



Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
Phone (505) 924-3650 Fax (505) 924-3660
www.cabq.gov/clerk

2021 OCT 19 AM 10:26

RECEIVED
MAYORAL CANDIDATE OFFICE

State of New Mexico)

) s.s.

County of Bernalillo)

COMPLAINT FORM

1. Complainant's Information			
Last Name Grande Jr.	First Name Rudy		
Mailing Address 9109 Corona Ave. NE	City Albuquerque	State NM	Zip Code 87122
Daytime Phone Number (include area code) 505-270-3887	Email Address Rudy@rudygrande.com		

2. Respondent's Information			
Last Name Gonzales III	First Name Manuel		
Mailing Address 6721 Conrade Ave NW	City Albuquerque	State NM	Zip Code 87120
Daytime Phone Number (include area code) (505) 447-9280	Email Address manny@manny4abq.com		

3. If Respondent is a Candidate, the office or position sought
Mayoral candidate

4. Has this complaint been filed with any law enforcement agencies? If so, list all agencies and attach copies of all complaints submitted. Additional pages may be attached to this form if the space provided below is not adequate.

No.

5. Describe in reasonable detail the alleged violation(s), including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk that you believe were violated, explain how you believe the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk were violated, the date of the alleged violation(s), and include any other pertinent information. Additional pages may be attached to this form if the space provided below is not adequate.

See attached addendum.

6. Describe the inquiry undertaken regarding the alleged violation. Additional pages may be attached to this form if the space provided below is not adequate.

I have attempted to identify by the documents attached as many examples as possible of the violation of the rules, but I am certain a more thorough effort would identify more violations. Please see the addendum and exhibits attached to this document.

7. List and attach evidence that supports your allegations, including but not limited to:
 - a. The names/telephone numbers of persons whom you believe may be witnesses to the facts;
 - b. A copy or picture of any political advertisement(s) Complainant references;
 - c. A copy of each document the Complainant references; and
 - d. Any other evidence supporting your allegations.

Additional pages may be attached to this form if the space provided below is not adequate.

Please refer to the addendum and the exhibits.

I, Rudy Grande Jr., hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this Complaint is supported by evidence.

Rudy Grande Jr.
Complainant (Signature)

Rudy Grande Jr.
Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by Rudy Grande, Jr. this 19th day of October 2021



OFFICIAL SEAL
Todd S. Strasser
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 11/21/2023

Todd S. Strasser
Notary Public

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the Complaint are supported by evidence, you may certify as follows:

I, Rudy Grande Jr., hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, there are grounds to conclude that the specifically identified factual contentions of this Complaint are likely to be supported by evidence after a reasonable opportunity for further inquiry

Rudy Grande Jr.
Complainant (Signature)

Rudy Grande Jr.
Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by Rudy Grande, Jr. this 19th day of October 2021



OFFICIAL SEAL
Todd S. Strasser
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 11/21/2023

Todd S. Strasser
Notary Public

All exhibits or attachments referenced in the complaint must be included with the Complaint.

Statement of Allegations

Describe in reasonable detail the alleged violation(s), including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk that you believe were violated, explain how you believe the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk were violated, the date of the alleged violation(s), and include any other pertinent information. Additional pages may be attached to this form if the space provided below is not adequate.

Upon information and belief, Mr. Gonzales and the Save Our City Measure Finance Committee violating the following:

Election Code art. XIII, § 1 - Engaging in coordinated acts challenging Mr. Aragon's candidacy for mayor by having Ms. Montoya submit her Ethics Complaint on October 14, 2021 alleging Mr. Aragon had not reported "in-kind contributions" and violated the federal communications laws for not permitting Mr. Gonzales to access KIVA. Ms. Montoya was interviewed by multiple television and radio stations as well as the local newspaper about her Ethics Complaint. At all times, Ms. Montoya represented herself to acting on behalf of the Save Our City MFR.

It is not a coincidence that on October 14, 2021, the very same day Ms. Montoya made her media debut, Manny Gonzales demanded unlimited access to KIVA. The letter is attached as an Exhibit to this complaint. Mr. Aragon's attorney responded to the demand by Mr. Gonzales' counsel and requested that Mr. Gonzales campaign identify which event triggered the demand and notified Mr. Gonzales that the FCC regulations do not permit Mr. Aragon to allow someone whom the FCC has not licensed to operate KIVA to take over the radio station. The email response is attached as an exhibit to this complaint.

