ◆ 61 Law Enforcement Trainings
- ◆ 3,334 Number of training registrants
- ◆ 1,318 Cybertips reviewed



The following are case highlights and outreach training conducted by the ICAC Unit:

- ◆ OAG received several cyber tips from the National Center for Missing and Exploited Children, about two young girls possibly being sexually exploited and photographed by their parents. Special Agents conducted investigation and subsequently identified the parents of the two girls (ages 5 and 2), finding that they are homeless and moving from motel to motel in the Albuquerque area. A search warrant was executed, and through investigation it was determined that both girls were recorded being sexually exploited, in addition to a 12-year-old girl, without her knowledge. The mother Crystal Dickman was located, along with the father of the two girls, John Dickman who was arrested. Trial for Crystal Dickman has been scheduled for March 2020 but are waiting on scheduling for John Dickman's case. Their parental rights have since been terminated.
- ◆ In 2019, OAG Special Agents executed a search warrant at an Albuquerque law firm after receiving a tip from an informant stating that she observed an employee of the firm viewing child pornography. Special Agents seized several electronic devices during the search warrant and identified the viewer as attorney, Matthew O'Neill. He has been charged with Possession of Visual Medium of Sexual Exploitation with trial scheduled for March 2020.

Special Investigations cont'd

Human Trafficking Unit

The OAG Human Trafficking Unit focuses on the investigation of sex and labor trafficking within New Mexico. This unit also leads as the statewide task force commander for the 64 state, local, federal and tribal affiliate law enforcement, regulatory agencies and non-profit affiliates. The increase of outreach, awareness and education about human trafficking are important unit objectives met by training via a multidisciplinary approach.

During 2019, OAG Human Trafficking Unit achieved the following statistical outputs:

- ◆ 17 Arrests
- ◆ 45 Search Warrants
- ◆ 10 Law Enforcement Operations
- ◆ 20 Sex Trafficking Cases Opened
- ◆ 22 Cases Open (*included prior year cases)
- ◆ 62 Reviewed Cases
- ◆ 9 Case Referrals
- ◆ 27 Closed Cases (includes prior year cases)
- ◆ 4 Labor Trafficking Cases Opened
- ◆ 4 Cases Open (*included prior year cases)
- ◆ 6 Reviewed Cases
- ◆ 54 Victims Interviewed
- ◆ 53 Law Enforcement Training/NGO Presentations
- ◆ 3,191 Number of training registrants



The following are case highlights and outreach training conducted by the Human Trafficking Unit:

- ◆ A longtime foster parent from Albuquerque, NM was caught in a child-sex sting operation and sentence to eight years in prison. In March 2019, OAG special agents carefully executed this operation by posing as a mother selling sexual access to her 13 year old daughter online. Joshua Saavadra answered the agents' fake online ad and began to engage in sexual chats with the agents. Through chats, he eventually agreed to trade sex with the girl for \$20 and pills and arranged a meeting at a hotel. As agreed upon, he met the agents at the hotel with drugs in hand. Saavadra will also be required to register as a sex offender upon his release from prison.
- ◆ OAG Human Trafficking Taskforce had a successful year organizing the TaskForce with many of the key members. In April 2019, the Task Force conducted a training titled, "Train the Trainer." There were over 40 registrants for the training and they are now certified to provide human trafficking presentations.
- ◆ In 2019, the Human Trafficking Task Force has a total of 63 Memorandum of Understanding (MOU) agreements with many different partners across the State of New Mexico. The MOU's with key stakeholders ensure a multidisciplinary approach to combatting human trafficking on all different societal levels within New Mexico. The Task force is comprised of state and federal law enforcement, service providers, judiciary personnel, Children, Youth and Families Department and prosecutors.



Special Investigations cont'd

Anti-Money Laundering Unit

This unit investigates complex financial crime cases. They are staffed by subject matter experts who regularly fill gaps in specialty law enforcement resources, particularly in rural New Mexico.

- ◆ 58 Search warrants
- ◆ 55 Subpoenas
- ◆ 15 Cases Opened
- ◆ 8 Closed Cases (includes cases open prior to 1/1/2019)
- ◆ 6 Law Enforcement Trainings
- ◆ 26 Law Enforcement Operations



The following are case highlights and outreach training conducted by the Anti-Money Laundering Unit:

- ◆ OAG received a complaint against the sitting Sierra County Probate Judge, Pamela Smith, who also served as the deputy field investigator with the state Office of the Medical Investigator. In March 2017, Pamela Smith reviewed the death of an 82-year-old man in her role as OMI investigator. Then, while acting as probate judge, she appointed her husband, Randy Smith, as the special administrator to the decedent's estate. Subsequently, Randy Smith moved close to \$300,000 from the decedent's estate and used funds for their own personal use, without acknowledging any living heirs. Pamela Smith was charged in April 2019, with engaging in an official act for personal financial gain, Governmental Conduct Act, three counts of Tampering with Public Records, two counts of Forgery, two counts of Fraud, Money Laundering, Conspiracy to Commit Fraud; and Tampering with public Records. Randy Smith has been charged with two counts of Fraud, Money Laundering, and Conspiracy to Commit Fraud. Trial for these matters are scheduled in July and August, 2020.
- ◆ OAG began investigating former executive director of the Miss New Mexico pageant Greg Smith after reports that Smith was not properly distributing scholarship funds. Our investigation revealed that Smith stole more than \$10,000 from the pageant and used the funds for his own personal benefit. In August 2019, Smith was indicted on 18 counts including fraud, tax evasion, racketeering and issuing bad checks.
- ◆ OAG initiated an investigation into Paul Krebs, former UNM athletic director after reports that Krebs planned and participated in a golf trip in Scotland in 2018, using public money. The investigation revealed that Krebs intentionally went around university oversight for approval on the expenses, deleted public records related to the trip and expenses, then attempted to partially reimburse the university. Krebs has been indicted by a grand jury on seven felony counts including embezzlement, unlawful interest in a public contract, tampering with evidence, criminal solicitation to commit tampering with evidence and attempt to commit a felony, to wit: Tax Fraud.
- ◆ Brian and Tammy Casaus were employees of a restaurant in Roswell, NM with Brian working as the comptroller and office manager and Tammy as the payroll coordinator. The two used their positions with the business to steal more than \$1 million from the business and converted the funds for their own personal expenses. The couple further failed to report the accurate income received on their taxes. OAG has charged Brian and Tammy with thirteen felonies each, to include: racketeering, embezzlement, conspiracy to commit embezzlement, money laundering conspiracy to commit money laundering, and tax fraud. Trial for these matters is scheduled for June 2020.

SPECIAL PROSECUTIONS DIVISION



Collin Brennan, AAG
Special Prosecutions Division

The Office of the Attorney General's Special Prosecutions Division (SPD) prosecutes complex criminal cases throughout New Mexico. SPD handles a wide variety of cases, but specializes in internet crimes against children, child sexual abuse, human trafficking, public corruption, international extraditions, and financial crimes. SPD also provides training, education, and trial support to prosecutors and law enforcement around New Mexico.



New for 2019

- ◆ SPD obtained a life sentence without the possibility of parole against a man who murdered a law enforcement officer in the line of duty.
- ◆ SPD successfully prosecuted the first labor-trafficking case in the State of New Mexico.
- ◆ The traffic safety resource prosecution team (TSRP) trained over 410 law-enforcement officers and prosecutors on DWI and traffic-safety trends. The TSRP team also co-hosted the 2019 DWI Conference alongside the Administrative Office of the District Attorneys. The TSRP team also brought vehicular-homicide charges in Gallup against Mathew Vargas for the homicide of Ernest Baker while Vargas under the influence of Xanax.
- ◆ SPD represented the State in 34 sex-offender parole hearings.
- ◆ SPD prosecutors successfully convicted 17 individuals of child exploitation or solicitation.
- ◆ Collaborated with creative partners such as Sandia Labs to educate about signs of human trafficking.



