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**Thomas
J. Cole**



UPFRONT

Ex-Gov. Officials Represent Industry

While governor, Bill Richardson led the state's efforts to attract movie productions to New Mexico, including an increase in the state rebates paid to filmmakers.

Richardson also spent a lot of time entertaining movie stars such as George Clooney, Harrison Ford and Robert Redford. He even was mentioned as a possible new boss for the Motion Picture Association.

Now, the man who served as Richardson's film adviser — along with a top aide to

former Lt. Gov. Diane Denish — is working to keep the higher film rebates in place on behalf of the newly formed Motion Picture Association of New Mexico.

Eric Witt, who served as deputy chief of staff to Richardson and his go-to film person, is executive director of the industry advocacy group and serves as its public spokesman on the rebate and other issues pending before the Legislature.

But does Witt's new job cross prohibitions in the state Governmental Conduct Act?

Here's what the act says: "A former public officer or employee shall not represent a person in his dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee."

There is no dispute that Witt was heavily involved in the movie rebate program while working for Richardson.

But Witt said he has been advised by legal counsel that he isn't in violation of the Governmental Conduct Act because he isn't "representing" the film association as a registered lobbyist.

Witt, who worked in the entertainment industry

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before joining government, said he isn't paid to serve as executive director of the movie group. He said that while he has spoken before two legislative committees, he did so only briefly and only after being asked to respond to technical questions.

Under the state Lobbyist Regulation Act, lobbying is defined as attempting to influence an official act. The act says a lobbyist is someone who is paid to lobby and does so on a substantial or regular basis.

Witt said the movie association hired Joshua Rosen, who served as chief of staff to Denish, as its registered lobbyist to ensure compliance with state law.

Rosen, who also is the registered lobbyist for Albuquerque Studios, is one of at least four administration appointees who lost their jobs when Richardson left office and are now working as registered lobbyists.

The others are former Regulation and Licensing Superintendent Kelly O'Donnell and former agency attorneys Germaine Chappelle and Katherine Ferlic.

The former appointees are prohibited for one year from representing anyone before their former agencies for pay.

State law doesn't provide for a blanket "cooling-off period" for public officials or employees before they can become lobbyists, but there is legislation pending on that issue.

Common practice

Like Witt, O'Donnell, the former superintendent for the Department of Regulation and Licensing, has returned to her roots.

She is a lobbyist for the nonprofit New Mexico Voices for Children, where she worked as research director before joining the Richard-

son administration and serving in several posts.

Chappelle, who worked as the top attorney at the departments of Transportation and Public Safety, and Ferlic, the former general counsel at the Economic Development Department, are registered lobbyists for the Gallagher & Kennedy law firm, which has offices in Santa Fe and other cities.

Anthony J. "T.J." Trujillo, a shareholder in the firm, is a lobbyist for a long list of heavy-hitting clients, including energy, mining, insurance, gambling and dairy interests.

It isn't uncommon for former executive appointees — and former legislators — to return to Santa Fe as registered lobbyists.

Proposed rules

Steven Robert Allen, executive director of the nonpartisan Common Cause New Mexico, calls the return of former public officials as lobbyists the "revolving door problem."

"To take one example, it isn't hard to imagine a situation in which the promise of a high-paying job influences a public official's actions in a way that benefits the future private employer but runs contrary to the public good," he said.

"That's why a cooling-off period of a year or two between leaving public office and lobbying professionally makes good sense."

At least three bills to impose cooling-off periods have been introduced in the Legislature. The measures differ on which former public officials would be covered, but all would extend to ex-legislators.

UpFront is a daily front-page news and opinion column. Comment directly to Thom Cole at tole@abqjournal.com or 505-992-6280 in Santa Fe. Go to www.abqjournal.com/letters/new to submit a letter to the editor.

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