

October 27, 2005

**STATEMENT OF THE INVESTIGATIVE SUBCOMMITTEE OF  
THE HOUSE RULES AND ORDER OF BUSINESS COMMITTEE**

As the first order of business of the Forty-seventh Legislature, First Special Session, this bipartisan investigative subcommittee was created and charged with investigating and making recommendations on whether the New Mexico House of Representatives should consider the impeachment of Robert Vigil, state treasurer, for alleged commission of crimes, misdemeanors or malfeasance in office.

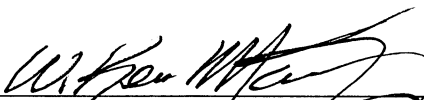
The subcommittee organized itself; hired special counsel to investigate the matter; and, after several meetings, convened on Wednesday, October 26, 2005, to hear the presentation of the evidence gathered by special counsel. Special counsel offered the state treasurer a number of opportunities to appear, testify and offer exculpatory evidence on his behalf, including the opportunity to submit his testimony in private, or in written form, if he so desired. The state treasurer declined to avail himself of any of those opportunities.


At the conclusion of the presentation of evidence by special counsel, including inculpatory and exculpatory evidence, the subcommittee convened in executive session to consider the advice of counsel. During that executive session, the subcommittee was informed that Mr. Vigil had resigned. The subcommittee reconvened as scheduled on the morning of October 27; heard a report from special counsel on resignations prior to or after impeachment in other states; and directed special counsel to prepare a report to be submitted to the subcommittee. The subcommittee will meet during the interim to review and finalize the special counsel's report before the next session. The subcommittee will transmit its report to the House Rules and Order of Business Committee when it is next convened.


The subcommittee instructed special counsel to include in the report reference to the procedures established by the house, which allowed for a fair, open, deliberative and nonpartisan investigation; reference to the subcommittee's mindfulness of the necessity to be respectful of the ongoing federal criminal proceeding; and a summary of the evidence presented. In light of the resignation, however, the report will not make any recommendation on whether his conduct warranted impeachment.


The subcommittee notes that it is now incumbent on the legislature and the executive to work together to reestablish the confidence of the public and the investment community in the integrity of the Office of the State Treasurer.

Respectfully submitted,

  
Rep. W. Ken Martinez, co-chair


  
Rep. Eric A. Youngberg, co-chair


  
Rep. Joseph Cervantes


  
Rep. Anna M. Crook


  
Rep. Larry A. Larranaga

  
Rep. Terry T. Marquardt

  
Rep. Kathy A. McCoy

  
Rep. Debbie A. Rodella

  
Rep. Daniel P. Silva

  
Rep. Peter Wirth