Special Prosecutions Division cont'd

KEY CASES RESOLVED

Mario Morales

On November 25, 2019, an Albuquerque judge sentenced Mario Morales to seven years in prison followed by five years of supervised probation for convictions for human trafficking, false imprisonment, and extortion. Prosecutors contended that Morales routinely beat, raped, and allowed others to rape a woman for two years in exchange for drugs and money, forcing her to do drugs and have sex with other women and men, threatening her children if she refused to comply.

James Stewart, Sr.

On October 30, 2019, a Bernalillo County jury found James Stewart, Sr. guilty as to three counts of human trafficking. Evidence showed that Stewart, Sr. made his children panhandle for money to fund his drug habit, while the children went hungry and attended school in filthy clothing. This is believed to be the first conviction for labor trafficking in New Mexico. Stewart, Sr. was sentenced on December 30, 2019 to 20 years in prison. He still has two other pending criminal cases for crimes perpetrated against his children, which are scheduled for trial in June 2020 and January 2021.

Laura Seeds

On November 7, 2019, a Rio Arriba jury found Laura Seeds guilty of multiple counts of violating the municipal election code in relation to her work on her husband Robert Seeds' 2016 election campaign for an Española City Council District 4 seat. Seeds was sentenced to six months of house arrest in addition to five years of supervised probation. Seeds' criminal convictions for these municipal election code offenses are believed to be the first in New Mexico history.

Gary Gregor

On December 11, 2019, a Rio Arriba jury found Gary Gregor, a former New Mexico teacher, guilty in a second sexual-assault case involving minor children. Gregor was previously convicted in 2018 of raping two fourth-grade girls during the 2007-2008

school year at Fairview Elementary School in Española, crimes for which he was sentenced to 108 years in prison. For this second case, Gregor was sentenced to an additional six years in prison, the maximum sentence he could have received.

Davon Lymon

In May 2019, a Bernalillo County judge sentenced Davon Lymon to a prison term in excess of his natural life for the 2015 murder of Albuquerque Police Department Officer and Army veteran Daniel Webster. In April 2019, jurors convicted Lymon of all eight counts submitted to them, including the first-degree willful and deliberate murder of Officer Webster. That conviction carries a mandatory life sentence, without the possibility of parole. In addition to the first-degree murder charge, Lymon was convicted of tampering with evidence, possession of a firearm by a felon, receiving or transferring a stolen motor vehicle, resisting, obstructing or evading an officer, and forgery. Lymon will spend the rest of his life behind bars.

Edward Cebada

On June 3, 2019, a jury convicted Edward Cebada of various violent sex offenses stemming from the rape of a high-school girl in the Cottonwood Mall parking lot. Cebada was sentenced to serve 16 years in the Department of Corrections.

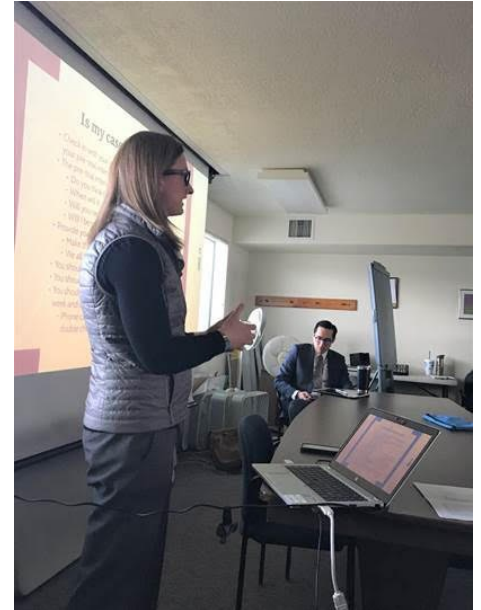
Selito Dos Santos

In October 2019, SPD (in partnership with the Fourth Judicial District Attorney's Office) obtained guilty verdicts against Pecos resident Selito Dos Santos on three counts arising out of the sexual abuse of his own two-year-old daughter. Dos Santos was sentenced to 36 years in prison.

Mica Tyler

On July 3, 2019, Mica Tyler, the former bookkeeper for a local auto-repair business, pled guilty to one count of second-degree embezzlement after she stole more than \$100,000 from that business. She will be

sentenced in March 2020. She faces up to three years in prison.



Jason Jackson & Camara Cherry-Amos

A Bernalillo County Grand Jury indicted Jason Jackson and Camara Cherry-Amos on multiple counts relating to human trafficking. The State alleged that Jackson and Cherry-Amos had, among other crimes, trafficked a 15-year-old girl for sex in New Mexico and Arizona. Jackson pled guilty to four counts in March 2019: two counts of human trafficking, conspiracy to commit human trafficking, and promoting prostitution. Jackson agreed to serve between three and 12 years of imprisonment. In addition, Jackson pled guilty to federal human-trafficking charges and agreed to serve between 11 and 15 years in prison. On July 15, 2019, Cherry-Amos pled guilty to three counts: human trafficking, conspiracy to commit human trafficking, and promoting prostitution. As part of the agreement, Cherry-Amos agreed to a term of imprisonment between three and five years. The two will be sentenced in February 2020. Cherry-Amos still faces pending federal human-trafficking charges.

Special Prosecutions Division cont'd

KEY CASES RESOLVED (cont.)

Mark Webb

In May 2019, an Albuquerque judge sentenced Mark Webb to an additional three-year prison sentence for secretly recording graphic videos of an underage female in his bathroom. After the underage survivor discovered the hidden camera, an analysis of Webb's computer turned up additional videos that Webb had copied. SPD prosecutors previously convicted Webb of voyeurism at trial in 2016, and secured a conviction for second-degree sexual exploitation of children by manufacture in 2018. In addition to this prison sentence, Webb will be required to register as a sex offender for life and will be on sex-offender probation for up to 20 years upon his release.

Edward Boysel

On September 11, 2019, SPD prosecutors secured a four-year prison sentence and \$140,000 in restitution against Edward Boysel, a former firearms instructor who cheated the State. Boysel fraudulently operated a

concealed firearms training business while failing to report his income and unlawfully received State benefits.

James Lambros

On December 17, 2019, an Albuquerque judge sentenced former business owner James Lambros to 12 years in prison for stealing over \$1,000,000 from the life-savings of a 98-year-old former Albuquerque resident and several thousand dollars from his former friend. He also failed to pay taxes on the amounts that he stole.

Joshua Saavedra

In March 2019, Joshua Saavedra, a Albuquerque foster parent, responded to an online advertisement posted by undercover agents. Agents arrested Saavedra after he appeared at a motel to purchase sex with a 13-year-old child in exchange for drugs. Saavedra (who was preventatively detained until trial) pled guilty to one count of sexual exploitation of children by prostitution in October

2019 for which he was sentenced to eight years of imprisonment.

Lindsey Moss & Dallas Baron

In January 2020, two separate Aztec juries convicted Lindsey Moss and Dallas Baron in separate trials of abusing Bricen Greenhaus, a young boy with Down syndrome. In 2017, the two young females, who jointly babysat Bricen, captured themselves on video throwing objects at him, pushing him down, helping him smoke marijuana, and laughing at him as he cried in pain. These cases spurred the Office of the Attorney General to propose new legislation in 2019 and 2020 that would stiffen penalties for child abuse when the child victim has a disability. Moss faces 8 years in prison and Baron faces 11.5 years in prison at sentencing, which will occur in early 2020. This case was a joint prosecution between the Office of the Attorney General and the Eleventh Judicial District Attorney.