This coordinated effort by the Manny Gonzales campaign and the Save Our City MFR violates the city election laws. As the candidate, Mr. Gonzales is responsible for ensuring his campaign is above reproach and not influenced by special interests groups like Save Our City.

The City "Election Code was promulgated 'to increase public confidence in the integrity of government by informing the public of the qualifications of a candidate for elective office and of the possible sources of influence upon that candidate and of the financing of a campaign to influence the passage or defeat of a measure.'" Election Code art. XIII, § 1. Reading these two communications by the MFR and Manny Gonzales and attempts to bully and intimidate Mr. Aragon to allow Mr. Gonzales to use KIVA without any oversight for FCC compliance, calls into question Mr. Gonzales integrity and whether he is morally fit for office. A reasonably prudent person could see it clearly. Board Rules & Regulations, § 6(H)(4)(c).

Ms. Montoya identifies herself as a former "public regulation commissioner" on the Save Our City website. Attached as an exhibit is the webpage. Ms. Montoya has provided Mr. Gonzales' campaign with professional services for which she is uniquely qualified as a former PRC commissioner. Mr. Gonzales has benefited from her services. Neither Manny Gonzales nor

Save Our City MFR have notified the City of Ms. Montoya's professional contributions in the financial disclosure statements required by Article XII Section 2(g)(2), (3).

City Election Code Article XIII, Section 6(a)(3) – Karen Montoya appears on the Save Our City website as an official but the Save Our City MFR has not informed the City that she is serving in that capacity as required by the Election Code. Attached is the relevant page of the website showing her purporting to be affiliated with the MFR and serving in the capacity of “Co-Chairman of Save Our City Measure Finance Committee.” Ms. Montoya was interviewed by KOB-TV on or about October 14, 2021 and identified as the “chair of the political action committee Save Our City.” Attached is the KOB story.

The Save Our City MFR has amended its registration 3 times but has never listed Ms. Montoya as an official. Attached are the registration documents filed by Save Our City as posted on the City Clerk website.

The Save Our City MFR failure to amend its registration to include Ms. Montoya is a violation of Art. XIII, Section 6(a)(3).

Local talk show host running for mayor hit with ethics complaint



(/kob-tv/chase-gollighty/6263305/?cat=535) Chase Gollighty (/kob-tv/chase-gollighty/6263305/?cat=535)
Updated: October 14, 2021 10:42 PM
Created: October 14, 2021 09:43 PM

ALBUQUERQUE, N.M. — It's not uncommon to hear conservative talk show host Eddy Aragon talk about his mayoral campaign on his radio station, and now an ethics complaint has been filed against him because of it.

On Wednesday, Karen Montoya the chair of the political action committee Save Our City, which has also endorsed Manny Gonzales filed the complaint to Albuquerque's ethics board. "It's a clear violation of both federal and city law which is really a big deal," Montoya says. The complaint focuses on two areas: The first is that Aragon is not reporting In-Kind contributions claiming that since Aragon promotes his campaign on his radio

station, it needs to be filed as a contribution. The other aspect is that Aragon is violating federal law by not giving other mayoral candidates equal time on his show.

"I think it's petty politics," Aragon says when asked about the complaint. He is the CEO of Rock of Talk LLC says he is not violating any guidelines because he does offer the candidates the opportunity to go on air with him.

"They just have to go through the formal process of just submitting the request to do it and we would honor that request we have to honor it 100 percent that's part of being an FCC licensee," Aragon says, "I'd debate them every single day right here on our radio station."

KOB 4 spoke with Marty Esquivel, a media law attorney about this complaint. He made it clear he is not privately or publically any of the three mayoral candidates. He is also a registered voter in Santa Fe. His take, "I think Mr. Aragon could find himself in hot water over violations of the Equal time obligations under federal law," Esquivel says. "He has a major problem by acting in his capacity as a radio host and continuing his candidacy."

As far as Aragon offering each candidate the opportunity to come on his show, Esquivel says it's a little more complicated than just an invite.

