

Paul Gessing
400 Gold Street, SW #909
Albuquerque, NM 87102
pgessing@riograndefoundation.org
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New Mexico State Ethics Commission
800 Bradbury Dr. SE, Suite 215
Albuquerque, NM 87106
Ethics.Commission@sec.nm.gov

Report of Potential State Ethics Code Violations by Rep. Micaela Lara Cadena

To Whom It May Concern:

I am writing to formally request that the New Mexico State Ethics Commission (“Commission”) investigate potential violations of the Campaign Reporting Act by Representative Micaela Lara Cadena (“Rep. Cadena”). It is undeniable, Rep. Cadena has engaged in willful misallocation of campaign funds. Publicly available campaign finance disclosures reflect a pattern of expenditures used to support her ongoing personal office rent, utilities, office related services, equipment, and food purchases for months during a period she ran unchallenged in the 2024 general election and continuing after that election concluded. Rep. Cadena has publicly complained about not being paid as a legislator and now has taken oil and tobacco money to pay for her personal expenses. These expenses are unrelated to any active campaign and raise substantial questions whether campaign funds were used for personal expenses and advocacy activities not authorized by law. I respectfully request the Commission investigate Rep. Cadena’s expenses, require her to return the misallocated funds, and impose the maximum civil penalties available due to the willful and repeated nature of her misuse of her campaign funds.

I. Introduction

New Mexico law imposes strict limitations on the use of campaign funds and requires formal reporting to ensure campaign contributions are not used for personal uses.¹ Under the Campaign Reporting Act, it is unlawful for a candidate or the candidate’s agent to expend campaign funds except for seven specific enumerated purposes: (1) campaign expenditures, (2)

¹ § 1-19-29.1 NMSA

legislative duties (for legislators), (3) donations to the state general fund, (4) charitable donations, (5) debt elimination, (6) donations to other candidates/committees, and (7) pro rata return to contributors.² Candidates are further required to provide sufficient descriptions of expenditures to demonstrate that each expense is related to a permissible purpose. In *Montoya v. Herrera*, the New Mexico Supreme Court held that candidates who voluntarily participate in the public campaign financing system must adhere to contribution and expenditure restrictions regardless of whether violations were willful.³ Meaning, regardless of the intent of the expense, the mere fact it occurred results in civil penalties.

The Secretary of State's regulations further define and prohibit personal use of campaign funds. Under Section 1.10.13.25 NMAC, personal use includes "any use of funds in a campaign account to fulfill a commitment, obligation or expense of any candidate or legislator that would exist regardless of the candidate's campaign or responsibilities as a legislator." The regulation establishes that if an expense would exist in the absence of candidacy or legislative service, it cannot be considered campaign-related expenditure and is therefore improper.⁴ The regulation identifies a non exhaustive category of expenses that are presumptively personal in nature, including household expenses and *rent or utility payments*. These principles are particularly relevant where, as regards to Rep. Cadena, the candidate faced no opposition in the election. This limits the scope of any legitimate campaign activity, and where the disclosed expenditure continued after the election had concluded.

As such, Rep. Cadena had no need to run an extensive campaign. Yet, Rep. Cadena reported significant expenditures cloaked as campaign uses which were only for her person gain. Expenses made after Rep. Cadena was elected are particularly problematic because there can be no conceivable campaign purpose once any state representative has won his or her office seat in an unchallenged election. Moreover, the ongoing rental of office space and associated expenses which would have existed despite the fact she is a state representative, is contrary to the rules.

² *Id.*

³ 276 P.3d 952, 959-60 (2012).

⁴ NMAC 1.10.13.25.

II. Rep. Cadena’s 2024-2025 Expenses Detail a Repeated Abuse of State Ethics Codes.

1. Office Rent and Utility Payments

Rep. Cadena’s repeated and purposeful misuse of her campaign expenditure practices makes her an outlier among New Mexico legislators. Her campaign finance disclosures reflect a continuous and unbroken pattern of expenditures for rent and office related expenses beginning in September 2024 and continuing her most recent filing. These expenditures appear on a monthly basis, with no material gaps.⁵ During this period, Rep. Cadena used campaign funds to make recurring payments described as “office rent” to a private landlord, Robert Patterson, along with associated expenditures for utilities, offices supplies, and a satellite internet subscription.⁶ However, publicly available real property records associated with the parcels owned by Mr. Patterson indicate that all his properties are assessed and zoned as residential units or agricultural land.⁷ Therefore, despite labeling her payments as “office rent” in her campaign finance reports, the available records show *none of the properties owned by Robert Patterson are commercial offices but are residential apartments or farmland.*⁸

In addition, the publicly filed campaign finance disclosures or website information do not identify the existence of a campaign office at any specific address.⁹ Rep. Cadena’s disclosures contain no references to campaign signage, lease documentation, or receipts indicating public use of a campaign office, nor do they reflect any campaign materials, voter outreach, or constituent communications directing the public to an office location.¹⁰ This absence of such information must be accounted for given the regularity and duration of rent and utility payments and warrants further investigation (perhaps she is not just using the space as an office but another personal residence).