These are just some of the examples of the exemplary work performed by the Special Prosecutions Division of the Office of the Attorney General. The staff continuously strives to do its best to defend the rights and dignity of the citizens of New Mexico while also ensuring that the guilty are held accountable throughout the state.



Special Prosecutions Division cont'd

SPD has a host of important cases headed to trial around New Mexico in 2020:

- ◆ **Tonita Gurule-Giron & Marvin Salazar** - Former Las Vegas Mayor Gurule-Giron is alleged to have used her position of public trust to make sure city contracts went to her boyfriend's (Marvin Salazar) construction company in exchange for illegal kickbacks. The two face multiple white-collar and public-corruption offenses in Las Vegas.
- ◆ **Castulo Aragon** - SPD has partnered with the Fifth Judicial District Attorney to prosecute Aragon for the first-degree murder of his wife, Maria Aragon, whose body was found dumped behind a rock pile along Highway 285. Aragon is preventatively detained until trial.
- ◆ **Jeremy Barnes** - Former Rio Arriba County Sheriffs' Office deputy and school-resource officer facing prosecution for tasing a special-needs student at Española Valley High School. Barnes faces charges including child abuse and false imprisonment.
- ◆ **Sabine Griego** - Former Roman Catholic priest alleged to have molested a now-adult female during the 1990s when the female was eight years old. Griego faces two first-degree felonies, the only crimes viable due to lapsed statutes of limitations. Griego is considered one of the most prolific offenders in the Santa Fe Archdiocese.
- ◆ **James Stewart, Sr.** - Stewart, Sr. (already sentenced to 20 years in prison for trafficking his own children) faces two additional jury trials in 2020 for human trafficking and sex offenses related to the same young children.
- ◆ **Gary Gregor** - Gregor (already sentenced to 114 years in prison after trial convictions in two different cases) faces an additional jury trial in 2020 for sexual batteries committed against yet another former student while he was a teacher in northern New Mexico.
- ◆ **Paul Krebs** - Former UNM Athletic Director Krebs faces various felony white-collar charges stemming from a golf trip to Scotland he allegedly funded with public money, as well as for subsequent efforts he took to cover up the illegality of the trip and obtain his yearly salary bonus.
- ◆ **Cody Hopkins** - Hopkins, a former UNM men's basketball staff member, faces trial in April 2020 for felony embezzlement and fraud, for actions he allegedly took in withdrawing tens of thousands of dollars in cash from ATMs using his UNM-issued debit card.
- ◆ **Crystal & John Dickman** - The Dickmans (husband and wife) face separate trials in 2020 for charges including child exploitation and child rape. The Dickmans allegedly uploaded images of child pornography, which NMAG investigators subsequently discovered to be pictures and video of sexual abuse of their own children. Both defendants are preventatively detained pending trial.
- ◆ **Brian & Tammy Casaus** - The Casauses (husband and wife) face criminal charges in Roswell for using their respective positions of trust within Cattle Baron Restaurant to steal over \$1,000,000 between 2012 and 2016. Brian allegedly used his position as Cattle Baron's controller and office manager to transfer funds from Cattle Baron's bank account to personal accounts belonging to he and Tammy, the restaurant's payroll coordinator.
- ◆ **Randy and Pamela Smith** - The Smiths (yet another husband and wife duo) face trial in Truth or Consequences in 2020. It is alleged that Pamela used her dual positions as probate judge and deputy field investigator with the Office of the Medical Investigator to appoint her husband Randy as special administrator to the estate of a recently deceased person who she investigated. Randy then stole nearly \$300,000 from the deceased person's accounts.
- ◆ **Greg Smith** - Smith, the former Executive Director of the Miss New Mexico pageant, faces trial in Roosevelt County in July 2020 for 18 white-collar charges arising from actions he took from 2015 to 2017 to steal from the organization and pageant contestants.
- ◆ **Pamela Crumpler** - Crumpler, the CEO of Guardian Angels Representative Payee Services, a private company that managed the finances for special needs or infirm people, is alleged to have embezzled tens of thousands of dollars from her clients. The State alleges Crumpler needlessly relocated her clients' bank accounts to a central bank for the primary purpose of pocketing the monetary sign-up bonus belonging to each client.
- ◆ **Barney Trujillo** - Rio Arriba County Commissioner Trujillo faces four felony charges arising from his alleged failure to provide required and correct information to the Secretary of State surrounding contracts with the Española Public Schools and failing to disclose campaign donations in the contracting process.
- ◆ **Eli Kronenanker** - In this case previously rejected by the Second Judicial District Attorney, the State alleges Kronenanker menaced a young female by taking her to his home, raping her, and then threatening her life if she reported his crimes.
- ◆ **Brandy Aragon, Michael Stevens, Bennie Wabbington, & Casey Stallings** - These four defendants face a litany of first-degree felonies in connection with multiple rapes of Aragon's six-year-old daughter occurring around 2008. The State alleges Aragon allowed her boyfriends (Wabbington and Stallings) to molest her daughter with Aragon. The survivor's older stepbrother (Stevens) also allegedly raped the young woman.

MEDICAID FRAUD CONTROL UNIT



Matt Baca, Division Director

The Medicaid Fraud Control Unit (MFCU) for the State of New Mexico is part of the Office of the State Attorney General, which has statewide authority to prosecute individuals for violations of criminal laws with respect to fraud in the provision or administration of medical assistance under a State plan implementing Title XIX of the United States Social Security Act. The MFCU employs attorneys, auditors, investigators, and other necessary personnel and is organized in such a manner as is necessary to promote effective and efficient conduct of responsibilities. Currently, the MFCU consists of 25 full-time positions, of which 20 are located in Albuquerque and 5 in Las Cruces. Job specialties include:

- ◆ **4 Attorneys (including the Director and Deputy Director)**
- ◆ **4 Forensic Auditors**
- ◆ **2 IS Specialists**
- ◆ **2 Medical Care Investigators**
- ◆ **7 Special Agents (including 2 Special Agents in Charge)**
- ◆ **5 Support Staff Members (Admin and Legal Assistants)**

The MFCU operates within a team approach, which allows for teams to work constructively together to benefit the overall case.

Primary Services Provided

Pursuant to Section 42 U.S.C. 1396b(q) of the Social Security Act, the MFCU is vested with the responsibility for the investigation and prosecution of all applicable state laws regarding any aspect of fraud in connection with the provision of medical assistance, and for reviewing and acting upon all complaints regarding abuse, mistreatment or neglect of patients of health care facilities that receive payments under public medical assistance programs. Overpayments made under the Medicaid program to health care facilities are returned by the MFCU to the Human Services Department in order to ensure that all funds collected are credited exclusively to, and available for expenditure under, the Medicaid program.

The MFCU works to ensure the fiscal integrity of the New Mexico Medicaid program and the well-being of the state's Medicaid recipients by investigating and prosecuting those who attempt to abuse, neglect or exploit its recipients or defraud the program. MFCU strives to assure the programmatic integrity of the Medicaid Program in accordance with federal requirements and to protect residents in facilities or those receiving Medicaid-funded in-home services in the community. The division establishes collaborative relationships in these areas with state and federal agencies through presentations, task forces and meetings. MFCU also seeks recoupment from pharmaceutical companies that violate Medicaid regulations and participates in multistate and qui tam litigation to recover funds owed the New Mexico Medicaid Program.