"If Mr. Aragon has unfettered access to the airwaves without people asking him tough questions for an hour, then my take would be Mr. Keller and Mr. Gonzales would have the right for unfettered access within an hour as well without being interviewed by Mr. Aragon," Esquivel says.



However, when we asked Esquivel about the complaint being submitted to the City's Ethics Board, he believes they really don't have the jurisdiction to rule on this because it deals with Federal regulations. Montoya says she does plan on forwarding the complaint to FCC.

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member of the House Judiciary Committee and is a member of the voters and Elections Committee. When the Legislature is out of session he is a member of the Courts and Corrections Committee and an advisory member to the Rural and Economic Development and Pension Oversight Committees. Since 1986 Bill has lived within House District 31 and thus understands its needs. Today Bill is a small business owner and testifies as an expert witness in traffic crash cases.



Karen Montoya - Co-Chairman of Save Our City Measure Finance Committee

Karen Montoya is a 12th generation New Mexican who was born at St. Joseph's Hospital here in Albuquerque and attended Queen of Heaven School where she played basketball, softball and ran track. During the summers, she was on a swim team at the Menaul Aquatic Club and played basketball and golf for the Del Norte Knights. She graduated from Del Norte High School in Albuquerque 1984. Montoya then completed coursework at the Technical Vocational Institute, University of New Mexico, and the International Association of Assessing Officers to become a certified appraiser in New Mexico. She also attended County College through New Mexico State University. Karen had two beautiful girls, Amanda, and Alysha.

Karen began work in the Bernalillo County Assessor's Office in 1991, in 2004 she served as chair of the County Valuation Protest Board, and became a senior appraiser at the New Mexico Property Tax Division. She was also the first woman elected Bernalillo County Assessor, being elected in 2006 and re-elected in 2010. During her tenure Karen was appointed to be the chair of a task force by the New Mexico Association of Counties and she was also the vice chair of the New Mexico Association of Assessing Officers as selected by her peers. In 2012, Montoya entered the race for Public Regulation Commissioner, and won. Montoya was chosen to be Chairwoman of the Commission in 2015. Karen Montoya is now retired and enjoys six grandchildren while working to turn around Albuquerque's crime and economic problems.

HARRISON & HART, LLC

ATTORNEYS AND COUNSELORS AT LAW
924 PARK AVENUE SOUTHWEST, SUITE E
ALBUQUERQUE, NEW MEXICO 87102

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(505) 295-3261

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CARTER B. HARRISON IV
NICHOLAS T. HART
DANIEL J. GALLEGOS
RAMON A. SOTO

October 14, 2021

VIA EMAIL ONLY: rockoftalk@me.com

Edward Aragon
Chief Executive Officer
KIVA AM 1600

Re: Demand for Equal Opportunity

Dear Mr. Aragon:

We write as counsel to the Manuel Gonzales III for Mayor Campaign. It is our understanding that you are the licensee of KIVA AM 1600 and that you personally host a daily radio talk show, "The Rock of Talk," on that channel. We write to remind you that since you are a "legally qualified candidate"¹ for mayor of Albuquerque, your time on your station's airwaves is subject to the equal opportunity provisions of federal communications law, and Sheriff Gonzales intends to zealously enforce his rights to the equal use of your broadcast facilities.

As you may know, Section 315(a) of the Communications Act of 1934, as amended, provides that "[i]f any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."² A "use" is any "positive appearance of a candidate whose voice or likeness is either identified or is readily identifiable."³ While "[a]pppearance by a legally qualified candidate on any-- (1) bona fide newscast, (2) bona fide news interview, (3) bona fide news documentary . . . , or (4) on-the-spot coverage of bona fide news events . . . , shall not be deemed to be use of a broadcasting station within the meaning" of the equal opportunity provision,⁴ candidate appearances "on a news-type program in which he has participated in the 'format and production'" are subject to the equal opportunities provision.⁵ This includes appearances on news programs as a newscaster or commentator.⁶

¹ 47 C.F.R. § 73.1940(a), (b).

² 47 U.S.C. § 315(a).

³ *Codification of the Commission's Political Programming Policies*, 9 FCC Rcd 651 (1994).

⁴ 47 U.S.C. § 315(a).

⁵ *Use of Station by Newscaster Candidate for Public Office*, 40 FCC 433, 434 (1965).