The rent and utility payments continued after the November 2024, general election; periods when Rep. Cadena *was not actively running a campaign.*¹¹ These expenses continued throughout 2025 and up to the most recent disclosure report. Whether she signed a lease for a

⁵ See Appendix B

⁶ See Appendix A

⁷ Dona Ana County Assessor’s Office *available at* <https://assessor.donaanacounty.org/assessor/taxweb/results.jsp>

⁸ *Id.*

⁹ See Appendix A

¹⁰ *Id.*

¹¹ *Id.*

fixed term that would last longer than her campaign would have lasted or a month-to-month contract, she voluntarily continued payment long after the election had concluded, despite any (legal) need for a campaign related purpose.

Each of these expenditures is repeated and reflects an ongoing pattern rather than isolated or inadvertent spending. Individually, each payment amounts to a willful violation of campaign finance rules. Under the rules, a violation occurs when a purchase is made that “would exist regardless of the candidate's campaign or responsibilities as a legislator.”¹² The repeated use of campaign funds for rent, utilities, internet service, and office equipment, obligations that do not depend on the existence of an active campaign, is a substantial violation under this standard.

Moreover, there is no statutory requirement that a New Mexico legislative candidate, once elected must purchase a separate space funded through campaign accounts or purchase thousands of dollars in office equipment, including a \$2,300 laptop.¹³ The listed expenses in Appendix A amount to personal items Rep. Cadena purchased for *non-legislative or non-campaign purposes* and are violations of the act. There is no doubt, Rep. Cadena’s financial reports require oversight. Accordingly, the pattern and nature of these expenses warrant review by the Commission to determine whether campaign funds were used for personal or otherwise impermissible purposes in violation of the Campaign Reporting Act.

2. *Providing Food for Protests Not Campaign Events*

Rep. Cadena’s disclosures reflect that campaign funds were used in September 2025 to purchase food and meals in connection with protest activity related to an administrative hearing concerning Project Jupiter’s IRB issuance.¹⁴ These expenditures occurred nearly one year after the 2024 general election, at a time when Representative Cadena was not a candidate in any election.¹⁵ The reported expenditures include multiple food purchases made on or around September 19, 2025, and are described in a manner indicating that the meals were provided to individuals opposing one side of the Project Jupiter IRB hearing.¹⁶ The disclosures do not reflect that these expenditures were associated with any campaign event, fundraising activity, or voter outreach, nor do they identify any campaign related purpose for the purchases.¹⁷ As such, the use

¹² NMAC 1.10.13.25

¹³ Appendix A, line 16

¹⁴ Appendix A, lines 49, 52-55

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

of campaign funds for food expenditures during a non-election period at a protest raises additional expense violations that fall outside the uses permitted by the Campaign Reporting Act.

Rep. Cadena’s staunch opposition to the Project Jupiter IRB proceeding and her apparent belief that this opposition justified her expenditure of her campaign funds to provide hundreds of dollars worth of food, from multiple restaurants, *exclusively to those opposing the IRB issuance*.¹⁸ In no way are legislators as a part of their duties encouraged to purchase food for protestors of one side of an issue.¹⁹ This does not merely reflect poor judgment; it alienates constituents who do not share that position and funnels campaign contributions for use as personal political advocacy rather than for any legitimate campaign purpose. At the same time, Rep. Cadena’s campaign finance reports show that she accepted contributions from a wide range of large corporate donors, like oil, gas, and tobacco interests, while publicly portraying herself as fighting against those industries for the people being taken advantage of by the same companies.²⁰ Those campaign funds were used to pay for her rent, utilities, and other expenses that are unrelated to campaigning or legislative duties, which she attempts to justify in her nearly \$800 constituent letter only containing the phrase “The people of New Mexico deserve better.”²¹ With this statement she is correct. The people of New Mexico do not need politicians that portray and image of resisting oil and gas companies while taking their money behind closed doors to pay for personal expenses unlike any other New Mexico politician. Membership on the New Mexico legislature is meant to be an honor and responsibility to the people— Rep. Cadena’s disclosures conclude she thinks otherwise.

Campaign funds cannot be used to support general political advocacy or protest activity unrelated to seeking nomination or election.²² The use of campaign funds to purchase food for participants in a protest, after the election had concluded, during a non-election year, and without any apparent campaign purpose, is a violation of campaign finance law.