Major Issues, Accomplishments, Changes

The MFCU conducts criminal investigations into two general areas of criminal conduct: allegations of fraud committed by Medicaid providers, and physical and psychological abuse and neglect of residents, generally residents housed in Medicaid facilities, but other types of residents as well. One type of investigation which the MFCU faces regularly, involves improper billing by home health care providers. These home health care workers may be paid through Medicaid to provide a certain number of hours per week or month to assist an elderly or disabled individual in performing activities of daily living, such as cooking and housework. Many times, a MFCU investigation reveals that these home health care workers are not working the hours they claim on the timesheet they submit to their employer. Common scenarios include: 1) the situation where a home health care worker has another job for which he has submitted a timesheet for the exact times that he is supposed to be working as a home health aide, or 2) either the home health aide or the recipient of the services is incarcerated during the time when the home health care worker claims to be providing a service.

Medicaid Fraud Control Unit cont'd

Major Issues, Accomplishments, Changes cont'd

Pursuit of this type of fraud is critical for two main reasons. First, this type of situation is common and these perpetrators are collectively draining significant funds from the Medicaid system. Prosecution of these cases provides a deterrent effect for the conduct in general, but also has consequences on a federal level that specifically affect the individual. A criminal conviction triggers a federal process whereby the convicted individual is excluded from receiving Medicaid funds (or funds from any federally funded program) for an amount of time determined by the Department of Health and Human Services, Office of Inspector General. Second, although this type of conduct is generally charged and prosecuted as fraud, the underlying effect when an individual falsely reports the time they are being paid to assist the elderly and disabled, is that those vulnerable clients are not receiving any actual services. Such individuals are both more in need of assistance and more easily preyed upon than the general population, making them ideal targets for this type of fraud. In prosecuting these types of cases, MFCU is not only protecting the Medicaid system, but also its vulnerable recipients.

Primarily through the MFCU's participation in the National Association of Medicaid Fraud Control Units, the MFCU has a significant number of qui tam, or whistleblower cases requiring a varying amount of resources. More frequently, the MFCU is getting involved with the national teams that help focus the investigation and advise the states. The MFCU is also experiencing an increase in locally filed qui tam cases, which require significantly more resources, but have the potential to resolve with significant recoveries for New Mexico Medicaid Program.

Data Mining Initiative

On May 11, 2017, as provided under Federal regulations at 45 CFR § 1007.20(a), the Department of Health and Human Services Office of the Inspector General approved the Medicaid Fraud Control Unit's application to conduct data mining. The approval signifies a significant expansion of the Unit's authority thereby permitting the Units to conduct proactive investigations in a manner that was previously prohibited. The office anticipates that this will allow investigators to identify Program vulnerabilities and detect large-scale fraud. As part of this initiative, the Unit has developed various algorithmic tools that allow for the combing of claims data in-house, providing for quick and direct analysis of claims data to support investigations of Medicaid Fraud.

Opioid Initiative

Since 2008, New Mexico has had one of the highest rates of drug overdose death in the United States. On average, over 500 New Mexicans die annually of a drug overdose, and approximately 70% of those deaths resulted from either opioid pain relievers or heroin. New Mexico's death rate from prescription drugs exceeds the statewide death rate from illicit drugs in more than half of the counties. In New Mexico, Hispanic men had the highest drug overdose death rate with an average age of death of 45. In over a third of NM counties, over 80% of every 100 citizens has a prescription for opioids. Approximately 175,800 people in New Mexico are currently prescribed opioids. Drug overdose deaths as a leading cause of death has surpassed motor vehicle crash deaths in New Mexico.

The MFCU has focused investigative efforts on attempting to address the opioid epidemic in New Mexico. These types of investigations can take several forms: over-prescribing of opioids resulting in false claims, harm to a patient, or even death of a patient.

Community Outreach Initiatives

The Medicaid Fraud Control Unit is focused on expanding outreach efforts by providing training and presentations to seniors, nursing students, law enforcement and senior citizen service providers. By providing these workshops to the community, the New Mexico MFCU is taking part in informing the community about abuse, neglect and exploitation.

The New Mexico MFCU's outreach program is a team effort and relies upon each MFCU employee to participate in outreach activities. The team strives to strengthen and enforce programmatic partnerships between MFCU and community organizations, government agencies, academic institutions and law enforcement personnel.

The Unit is also reaching out to the community for information through the unveiling of two new public service announcements that have aired and continue to air in the Albuquerque and El Paso markets. The new commercials will help New Mexicans better identify and report Medicaid fraud, and neglect and abuse in facilities.

Medicaid Fraud Control Unit cont'd

Case Highlights

Reckitt Benckiser Group

The Unit was part of a multistate litigation team that reached an agreement with the pharmaceutical distributor Reckitt Benckiser Group ("Reckitt") to settle allegations that the company, either directly or through a subsidiary, improperly marketed and otherwise promoted the drug Suboxone, resulting in improper expenditures of state Medicaid funds, as described further below. Suboxone is a drug product approved for use by recovering opioid addicts to avoid or reduce withdrawal symptoms while they undergo treatment. Suboxone and its active ingredient, buprenorphine, are powerful and addictive opioids.

Reckitt is an English public limited company headquartered in Slough, England, the United Kingdom. Until December 23, 2014, Reckitt's wholly owned subsidiary Indivior Inc. (then known as Reckitt Benckiser Pharmaceuticals, Inc.) distributed, marketed, and sold Suboxone Sublingual Tablets and Suboxone Sublingual Film in the United States. The civil settlement resolves allegations that, from 2010 through 2014, Reckitt, directly or through its subsidiaries, knowingly: (a) promoted the sale and use of Suboxone to physicians who were writing prescriptions (1) to patients without any counseling or psychosocial support, such that the prescriptions were not for a medically accepted indication and (2) for uses that were unsafe, ineffective, and medically unnecessary and that were often diverted for uses that lacked a legitimate medical purpose; (b) promoted the sale or use of Suboxone Sublingual Film based on false and misleading claims that Suboxone Sublingual Film was less subject to diversion and abuse than other buprenorphine products and that Suboxone Sublingual Film was less susceptible to accidental pediatric exposure than Suboxone Sublingual Tablets; (c) submitted a petition to the Food and Drug Administration on September 25, 2012, fraudulently claiming that it had discontinued manufacturing and selling Suboxone Sublingual Tablet "due to safety concerns" about the tablet formulation of the drug; and (d) took other steps to fraudulently delay the entry of generic competition for various forms of Suboxone in order to improperly control pricing of Suboxone, including pricing to federal healthcare programs.

The settlement resulted in a total of Seven Hundred Million Dollars (\$700,000,000.00) to resolve various civil fraud allegations impacting Medicaid and other government healthcare programs, of which over Four Hundred Million Dollars (\$400,000,000.00) will go to the Medicaid programs. The settlement resulted in a direct recovery of over Five Million Dollars (\$5,000,000) to New Mexico's Medicaid program.

Walgreens (Boots Alli-)(Rahimi)

On January 24, 2019, Attorney General Hector Balderas announced a settlement of \$209.2 million dollars against Walgreens over their fraudulent dispensing of insulin pens around the nation. New Mexico was joined by the United States, the District of Columbia, and all other 49 states in settling allegations against Walgreens Boots Alliance (Walgreens). The agreement resolved allegations that Walgreens knowingly engaged in fraudulent over-dispensing of insulin pens to Medicare and Medicaid beneficiaries. Walgreens operates the largest retail pharmacy chain in the U.S., with 8,309 locations across all 50 states.

Because of this settlement, Walgreens admitted to programming its computer system to define a full box of five insulin pens as the minimum dispensing package size. This definition prevented Walgreens pharmacists from being able to dispense fewer than five pens even though a patient's prescription called for less pens than a box of five. Thus, Walgreens repeatedly reported information to state Medicaid programs different from, and lower than, the correctly calculated supply according to standard pharmacy practice, and as required by state pharmacy laws. This resulted in state Medicaid programs paying for a substantial number of claims that the programs would not have approved if Walgreens had reported the correct supply of medication based on the prescription.

