



Office of the City Clerk
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Ethan Watson, City Clerk

Sent via Electronic Mail

August 6, 2021

Mayor Timothy Keller
mayortim@keepkeller.com

Mr. Jason Katz
c/o Patrick J. Rogers
20 First Plaza Center, NW. Ste. 725
Albuquerque, NM 87102

Re: *Katz v. Keller, et. al.* BOE 05-2021 (“*Katz II*”)

Dear Mr. Katz and Ms. Holguin:

On August 3, 2021, after withdrawing a July 14, 2021 complaint containing some of the same allegations, Mr. Katz filed the enclosed Complaint, naming Mayor Tim Keller and Nathan Watson as the respondents.

I have gone through the complaint diversion process provided for in Part K of the City Clerk’s 2021 Election Code Regulations (“EC Regulations”) and Part 4(A) of the Board of Ethics Rules and Regulations (“BoE Rules”). Those regulations and rules require that the City Clerk review complaints to ensure they meet the filing criteria set out in the Clerk’s Regulations and the Board’s Rules. The Board’s Rules and the City Clerk’s Regulations require that the City Clerk reject complaints that do not comply with the Rules and Regulations. See BoE Rules 4(a)(4) and Election Code Regulations at Part K(1)(e).

The City Clerk rejects this complaint because it fails to comply with various Rules and Regulations in Section 4 and Part K. The Board’s Rules and the Clerk’s Regulations are clear that a complaint may only be filed against one Respondent. See BoE Rules 4(A)(2)(c) (“A complaint cannot be filed against more than one Respondent”) and see also EC Regs at K(1)(b)(ii). This complaint names two respondents: Timothy Keller and Nathan Watson. (There is no known City Official named Nathan Watson. This presumably is a typographical error, but I mention it because it should be corrected, and an address should be provided, if any separate complaint is refiled.)

The Rules and Regulations also require that the complaint provide a reasonably detailed description of the alleged violations including the Sections of the Election Code, Code of Ethics, and Open and Ethical Elections Code or Rules and Regulations of the City Clerk allegedly violated and an explanation of how the complainant believes those rules, regulations, and ordinances were violated. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E). Here, Complainant’s allegations regarding seed money fail to comply with these provisions of the rules. Complainant alleges that “Keller violated the seed money requirements by accepting seed money contributions

from prohibited donors.” *Katz II* at 8. The sole evidence cited in support is the addresses of various individual’s employers on the Keller campaign’s finance report filed May 10, 2021 (and subsequently amended on May 17, 2021).¹ Under the circumstances and especially because these reports were already audited, this does not describe a violation of the code.

These deficiencies alone require rejection of the complaint, though: (1) to the extent the complainant is attempting to challenge petition signatures as forgeries, that would be governed by state law (and would need to be addressed to the Bernalillo County Clerk), see NMSA 1978, 1-22-3.2(D)(4); and (2) as with the prior version of this complaint – *Katz I* – it is difficult from the face of the Complaint to determine whether the remainder of the allegations in *Katz II*, provide a “reasonably detailed description of the alleged violations” or otherwise comply with the provisions of EC Regs Part K(1)(b)(i-x). See EC Regs at Part K(1)(d).

Complainant can appeal this rejection to the Board of Ethics, the Clerk notes that this office expressly reserves any determination regarding revocation and makes no determination regarding revocation at this time.

Sincerely,



Ethan Watson
Albuquerque City Clerk

Encl.

Cc: Miriam Diemer, Deputy City Clerk
Andrew Schultz, Board of Ethics and Campaign Practices
Lauren Keefe, Counsel, Keep Keller

¹ To provide you additional information on this issue, during the time the May 2021 financial report was submitted, the City’s campaign finance system only allowed campaign treasurers to enter their contributor’s employer’s address. The City and its election auditor would then audit the finance reports to determine the validity of each seed money contribution and address any invalid seed money contributions at that time. The City Clerk’s Office subsequently upgraded the campaign finance system to allow treasurers to enter their contributor’s home addresses.