¹⁸ Appendix A, lines 49, 52-55

¹⁹ § 1-19-29.1(A) NMSA; 1.10.13.25(B)(2) NMAC

²⁰ See Appendix B

²¹ “Democratic Lawmaker demands taxpayer-funded salary after trashing public funds” *available at* <https://www.bing.com/ck/a?!&&p=a3274c18d6d979d6ffe858c641209ea1e95f53e1948d193dab7af0b5707c5706JmItdHM9MTc3MTIwMDAwMA&pntn=3&ver=2&hsh=4&fclid=29a49489-67d4-6cdb-010c-822966d06d23&psq=micaela+cadeno+consituent+letter&u=a1aHR0cHM6Ly9waW5vbnBvc3QuY29tL2RlbW9jc mF0LWxhd21ha2VyLWRLbWFuZHMtdGF4cGF5ZXItZnVuZGVkLXNhbgGFydC1hZnRlci10cmFzaGluZy1wdWJs aWMtZnVuZHMv>

²² NMSA 1978, § 1-19-29.1; 1.10.13.25 NMAC

3. *Improper Use of Campaign Funds to Pay for Travel*

Campaign funds cannot be used to pay for legislative travel that is undertaken in a legislator's official capacity and is paid for by the State of New Mexico.²³ Legislative travel exists solely by virtue of holding office, not by virtue of running for office, and therefore does not constitute a campaign expenditure under § 1-19-29.1 NMSA 1978. Where travel is undertaken as part of legislative duties and later reimbursed by the state, payment from campaign funds in the first instance is not in accordance with the Campaign Reporting Act.²⁴ Importantly, a campaign finance violation occurs *at the time* an impermissible expenditure is made; subsequent reimbursement does not cure the violation.²⁵ As a result, even a single instance of campaign funds being used to pay for legislative travel meets the threshold for civil enforcement and warrants review.

In Rep. Cadena's First Primary Report, campaign funds were used to pay for airfare, lodging, meals, and registration fees expressly described as legislative travel for the Energy Council and Beyond Borders conferences.²⁶ Subsequently, Rep. Cadena reported monetary deposits from "Micaela Lara Cadena" described as "State reimbursement for required legislative travel to The Energy Council" in the amount of \$1,025.00 and "State reimbursement for required legislative travel to Beyond Borders" in the amount of \$1,042.88, deposited into the campaign account on May 13, 2024.²⁷ No description was given related to these reimbursements and it is unclear for what expenditures these deposits refunded. Multiple plane tickets were purchased and then cancelled without any replacement ticket purchase.²⁸ These disclosures prove campaign funds were used to pay for legislative travel that was later reimbursed by the state. If the travel was legislative and reimbursable by the state, *the state should have paid for it* not the Representative's campaign fund. As a result, the initial use of treating her campaign funds like a debit account was impermissible at the time it occurred, and regardless of later reimbursement by the State into the campaign fund amounts to a violation. Standing alone, this pattern constitutes

²³1-19-29.1 NMSA 1978.

²⁴ See 1.10.13.25(B)(2) NMAC (prohibition on expenditures that would exist regardless of a campaign)

²⁵ *State v. Block*, 150 N.M. 598, 602-03, 265 P.3d 939 (Ct. App. 2011).

²⁶ Appendix B pp. 12-18.

²⁷ Appendix B p. 33.

²⁸ Appendix B pp. 12-18.

another instance warranting oversight and investigation under § 1-19-29.1 NMSA 1978, 1.10.13.25 NMAC, and *State v. Block*.²⁹

When considered alongside the ongoing post-election expenditures for rent, utilities, office-related expenses, protest related purchases, these travel expenses further demonstrate Rep. Cadena's pattern of diverting campaign contributions to advance personal expenses rather than a lawful campaign.

III. New Mexico Actively Enforces Campaign Finance Restrictions

New Mexico actively enforces campaign finance restrictions. The New Mexico Court of Appeals decision in *State v. Block* demonstrates the state's commitment to enforcing campaign finance restrictions.³⁰ In that case, Jerome Block Jr., who campaigned for commissioner of the New Mexico Public Regulation Commission, used \$700 in public campaign funds for "non-campaign related purposes," specifically a contribution to retire a former presidential candidate's campaign debt.³¹ In response to the discovery, the Secretary of State imposed a \$1,000 fine for Block's expenses unrelated to his campaign.³²

State v. Block represents the strict adherence to campaign finance laws. Also, Block's misappropriation was not repeated. By contrast, Rep. Cadena's disclosures represent repeated use of funds for office space and supporting protests that have nothing to do with her campaign 10 months after she ran unopposed, with no indication of stopping. Under the enforcement principles articulated in *Block*, each impermissible expenditure constitutes an independent violation of the Campaign Reporting Act.³³ Accordingly, each month of rent and each utility bill, and each restaurant order, Rep. Cadena paid with campaign finances, should amount to the same penalties which Jerome Block suffered for his expenses. At least, a thorough investigation must be made into Rep. Cadena's campaign finance accounts or her abuses will continue.

IV. Conclusion

Campaign funds may not be converted to subsidizing legislative operations, personal office infrastructure, or general political activity unrelated to seeking election. New Mexicans deserve to know who is funding their representatives' campaigns; how they are spending these

²⁹ See *State v. Block*, 150 N.M. 598.

³⁰ See *State v. Block*, 150 N.M. 598 (2011).

³¹ *Id.*

³² *Id.*

³³ *Id.*

funds; and punish those who abuse their access to these funds. Therefore, I respectfully request of the New Mexico Ethics Commission to review the Rep. Cadena's campaign finance reports to examine the necessity of office-related expenditures paid with campaign funds and food purchases for protests and impose fines if it determines these purchases have been made in contradiction with New Mexico statutes.