Under the settlement, Walgreens will pay the United States and the States \$209.2 million dollars under the settlement. Of this amount, \$89,185,625.10 will go to the state Medicaid programs to resolve civil allegations that Walgreens' unlawful over-dispensing of insulin pens caused false claims to be submitted to the Medicaid health care programs. As part of the settlement, New Mexico will receive \$840,000 in restitution and other recovery.

Medicaid Fraud Control Unit cont'd

Case Highlights

Andrei Marchenko

On April 4, 2017, the New Mexico Office of the Attorney General received correspondence from the Drug Enforcement Administration (DEA) requesting assistance with a case they were investigating. DEA advised the case involved a Certified Nurse Practitioner (CNP) by the name of Andrei Marchenko. All DEA reports were provided to our office for review and to utilize for further investigation. In reviewing the DEA reports, five former patients of CNP Marchenko were identified for further investigative action for various reasons. All five patients were confirmed to be Medicaid recipients in the State of New Mexico. On June 11, 2019, the Medicaid Fraud Control Unit charged Andrei Marchenko with Medicaid Fraud Resulting in Death 30-44-7(F) (6154) NMSA 1978 (3 Counts), Medicaid Fraud Resulting in Physical Harm 30-44-7(D) (6146) NMSA 1978 (2 Counts), Medicaid Fraud in excess of \$2,500 30-44-07(A2) (2335) NMSA 1978 (1 Count).

Dr. Orrin McLeod

The Unit, working jointly with the DEA and the US Attorney's Office, secured a \$300,000. settlement against Dr. Orrin McLeod to resolve the allegations that he submitted, or caused to be submitted, claims for payment for prescriptions while he was out of the country, and that he allowed non-qualified health care professionals to use his prescription pad while he was out of the country.

Elizabeth Martinez

The Unit received a referral from Molina Healthcare that alleged that Elizabeth Martinez fraudulently received Medicaid funds for personal care services that she did not actually provide. The Medicaid Fraud Control Division investigation determined that approximately \$1,446 in Medicaid funds were paid as a result of the fraudulent timesheets submitted by Martinez. One December 11, 2018, The New Mexico Office of the Attorney General, Medicaid Fraud Control Division secured a conviction for two counts of Medicaid Fraud (§30-44-7(A)(3) NMSA, a fourth degree felony offense), 6 counts of Falsification of Documents (§30-44-4(A)(2) NMSA, a fourth degree felony offense), and two counts of Computer Access with the Intent to Defraud or Embezzle over \$500 (§30-45-3 NMSA, a fourth degree felony offense).

Maribel Sanchez and Victor Fernandez

The Unit conducted an investigation to investigate allegations that Maribel Sanchez fraudulently received Medicaid funds for unrendered personal care services (PCS) paid on behalf of consumer Victor Fernandez. Ms. Sanchez was employed by the personal care organization (PCO), Addus Homecare (Addus), as a Personal Care Attendant (Caregiver) for her boyfriend, Mr. Fernandez, from May 7, 2015 to July 28, 2016. Mr. Fernandez transferred to PCO, B&E Karing Hands (Karing Hands), who employed Ms. Sanchez to provide PCS to Mr. Fernandez from August 1, 2016 through July 15, 2017. The investigation determined that \$13,343.31 of Medicaid funds were paid because of fraudulent activity conducted by Ms. Sanchez and Mr. Fernandez. Ms. Sanchez used the Electronic Visit Verification System (EVV) to clock in/out claiming to provide PCS services in the amount of \$715.95 while Mr. Fernandez was incarcerated on two (2) separate occasions during the period October 9, 2016 through November 15, 2016. Mr. Fernandez and Ms. Sanchez were married on November 17, 2016. Medicaid funds in the amount of \$12,627.36 were paid to Ms Sanchez for Mr. Fernandez's PCS after the date of marriage. On June 14, 2019, the New Mexico Office of the Attorney General, Medicaid Fraud Control Division filed a Grand Jury indictment against Mirabel Sanchez and Victor Fernandez for 3 Counts of Medicaid Fraud (False Claims) (6106) §30-44-7(A)(3); 2 Counts of Conspiracy to Commit Medicaid Fraud (6108) §30-44-7(A)(3); 3 Counts of Falsification of Documents (2327) §30-44-4(A)(1); and Computer Access with Intent to Defraud or Embezzle (0919) §30-45-3(c).

Medicaid Fraud Control Unit cont'd

Case Highlights

Mayra Montes

The Unit conducted an investigation into allegations that Mayra Montes fraudulently received Medicaid funds for unrendered personal care services (PCS) paid on behalf of consumer. Ms. Montes was employed by the personal care organization (PCO), At-Home Personal Care, as a Personal Care Attendant (Caregiver) to her Father from August 1, 2016 to December 3, 2016. The investigation determined that \$1,706.72 of Medicaid funds were paid as a result of the fraudulent time submitted by Ms. Montes. Ms. Montes used the Electronic Visit Verification System (EVV) to clock in/out claiming to provide PCS services to the consumer while the consumer was working out of town the period August 27, 2016 to December 3, 2016. On April 17, 2019, The New Mexico Office of the Attorney General, Medicaid Fraud Control Division secured a conviction for one count of Medicaid Fraud (§30-44-7(A)(3) NMSA, a fourth degree felony offense), and 2 counts of Falsification of Documents §30-44-4(A)(2) NMSA, a fourth degree felony offense).

Lorenzo Melon

The Unit conducted an investigation concerning allegations that Lorenzo Melon fraudulently received Medicaid funds for unrendered personal care services (PCS). Mr. Melon was employed by the personal care organization (PCO), Ambercare, as a Personal Care Attendant (Caregiver) to provide PCS to his Mother, the consumer, from March 31, 2010 to October 7, 2016. The investigation determined that approximately \$5,965 in Medicaid funds were paid because of the fraudulent time submitted by Mr. Melon. Mr. Melon submitted ten (10) timesheets to the PCO during the period June 2014 to August 2015 claiming to have provided services to Ms. Melon during the time that he was performing landscaping services for Wasser & Wasser. Approximately \$3,098 of Medicaid funds were paid for Mr. Melon's services while Mr. Melon was working for Wasser & Wasser. Mr. Melon claimed to have provided services to the consumer for four dates of services during the time he was incarcerated at the Dona Ana County Detention for an approximate loss of Medicaid funds of \$194. Approximately \$2,673 of Medicaid funds was paid for services not rendered based on Mr. Melon clocking in and out while not being physically present at client's residence for fifty-six (56) dates of service during the period June 19, 2016 to September 19, 2016. On April 12, 2019, The New Mexico Office of the Attorney General, Medicaid Fraud Control Division indicted Lorenzo Melon for 3 counts of Medicaid Fraud (§30-44-7(A)(3) NMSA, a fourth degree felony offense), 10 counts of Falsification of Documents (§30-44-4(A)(2) NMSA, a fourth degree felony offense); and one count of Computer Access with Intent to Defraud or Embezzle (0919) §30-45-3 (Over \$2,500).