⁶ *See In re Request by William H. Branch*, 101 FCC 2d 901 (1986), *recon. denied*, FCC 86-134 (1986), *aff'd*, 824 F.2d 37 (D.C. Cir. 1987), *cert. denied*, 485 U.S. 959 (1988); *see also Political Programming Policies*, 7 FCC Rcd 678, 685 (1991) ("Likewise, the voluntary appearance of announcers, newscasters, interviewers, commentators and other talent would be deemed a Section 315 'use'").

Mr. Edward Aragon
October 14, 2021
Page 2 of 2

Clearly, your use of KIVA AM 1600 airwaves is subject to the equal opportunities provision. You are a legally qualified candidate for Mayor. You have continued to host a daily radio talk show on KIVA AM 1600. Each on-air appearance in your capacity as a talk radio host on your station qualifies as a free "use" of your broadcast facilities, entitling your opponents, including Sheriff Gonzales, to equal opportunities for comparable free use of your facilities.

Sheriff Gonzales demands an equal opportunity to host his own talk radio show, with an equivalent length and frequency as that of "The Rock of Talk," on your channel and using your facilities, while utilizing his own staff. In the alternative, Sheriff Gonzales demands an accounting of the amount of "free use" you have accrued in promoting your candidacy for Mayor, and that an equal amount of "free use" time be provided to Sheriff Gonzales in the form of commercial airtime.

If your station does not take the appropriate steps to ensure equal opportunities for Sheriff Gonzales, we will not hesitate to explore all remedies available under the law to ensure fair treatment by your station.

Very truly yours,

HARRISON & HART, LLC



Ramón A. Soto

DJG/rs

rosariovegallynnlawfirm@outlook.com

From: Rosario Vega Lynn
Sent: Friday, October 15, 2021 1:46 PM
To: 'ramon@harrisonhartlaw.com'
Cc: 'Eddy Aragon'; michelle@harrisonhartlaw.com
Subject: RE: Demand Letter for Equal Opportunity Manuel Gonzales III for Mayor Campaign

Good afternoon Ramón:

My apologies for the delay in getting this response to you. Respectfully, I am not quite following how the FCA applies to a local election nor how Mr. Gonzales can demand unfettered access to KIVA. Further, your letter does not identify what event(s) triggered Mr. Gonzales' request.

The FCC licensed KIVA to Mr. Aragon and he is responsible for the operation of the radio station as the sole licensee. 47 C.F.R. §90.427. In fact, the FCC imposes a strict requirement that Mr. Aragon maintain control of the station at all times to the ensure proper operation of KIVA. 47 C.F.R. §90.433(c), (d). For these reasons alone, Mr. Gonzales conditions are impossible to meet.

Would you please identify the event(s) within the last week that Mr. Gonzales claims triggered his request? "A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the first prior use giving rise to the right of equal opportunities occurred." 47 C.F.R. §73.1941(c). The requesting candidate incurs the burden of proof. *Id.* at §73.1941(d).

Thank you for any clarification.

Rosario D Vega Lynn
Attorney
Vega Lynn Law Offices, LLC
PO Box 65513
Albuquerque, NM 87193
(505) 903-9411

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As a reminder to clients, you should not forward this email message. Doing so may cause you to waive the attorney-client privilege.

From: ramon@harrisonhartlaw.com [mailto:ramon@harrisonhartlaw.com]
Sent: Thursday, October 14, 2021 3:20 PM
To: 'Rosario Vega Lynn'
Cc: 'Eddy Aragon'; michelle@harrisonhartlaw.com
Subject: RE: Demand Letter for Equal Opportunity Manuel Gonzales III for Mayor Campaign

Thank you, Rosario. I appreciate it.

Best,

Ramón A. Soto
Associate Attorney
Harrison & Hart, LLC
924 Park Ave. SW
Suite E
Albuquerque, NM 87102
Office: (505) 295-3261 ext. 104
ramon@harrisonhartlaw.com

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From: Rosario Vega Lynn <rosariovegallynnlawfirm@outlook.com>
Sent: Thursday, October 14, 2021 3:18 PM
To: ramon@harrisonhartlaw.com
Cc: 'Eddy Aragon' <rockoftalk@me.com>; michelle@harrisonhartlaw.com
Subject: RE: Demand Letter for Equal Opportunity Manuel Gonzales III for Mayor Campaign

Hi Ramón

You don't have to send this to me via certified mail. I will have a response to you by tomorrow noon.

