

NEW MEXICO STATE ETHICS COMMISSION

SANDRA PRICE,

Complainant,

vs.

No. C-2021-004

BRIAN F. EGOLF, JR.,

Respondent.

**RESPONDENT BRIAN F. EGOLF'S ANSWER TO COMPLAINT**

Respondent Brian F. Egolf, by and through his attorneys, for his answer to the complaint filed in this matter, states as follows:

1. Respondent admits that he currently serves in New Mexico's citizen legislature as the Representative for District 47 and Speaker of the House of Representatives.

2. Respondent admits that he is an attorney licensed to practice law in the State of New Mexico. Respondent further admits that he and the attorneys in his law firm (Egolf Ferlic Martinez & Harwood) represent clients in a number of areas, including personal injury, wrongful death, civil rights, whistleblower cases, medical malpractice, and water and land use law. *See* <https://egolfaw.com/lawyers/>.

3. Respondent denies that “according to his own website . . . 20% of his practice is Civil Rights violations and 40% is Civil Litigation on behalf of Plaintiffs.” (Sandra Price Letter to Legislative Ethics Comm. (Feb. 10, 2021)<sup>1</sup> attached to Complaint Form at 1.)<sup>2</sup> Respondent further denies that “60% of his private legal practice would benefit from the passage of HB 4” (*id.*) and denies that he “is sponsoring, arguing and voting on legislation that will arguably pay his attorney fees in 60% of the cases that make up his practice.” (*Id.* at 4.)

4. Respondent admits that he is one of four co-sponsors of HB 4 currently pending in the New Mexico legislature. Respondent further admits that three of the four sponsors are attorneys.

5. Respondent admits that, as a legislator and as a co-sponsor of HB 4, he has spoken about and voted to advance HB 4. Respondent further states that the same is true of other members of the New Mexico House of Representatives who also voted in favor of and recently passed HB 4, several of which also are attorneys.

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<sup>1</sup> It appears that Complainant has brought the same allegations before two different bodies but is using her letter to the Interim Legislative Ethics Committee as her complaint in the present action filed before the Commission.

<sup>2</sup> Exhibit 1 to the complaint consists of four pages taken from two separate websites. Only the last two pages appear on the website for Respondent’s law firm. The first two pages – on which the complaint repeatedly relies for the supposed statistical breakdown of Respondent’s law practice – come from <https://www.superlawyers.com/>, which is an attorney rating service published by Thomson Reuters.

6. Respondent denies any and all factual allegations not specifically admitted in this answer.

7. Respondent denies all allegations that set forth a legal assertion or conclusion.

8. Respondent specifically denies that his conduct in connection with HB 4 in any way constitutes “an ethical violation” (02/10/2021 Letter at 1), “an ethical conflict” (*id.*), a “fail[ure] to live up to the high level of trust that the public has placed upon him” (*id.*), a “fail[ure] to exercise candor” (*id.* at 2), or a “fail[ure] to meet his requirement of ethically discharging his high responsibility of public service.” (*Id.* at 3.) These allegations lack any factual support and do not constitute a violation of the provisions of the Governmental Conduct Act cited in the complaint.

9. Respondent specifically denies any and all allegations related to Section 10-16-4 of the Governmental Conduct Act. That provision applies only to “a public officer or employee,” but as defined in Section 10-16-2(I) of that Act, the term “public officer or employee” expressly “excludes legislators.” Even if Section 10-16-4 could be deemed to apply, Respondent denies that the conduct alleged in the complaint constitutes a violation of that provision.

10. Respondent specifically denies any and all allegations related to Section 10-16-3 of the Governmental Conduct Act. Respondent further denies that the conduct alleged in the complaint constitutes a violation of that provision.

11. The complaint and each statement of claims is frivolous and fails to state a claim upon which relief can be granted, as set forth in Respondent's accompanying motion to dismiss.

WHEREFORE Respondent Brian F. Egolf asks that the complaint, and each of its individual counts asserting claims against him, be dismissed with prejudice.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

*/s/ Andrew G. Schultz*

By: \_\_\_\_\_

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*Attorneys for Respondent Brian F. Egolf, Jr.*

## CERTIFICATE OF SERVICE

We hereby certify that a true copy  
of the foregoing was emailed to the  
the following:

Sandra Price  
[Sandraprice261@gmail.com](mailto:Sandraprice261@gmail.com)

and filed to the New Mexico State  
Ethics Commission portal

this 26th day of February, 2021.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

*/s/ Andrew G. Schultz*

By: \_\_\_\_\_  
Andrew G. Schultz