Teresa Meador

The Unit conducted an investigation to prove allegations that Teresa Meador fraudulently received Medicaid funds for unrendered personal care services (PCS). Ms. Meador was employed by the personal care organization (PCO), Addus, as a Personal Care Attendant (Caregiver) to her Mother (the consumer), from October 2015 to April 2016. The investigation determined that approximately \$2,531 in Medicaid funds were paid as a result of the fraudulent time submitted by Ms. Meador. Ms. Meador forged the consumer's signature on five (5) timesheets during the period February 26, 2016 to March 31, 2016 and received Medicaid funds for unrendered services during the period April 1, 2016 to April 28, 2016. On April 17, 2019, The New Mexico Office of the Attorney General, Medicaid Fraud Control Division secured a conviction for one count of Medicaid Fraud (§30-44-7(A)(3) NMSA, a fourth degree felony offense), and 2 counts of Falsification of Documents (§30-44-4(A)(2) NMSA, a fourth degree felony offense).

CRIMINAL APPEALS DIVISION



**Anne Kelly, AAG
Criminal Appeals
Division Director**

The Criminal Appeals Division successfully defended five lawful first-degree murder convictions of defendants in the New Mexico Supreme Court: Terry White, Matthew Sloan, David Gutierrez II, Kenneth Allin Burrows, and Trinidad Gallegos. The Division also successfully argued that the evidence of first-degree murder against Manuel Baca was sufficient to justify his detention, after the district court found him to be dangerous and incompetent to stand trial. The Division also successfully argued that Nicholas Ortiz – convicted of three counts of murder – should not receive a new trial.

The Division continued its effort in 2019 to uphold valid district court orders denying bail to dangerous offenders.

Trainings Conducted in 2019

The attorneys in the Criminal Appeals Divisions routinely and frequently consult with and advise various district attorneys around the State. The Division also conducts formal trainings on appellate law and new developments in appellate law for the New Mexico Administrative Office of the District Attorneys (AODA) and other groups as requested.

- ◆ Division Director Anne Kelly presented a two-hour update on New Mexico appellate decisions and law at the Spring 2019 AODA conference.
- ◆ Staff Attorneys Marko Hananel and John Kloss conducted training at the AODA DWI conference in September 2019, focusing on the Confrontation Clause, independent forensic opinions, and an appellate law update.
- ◆ Division Director Anne Kelly presented a two-hour update on New Mexico appellate decisions and law at the Fall 2019 AODA conference.
- ◆ Staff Attorney Marko Hananel conducted two one-hour presentations at the Fall 2019 AODA conference; one on competency evaluations and one on double jeopardy and joinder issues.
- ◆ Division Director Anne Kelly presented a one-hour update on New Mexico appellate decisions and law at the OAG Leadership for Justice Training in November 2019.



Criminal Appeals Division Cont'd

KEY OUTCOMES

RESIDENT CHILD MOLESTERS

State v. Leo Costillo Jr., New Mexico Supreme Court

The defendant was convicted of 21 counts of repeatedly raping his six-year-old step-granddaughter. The Court of Appeals merged all the counts into one, finding that the victim's testimony established only a "course of conduct." The State petitioned for a writ of certiorari, arguing that the victim testified as to specific time periods and was as detailed as she was able to be. The Supreme Court granted the petition and remanded the case to the Court of Appeals to reconsider in light of *Lente*.

State v. Jesse Lawrence Lente, New Mexico Supreme Court

The Supreme Court reversed a district court's decision in post-conviction review. The district court dismissed multiple convictions of criminal sexual penetration of a minor, finding that they subjected the defendant to double jeopardy because they were "cookie cutter" counts indistinguishable from one another. The Supreme Court disagreed, noting that the defendant was a "resident child molester" who had "regular access to and control over" the victim for a long period. The Court held that child victims of such molesters can provide only generalized accounts of their abuse due to the trauma suffered, their limited vocabulary, their desire to forget, and the frequency of the abuse. The Court held that as long as a victim can describe the nature of the sex acts perpetrated, the number of such acts, and the general time period the evidence will be sufficient.

SEXUAL EXPLOITATION OF CHILDREN

State v. Manuel Franco, New Mexico Court of Appeals

The Court upheld the defendant's conviction for sexual exploitation of

children by distribution. The defendant admitted possession of the child pornography, but argued he was only "sharing" it through a peer-to-peer network rather than actively distributing it. The Court disagreed, citing case law from New Mexico and other jurisdictions that have held this type of peer-to-peer "sharing" is distribution. The Court also rejected the defendant's argument that the State had to prove his "conscious objective to endanger a child," holding that the sexual exploitation of children statute requires only a general criminal intent to do the act.

State v. Donald Knight, New Mexico Court of Appeals

The Court upheld the defendant's ten convictions of sexual exploitation of children by manufacture. The defendant argued that his conduct of copying the child pornography did not violate the statute. The Court of Appeals held that the statutory definition of "manufacture" fit his conduct and did not necessarily require original production of the offending material.

FOURTH AMENDMENT

State v. Dimitrice Edwards, New Mexico Court of Appeals

The police heard a "shots fired" call and an officer positioned his vehicle at the scene to prevent the traffic from moving. The officer approached the vehicles, one by one, to ask what they had seen or heard. The occupants in the defendant's vehicle acted suspiciously and the officer asked for identification and quickly discovered that the defendant had an outstanding arrest warrant. The Court of Appeals assumed without deciding that the officer lacked reasonable suspicion for the stop but held that the defendant's preexisting arrest warrant operated to excuse any preceding mistaken or unlawful police action. The Court held

that the valid warrant was an "intervening cause that attenuated his unlawful seizure from evidence obtained after his arrest." The Court applied the three factors from *Brown v. Illinois*, 422 U.S. 590 (1975), to find that the warrant was an intervening circumstance and that the police conduct was not flagrantly illegal and was undertaken to investigate criminal activity in the area.

State v. Nathaniel Yazzie, New Mexico Supreme Court

The State successfully argued to uphold a police officer's protective sweep of a residence. The officer was dispatched to do a welfare check. He knocked seven times and repeatedly announced his presence. He waited eight minutes but received no response. Inside, he could hear an infant crying and a young child calling for her mother to wake up. The officer believed that the children needed assistance and entered the residence without a warrant. The Court of Appeals held this was unconstitutional, but the State prevailed on its certiorari petition. The Supreme Court held that the officer had reasonable grounds to believe there was an emergency and immediate need for assistance and that the officer's brief sweep of the house after entering was reasonable. "Knowing that the very young children were unattended, [the officer] had few reasonable alternatives but to open the door and check on the occupants."

Criminal Appeals Division Cont'd

KEY OUTCOMES

DOUBLE JEOPARDY

State v. Richard Sena, New Mexico Supreme Court

The defendant broke into the 74-year-old victim's house, held her at knifepoint, raped her, and kept her in her house for over an hour. The jury convicted him of kidnapping, aggravated burglary, and criminal sexual penetration. The Court of Appeals vacated the kidnapping conviction – due to an alleged jury instruction error – and found that the convictions for burglary and rape violated double jeopardy. The State filed a certiorari petition and argued to the New Mexico Supreme Court that the lower court misapplied double jeopardy principles and that the kidnapping conviction was not in error. The Supreme Court has the case under review.

State v. Milo Benally, New Mexico Supreme Court

The Court of Appeals found a double jeopardy violation for the conviction of

two counts of possession of a deadly weapon by a prisoner, Section 30-22-16. Two weapons were found in defendant's cell – a shaving razor with a playing card folded around it as a handle, and a sharpened piece of a plastic mop handle. Shavings matching the mop handle were found in a nearby shower. The State filed a petition for writ of certiorari – arguing that the statute is intended to apply to each weapon – which the Supreme Court granted. The case is currently under review.

