

City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

**BOARD OF ETHICS & CAMPAIGN PRACTICES
VINCENT E. GRIEGO CHAMBERS
CITY/COUNTY GOVERNMENT CENTER
Friday, September 24, 2021**

Members Present

Andrew Schultz, Chair
James Breen
Kristina Caffrey
Michael Cadigan
Joshua Martinez
Jason Marks

Others Present

Ethan Watson, City Clerk
John Dubois, City Legal
Aaron Holloman, City Legal
Mark Baker, Legal Counsel for City Clerk
Miriam Diemer, Deputy City Clerk
Lauren Keefe, Counsel for Complainant in 02-2021
Carter Harrison, Counsel for Respondent in 02-2021
Daniel Gallegos, Counsel for Respondent in 02-2021
The Office of Inspector General
Neri Holguin, Complainant in 02-2021
Sheriff Manuel Gonzales, Respondent in 02-2021 and 04-2021
Patrick Sais, Complainant in 04-2021
Members of the Public
Members of the Media

MINUTES

- I. Call to order.
- II. The Board of Ethics and Campaign Practices Meeting of September 24, 2021 was called to order by Chair Andrew Schultz at 9:06 am.
- III. Review and approval of agenda for Friday, September 24, 2021.
Chair Schultz asked for a motion to approve the agenda. Member Caffrey moved to approve the agenda and Member Marks seconded. Motion passed 6-0.
- IV. Review and approval of minutes from Friday, August 27, 2021 meeting.
Chair Schultz asked for a motion to approve the minutes from the August 27 meeting. Member Breen moved to approve the minutes. Member Marks seconded. Motion passed 6-0.
- V. Evidentiary Hearing in BOE 02-2021 Holguin v Gonzales III.
Chair Schultz opened the hearing by way of explanation of the previously issued Order regarding the conduct of the hearing.

Both Parties offered opening statement, called witnesses, cross examined witnesses. The Board

also had the opportunity to ask clarifying questions of the witnesses. Counsel for the Respondent offered a closing statement. Counsel for the Complainant was unable to offer a closing statement as time had expired.

At 11:28 am Chair Schultz asked for a motion to move into closed session. Member Breen moved to approve a closed session. Member Cadigan Seconded. Motion passed 5-1 with member Marks dissenting.

At 11:55 am Chair Schultz called the Board back to session. Chair Schultz asked for a motion. Member Marks moved to issue a \$500 fine for the violation of the OEEC in the case of the voter Dorothy Wright where the signature was not the voter's and the voter did not make the five-dollar contribution. As part of the motion, Member Marks moved to issue an additional \$1500 fine to reflect the evidence that there were fifteen violations in which the signature on the qualifying contribution was not of the voter and assess a fine of \$100 for each of these instances. Lastly, as a part of the motion, that the Board issue a public reprimand to Candidate Gonzales for his failure to exercise the expected level of oversight over his campaign with respect to the collection of qualifying contributions. Member Cadigan seconded. Motion passed 6-0.

VI. Evidentiary Hearing in BOE 04-2021 Sais v Gonzales III.

Chair Schultz opened the hearing by way of explanation of the previously issued Order regarding the conduct of the hearing. Chair Schultz recognized neither party submitted the required materials for this hearing, including an answer by the respondent, lists of witnesses or evidence, list of issues to be addressed, or a brief by either party. Because of this, Chair Schultz amended the Order for the conduct of the hearing to allow each party ten minutes to argue their case. No witnesses or evidence would be allowed.

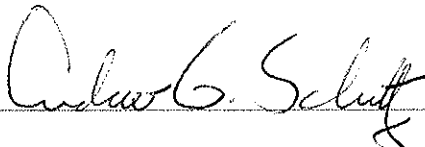
Mr. Sais spoke on his own behalf regarding the complaint. Sherriff Gonzales through Counsel responded to the complaint.

At 12:12 pm Chair Schultz asked for a motion to move into closed session. Member Breen moved to approve a closed session. Member Martinez Seconded. Motion passed 5-1 with member Marks dissenting.

At 12:16 pm Chair Schultz called the Board back to session. Chair Schultz asked for a motion. Member Cadigan moved to dismiss the complaint. Member Caffrey seconded. Motion passed 6-0.

VII. Adjournment.

There being no further business before the Board, Member Cadigan moved to adjourn the meeting. Member Breen seconded. Motion passed 6-0.
Meeting adjourned at 12:17 pm.

Approved:  Date: November 1, 2021