Thank you

Rosario

Rosario D Vega Lynn
Attorney
Vega Lynn Law Offices, LLC
PO Box 65513
Albuquerque, NM 87193
(505) 903-9411

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From: ramon@harrisonhartlaw.com [<mailto:ramon@harrisonhartlaw.com>]
Sent: Thursday, October 14, 2021 12:17 PM
To: 'Rosario Vega Lynn'
Cc: 'Eddy Aragon'; michelle@harrisonhartlaw.com
Subject: RE: Demand Letter for Equal Opportunity Manuel Gonzales III for Mayor Campaign

Dear, Ms. Vega Lynn,

Attached please find legal correspondence. Please do not hesitate to contact me. Please let me know whether you received this email. I will hesitate from expending funds for a certified mail letter unless it is absolutely necessary.

Thank you,

Ramón A. Soto
Associate Attorney
Harrison & Hart, LLC
924 Park Ave. SW
Suite E
Albuquerque, NM 87102
Office: (505) 295-3261 ext. 104
ramon@harrisonhartlaw.com

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From: Eddy Aragon <rockoftalk@me.com>
Sent: Thursday, October 14, 2021 12:11 PM
To: ramon@harrisonhartlaw.com
Cc: Rosario Vega Lynn <rosariovegallynnlawfirm@outlook.com>
Subject: Re: Demand Letter for Equal Opportunity Manuel Gonzales III for Mayor Campaign

Please remit to Rosario Vega-Lynn Attorney at Law enclosed above via certified letter and electronic correspondence.

Thank you,

Eddy Aragon

Sent from my iPhone

On Oct 14, 2021, at 12:04 PM, ramon@harrisonhartlaw.com wrote:

Dear Mr. Aragon,

Attached please find legal correspondence. Please do not hesitate to contact me.

Thank you,

Ramón A. Soto
Associate Attorney
Harrison & Hart, LLC
924 Park Ave. SW
Suite E
Albuquerque, NM 87102
Office: (505) 295-3261 ext. 104
ramon@harrisonhartlaw.com

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<2021-10-14 Ltr from H&H to KIVA Re Equal Time.pdf>



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Phone: (505) 924-3650
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MEASURE FINANCE COMMITTEE REGISTRATION

COMMITTEE	
SAVE OUR CITY	Email: INFO@SAVOOURCITYPAC.COM
	Purpose: TO ADDRESS THE SERIOUS CRIME AND LEADERSHIP PROBLEM IN ALBUQUERQUE
Website:	Facebook:
Twitter:	Other Social:
CHAIRPERSON	
SAM VIGIL	Main Phone: (505) 328-3096
	Email: SIGMS@AOL.COM
TREASURER	
BILL REHM	Phone: (505) 259-3398
	Email: BILLREHM@COMCAST.NET
ALTERNATE CONTACT	
GABRIELLE RAEI	Phone: (505) 328-3096
	Email: GABRIELLEGRAEL@GMAIL.COM
CAMPAIGN FINANCE REPORTING TRAINEES	
BILL REHM, SAM VIGIL, GABRIELLE RAEI, BOBBI SHEARER	

Filed: 4/1/2021
Last Modified: 4/1/2021
Printed: 10/18/2021

Committee Registration



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SAVE OUR CITY	Email: INFO@SAVEOURCITYPAC.COM
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Website: HTTP://SAVEOURCITYPAC.COM	Facebook:
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SAM VIGIL	Main Phone: (505) 328-3096
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	Email: BILLREHM@COMCAST.NET
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Twitter: HTTP://TWITTER.COM/SAVEOURCITYPAC	Other Social: HTTP://INSTAGRAM.COM/SAVEOURCITYPAC
CHAIRPERSON	
SAM VIGIL	Main Phone: (505) 328-3096
	Email: SIGMS@AOL.COM
TREASURER	
BILL REHM	Phone: (505) 259-3398
	Email: BILLREHM@COMCAST.NET
ALTERNATE CONTACT	
GABRIELLE RAEI	Phone: (505) 328-3096
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CAMPAIGN FINANCE REPORTING TRAINEES	
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