GOVERNMENTAL CONDUCT

The Criminal Appeals Division is currently prosecuting appeals from district court dismissals of charges under the Governmental Conduct Act. The defendants – all of whom held positions of trust in the government and are being prosecuted by the OAG – claim that the Act is unconstitutionally vague. All of the cases are pending in the New Mexico Court of Appeals

SPOUSAL EVIDENTIARY PRIVILEGE

State v. David Gutierrez, New Mexico Supreme Court

In a first-degree murder case, in which the defendant killed the victim and then bragged about it to two of his ex-wives, the Supreme Court upheld the convictions and held that the spousal evidentiary privilege would be abolished in New Mexico. The Court held “while the efficacy of the privileges protecting the communications between layperson and professionals seems quite sensible and self-evidently efficacious, the efficacy of the spousal communication privilege to protect and foster frank communication between spouses appears, in contrast, quite doubtful.” The Court further criticized its “obvious and odious . . . misogynistic history.” Because such an abolishment can be applied only prospectively the Court applied the evidentiary privilege to the facts of this case and found no error.

2019 Criminal Appeals Accomplishments

- ◆ Filed 234 briefs in the New Mexico Court of Appeals and Supreme Court
- ◆ Filed 19 memoranda in opposition to the Court of Appeals' summary calendar
- ◆ Conducted 28 oral arguments in the New Mexico Court of Appeals and Supreme Court
- ◆ Filed 89 petitions for writ of certiorari or responses thereto in the New Mexico Supreme Court
- ◆ Reviewed 6 DNA expungement requests from defendants
- ◆ Filed 36 other substantive motions, writs, and responses to writs in the appellate courts, including litigation on post-conviction relief
- ◆ Filed 23 pretrial detention appeal responses in the appellate courts
- ◆ Conducted 41 hearings in state district court on habeas corpus litigation
- ◆ Filed 69 responses or briefs in state district court on habeas corpus litigation
- ◆ Filed 14 answers in federal district court on habeas corpus litigation

EXECUTIVE STAFF



**Matt Baca,
Senior Counsel**



**Malaquias "JR" Rael,
Senior Policy Advisor**



**Jerri Mares,
Policy Analyst**



**Victoria Bransford,
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**Richard Gonzales,
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**Joshua Hawkes,
Special Agent for
intelligence and Dignitary
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**Ed Griego,
Special Agent for
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Protection Unit**

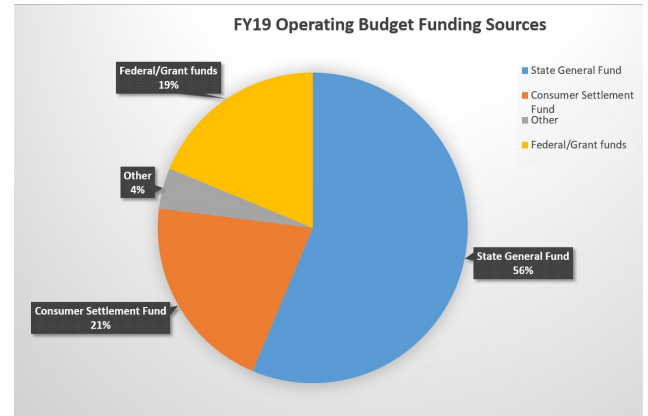
FINANCIAL CONTROL DIVISION



**Financial Control Division Director
Chief Financial Officer**

The Financial Control Division provides accountability for the Office of the Attorney General's financial and budgetary functions. The division oversees all financial transactions including budget preparation and monitoring, general ledger, purchasing, accounts payable/receivable, fixed assets, financial reporting, and grant management. The division is also responsible for implementing and maintaining proper internal controls.

Funding for the Office of the Attorney General is appropriated by the NM State Legislature. In fiscal year 2019 (FY19), the operating budget appropriated to the OAG was \$23.6 million dollars. Approximately 56% of the budget was funded with state general funds and 21% was funded out of the agency's internal consumer settlement fund.



Federal and Grant Awards

- ◆ Cooperative Disability Investigations (CDI) Program
- ◆ Enhanced Collaborative Model (ECM) Human Trafficking Task Force
- ◆ Forensic Capacity Hiring Program (HERO)
- ◆ Internet Crimes Against Children (ICAC)
- ◆ Medicaid Fraud Control Unit (MFCU)
- ◆ National Identity Theft Victims Assistance Network (NITVAN)
- ◆ NM Crime Victim Reparation Commission (CVRC)
- ◆ Southwest Border Anti-Money Laundering Alliance
- ◆ STOP School Violence Prevention and Mental Health Training Program
- ◆ Traffic Safety Resource Program

Overview

In the most recent fiscal year 2019, the OAG's external audit received an unmodified (clean) opinion. Zero findings were identified with its State and Federal audit.

The Southwest Border Anti-Money Laundering Alliance funding expired at the close of FY19. The Office of the Attorney General has ensured that the Anti-Money Laundering Unit (AMLU) that was established with this funding will be preserved moving forward.

Special appropriations to the Office of the Attorney General, appropriated in the 2018 Legislative session, totaled \$2.6 million dollars.



HUMAN RESOURCES DIVISIONS



Valerie Gallegos,
Human Resource Director

The Human Resource Division is focused on supporting the needs of all employees of the Attorney General's office.

In an atmosphere where we serve and protect New Mexicans, OAG employees are responsible for honorably carrying out the constitutional and statutory responsibilities of the Attorney General. We are proud of our employees, all of whom maintain the highest level of integrity as they perform their job duties.

At the Office of the Attorney General, we aspire to provide a positive work environment that respects all individuals and encourages excellent work performance and high morale. We provide comprehensive benefits that help employees achieve work-life balance and strive to offer programs and services that promote the Office of the Attorney General's commitment to affirmative action, equal employment opportunity, diversity, and inclusion.

The Human Resources Division continues to foster a positive organizational culture while supporting the initiatives of the Attorney General and the leadership team. Supporting the needs of the employees is staffed with three full-time professionals.

Valerie Gallegos, SHRM-CP, PHR - The Director of the Human Resources Division is entrusted with the operations and execution of projects and programs of the division, operates closely with the Attorney General, his executive team and the directors of the divisions housed in our Criminal and Civil branch to recruit and retain the employees while providing support in all other areas.

Jamie Bair, PHR - the Human Resources Manager handles the majority of the day-to-day operations and ensures that employees' needs are handled using HR expertise quickly and efficiently.

Alicia Armijo - the Human Resource Administrative Assistant supports the needs of the HR division. The work she performs is of the utmost importance and is the foundation to the success and mission of the office.

Key Outcomes for 2019:

- ◆ Total # of hires in 2019 – 50
- ◆ Our internship program (includes Law Clerk, undergrad and other student interns) grew by 80% from 2018.
- ◆ Total # of internal promotions – 12
- ◆ Total # of personnel actions processed 190
- ◆ 56% reduction in work comp claims from 2018 resulting from proactive approach to addressing employees need through ergonomic assessments
- ◆ Completion of the Salary Analysis project which supports our wage and salary initiative.



