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Martin J. Chávez, Mayor

Randy M. Autio, Interim City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES
VINCENT E. GRIEGO CHAMBERS
Basement, City/County Government Center
Thursday, December 17, 2009

MEMBERS PRESENT:

Robert Tinnin Jr., Chairman
Cliff Richardson
Kay Duffin
Jimmy Trujillo
Jolene Wolfley
Ben Silva
Alan Schwartz

OTHERS PRESENT:

Randy M. Autio, Interim City Clerk
Jeanette Lovato, City Clerk's Office
Doris Duhigg, Legal Department
Kathy Levy, Deputy City Attorney
Doretta Lynn Hamp, Complainant
Andres Valdez
Gilbert P. Elicondo, Complainant

Item 1. Introduction by Robert P. Tinnin Jr., Chairman
The board of Ethics and Campaign Practices meeting of December 17, 2009, was called to order by Chairman Tinni at 4:16 p.m.

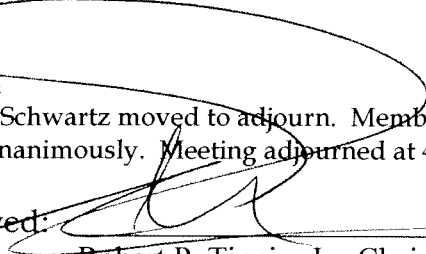
Item 2. BOE 03-2009: Doretta Lynn Hamp, Complainant, Miguel Rael, Respondent: PRELIMINARY HEARING
Dorretta Lynn Hamp, Complainant present before the board. Andres Valdez present before the board as Ms. Hamp's representative. Kathy Levy, Deputy City Attorney present on behalf of Miguel Rael, Respondent. Ms. Hamp presented the Board with written procedural matters requesting Chairman Tinnin recuse himself alleging his firm has a current contact with the City of Albuquerque. Chairman Tinnin stated that he does not believe his firm is currently under contract with the City of Albuquerque. Chairman Tinnin responded that his firm has not received any compensation in some time from the City of Albuquerque and would not recuse himself. Before the Board made a motion Member Schwartz asked the board's attorney, Doris Duhigg to clarify who was a City Official; and questioned if under the policy whether a police officer is considered a City Official under this definition. Second question: does a complaint need to tie into a specify numeration of section 4 of Ethics Code. City Attorney Doris Duhigg read Article 12, Section 2 (k) of the Ethics Code to the Board. Ms. Duhigg stated Police Officers are not considered a City Official according to this section.

Ms. Duhigg responded that the complaint could not be complete without linking to the other sections of the code. Member Richardson and Member Silva had a discussion regarding Ms. Duhigg's opinion. Member Wolfley brought up the second procedural matter regarding a conflict with the City Attorneys' office, Chairman Tinnin responded by stating this matter would be proper before the Board if the above matter was going to a hearing. Member Wolfley did inquire if Doris Duhigg, City Attorney for the Board and Kathy Levy, Deputy City Attorney for Respondent had been in communication regarding this matter. Ms. Duhigg and Ms. Levy each responded to the Board stating there is no conflict. Member Richardson asked Ms. Duhigg to explain the process of the Police Oversight Commission. Ms. Duhigg explained the process of the Independent Review Officer ("IRO") and the Policy Oversight Commission. She also stated that Ms. Hamp currently does have a complaint before the Policy Oversight Commission. Member Schwartz moved to dismiss the complaint with the finding that the Respondent is not a City Official as defined in the Ethics Code. Member Silva seconded the motion. Board members discussed the finding of the dismissal. Motion passed unanimously.

Item 3 **BOE 07-2009: Gilbert P. Elicondo, Complainant, Chief Ray Schultz, Levi M. Chavez, LT. Shawn O'Connel, Sgt. Ron Olivas and Sgt. James Silver, Respondents: PRELIMINARY HEARING**
Gilbert P. Elicondo, Complainant present before the board. Kathy Levy, Deputy City Attorney present before the Board on behalf of the Respondents. Member Silva moved to dismiss the Complaint. Member Trujillo seconded the motion. There was a discussion among the board members regarding the finding of the complaint. Andres Valdez did make a comment before the board and Chairman Tinnin responded to his comments. Motion passed unanimously.

Item 4. Other Business
Member Richardson moved that the Board of Ethics and Campaign Practices notify the City Council of systemic problems within the Police Department and it should be investigated in order to show the public that APD does or doesn't have adequate procedures, training, standards, customs and practices in places based upon national standards. There was no second to motion, motion did not pass. Chairman Tinnin, Member Silva and Member Schwartz did make comments regarding Member Richardson motion.

Item 5. Adjourn
Member Schwartz moved to adjourn. Member Richardson seconded. Motion passed unanimously. Meeting adjourned at 4:52 p.m.

Approved:  Date: 2/24/11
Robert P. Tinnin, Jr., Chairman