TRAINING AND PROFESSIONAL DEVELOPMENT DIVISION



Tamarra Howard,
Training & Professional
Development Director

The Training and Professional Development Division is responsible for the development, implementation and monitoring of training programs within a diverse organization. The Division is responsible for building solid cross-functional relationships within the agency and is responsible for the following areas:

- ◆ Facilitate and track continuing legal education (CLE);
- ◆ Provide leadership development education;
- ◆ Provide logistical support, course development, delivery, evaluation, process measurement, and cost management;
- ◆ Evaluate needs of the agency and plan training programs accordingly;
- ◆ Perform frequent local and nationwide research in order to find the most applicable training at little or no cost to the OAG;
- ◆ Serving as a faculty member for the National Attorneys General Training and Research Institute assisting with developing training goals to ensure the OAG is equipped with education that furthers its ability to support the OAG and its mission; and
- ◆ Ensure mandatory trainings including OSHA, Civil Rights and ADA

Training Program Highlights

Project OPEN (Opioid Prevention and Education Network) Training

Attorney General Balderas formed a statewide partnership with the District Attorneys and law enforcement agencies to target prevention, education and awareness of the opioid abuse problem. The program enhances the participants' knowledge and understanding of opioid addiction and the complex issues involved. The primary goal is to afford participants the opportunity to explore program materials and solutions to addressing the opioid epidemic. The Training Division identified counties with the highest rates of overdose and provided training, education and effective strategies for reversing the epidemic. **Outcomes: Training held in Truth or Consequences with 88 attendees.**

Drug TakeBack Day

Established with the DEA 2 drug takeback sites and participated in both of the National Drug Take Back Days held on April 27, 2019 and October 6, 2019. **Outcomes: Utilized internal special agents and collected a combined forty-nine (49) pounds.**

The Opioid Epidemic: Addiction and Prevention, Enforcement and Hidden Consequences

The OAG in partnership with NAGTRI held an Opioid Abuse Consumer Protection and Enforcement Training which is designed to equip the legal staffs of the attorneys general, their investigators, consumer advocates, allied professionals and the public in the area of opioid abuse that provides an overview of issues relating to prescription opioids, including the dangers of abuse, the history of prescribing practices, the development of "pill mills," and the impact of off-label marketing and online pharmacies. Participants learn about the implications of opioid abuse on society, including health care costs, the potential for fraud, the dangers of "drugged driving" and the environmental damage caused by the improper disposal of prescription drugs. **Outcomes: Had over 90 attendees for the training consisting of policy advisors, law enforcement, and the public.**

Training and Professional Development

Division cont'd

Training Program Highlights cont'd

Skills for Effective Depositions

In-house 2 hour CLE for internal staff for how to identify and discuss applicable Court Rules, Methods of Effective Deposition and Methods for handling challenging counsel. Enhanced skills on effectively and efficiently deposing fact witnesses. This training provided 2 CLE Credits

Leadership for Justice Training

A Two (2) Day In-house CLE training held for the staff attorneys covering both civil and criminal topics with guest speaker from the New Mexico State Bar and our internal staff experts. This training provides 12.5 Credits with 2.0 ethics credits. This training was a cost effective effort for the agency developing skills and knowledge by utilizing a variety of interests and more focused on specific skills that are relevant to the agency. Training was also recorded so that staff that couldn't attend could benefit from four (4) hours of self-study. **Outcomes: Cost savings of registration fees, travel costs savings, staff was able to work around schedules and attend the trainings needed for CLE. Approximately saved the agency \$20,000 by hosting this in-house CLE.**

Professional Development/Work Related

- ◆ Westlaw Training-Training that showed attorneys and staff how to use Westlaw and Drafting Assistant that also provided 2 CLE Credits
- ◆ Accurint Training for Investigators-Representatives provided training to investigators on how to utilize Accurint and navigate through its platform
- ◆ Roll out of Mandatory Civil Rights Training for all the staff

INFORMATION TECHNOLOGY DIVISION



Scott Stokes,
Chief Information Officer (CIO)

The Information Technology (IT) Division safeguards and manages the Information Technology infrastructure and provides service to all employees of the Office of the Attorney General (OAG). The OAG IT Division goals are to:

- ◆ Support the mission and vision of the Office of the Attorney General;
- ◆ Protect New Mexicans;
- ◆ To lead innovatively through technology by proactively finding solutions and responding to the evolving technological needs of the agency.

Investments in information technology are driven principally by the desire to improve the way work is done; to improve decision-making; to adhere to various laws, regulations, standards and policies; and to help the agency manage its risks.

In 2019, the Information Technology (IT) Division developed and implemented a Payment Card Industry Data Security Standard (PCI DSS) compliant enhancement to the Charitable Organization Registration Online System (COROS). Enhancements to the Charitable Organization Registration Online System (COROS) included an interface redesign for ease of use, past year submission capabilities, reminder notifications, and acceptance of online payments. For calendar year 2019, there were 9,545 tax year registration submissions, an increase of 49% over 2018. There were 2,073 delinquency resolutions in 2019, an increase of 65% over 2018. Delinquency fee payments totaled \$177,400 for 2019, an increase of 30% over 2018. With reminder notifications and ease of use updates, goal is to reduce the number of organizations becoming delinquent with annual reporting.

In June of 2019, the Information Technology (IT) Division received an award from the Conference of Western Attorney Generals (CWAG) to recognize and honor outstanding achievement in the category of website design “For a website that does an exceptional job of educating and protecting its citizens”.

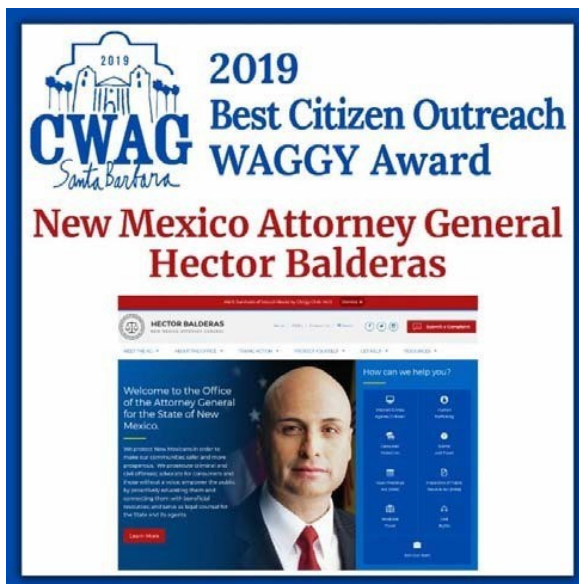
IT Leadership Team



James Maddox,
IT Project Manager



Danial Rodarte, Database
Project Manager



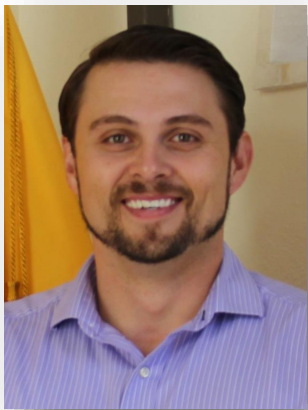
*The Leadership for Justice Gavel
Award to Danial Rodarte by
AG Balderas*

FLEET AND FACILITIES DIVISION

The Fleet and Facilities Division is focused on providing NMOAG employees with the proper access to tools necessary to achieve agency goals/objectives. Additionally we provide support for all of our Fleet and building needs coupled with the goal of continuing to provide a safe work environment, whether in a vehicle or in your office. The Fleet and Facility team maintains a mantra of excellent customer service in everything we do, which includes:

- ◆ Ensuring Fleet compliance with all TSD rules and regulations
- ◆ Proper vehicle maintenance and maximizing utilization
- ◆ Parking pass management
- ◆ Supply chain management, supply inventory management and distribution
- ◆ Providing prompt services to agency staff via Fleet and Facility work order system.
- ◆ Constant building surveillance to address safety concerns or issues as they arise with appropriate government agencies/vendors
- ◆ Timely mail services to all agency staff
- ◆ Building leases
- ◆ Agency asset tracking, management, and procurement

Fleet and Facility Team



***Karlo Cantu,
Fleet and Facility Director***



***Donald Garcia , Fleet and Facility Coordinator
Albuquerque and Las Cruces***



***Justin Deubel,
Fleet and Facility Director***



***David Martinez - Flores, Fleet and Facility Coordinator
Santa Fe***

The New Mexico Office of the Attorney General

For more information on the New Mexico Office of the Attorney General visit: www.NMAG.gov
Teamwork and collaboration make it all happen at New Mexico Office of the Attorney

