

CITY OF ALBUQUERQUE

BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v.

CASE NO. BOE 02-2021

MANUEL GONZALES, III,

Respondent.

**COMPLAINANT'S LIST OF ISSUES TO BE CONSIDERED
BY THE BOARD OF ETHICS AND CAMPAIGN PRACTICES**

Neri Holguin, by and through her counsel of record, provides the following list of issues to be considered by the Board of Ethics and Campaign Practices at the hearing on July 22, 2021. Given the ongoing nature of the investigation into the misconduct of the Gonzales Campaign, Complainant reserves the right to supplement this list as needed.

1. Whether, for each of the voters identified in Exhibits 1-150, representatives of Manuel Gonzales III submitted Qualifying Contribution acknowledgement cards that were not signed by the contributor, in violation of the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(6).

2. Whether, for each of the voters identified in Exhibits 1-150, representatives of Manuel Gonzales III violated the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part (C)(6) by failing to ensure that Qualifying Contribution receipts

are fully and correctly filled out and that all \$5 Qualifying Contributions are made by the named contributor.

3. Whether the actions of representatives of the Gonzales Campaign, in submitting acknowledgement cards that were not signed by the person identified on the card, constitutes the crime of forgery pursuant to NMSA 1978, § 30-19-10.

4. Whether, for some of the voters identified in Exhibits 1-150, representatives of Manuel Gonzales III violated NMSA 1978, § 1-19-34.3(A), by making contributions in the names of those voters.

5. Whether, for some of the voters identified in Exhibits 1-150, representatives of Manuel Gonzales III violated the 2021 Regulations of the Albuquerque City Clerk for the Election Code Part I(1) by making contributions in the name of another person and submitting a report to the City Clerk identifying contributors who are not the actual source of funds for the contribution.

6. Whether, for some of the voters identified in Exhibits 1-150, representatives of Manuel Gonzales III violated the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part (C)(6) by making contributions in the names of those voters, and thus submitted fraudulent Qualifying Contributions in the name of those voters.

7. Whether Manuel Gonzales III violated the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part B(5) by failing to report seed money contributions.

8. Whether the Board has grounds to make a finding, as provided under 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)

(iii), that Manuel Gonzales III made a materially false statement in a report or other document submitted to the City Clerk.

9. Whether the Board has grounds to make a finding, as provided under 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)(iii), that Manuel Gonzales III knew or should have known that representatives acting on his behalf made materially false statements in reports or other documents submitted to the City Clerk.

10. Whether the Board has grounds to make a finding, as provided under 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)(v), that Manuel Gonzales III submitted fraudulent Qualifying Contributions to the City Clerk.

11. Whether the Board has grounds to make a finding, as provided under 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)(v), that Manuel Gonzales III knew or should have known that representatives acting on his behalf submitted fraudulent Qualifying Contributions to the City Clerk.

12. Whether the Board has grounds to make a finding, as provided under 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)(v), that Manuel Gonzales III submitted falsified acknowledgement forms for Qualifying Contributions to the City Clerk.

13. Whether the Board has grounds to make a finding, as provided under the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(15)(a)(v), that Manuel Gonzales III knew or should have known that representatives acting on his behalf submitted falsified acknowledgement forms for Qualifying Contributions to the City Clerk.

14. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should make a determination to revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(c), based on a determination that Manuel Gonzales III submitted fraudulent Qualifying Contributions to the City Clerk.

15. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should make a determination to revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(c), based on a determination that Manuel Gonzales III knew or should have known that representatives acting on his behalf submitted fraudulent Qualifying Contributions to the City Clerk.

16. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should make a determination to revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(c), based on a determination that Manuel Gonzales III submitted Qualifying Contributions that were not made by the named contributor.

17. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(c), based on a determination that Manuel Gonzales III knew or should have known that representatives acting on his behalf submitted Qualifying Contributions that were not made by the named contributor.

18. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should make a determination to revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(e), based on a determination that Manuel Gonzales III failed to comply with Seed Money restrictions.

19. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(f), based on a determination that Manuel Gonzales III knowingly made a false statement or material misrepresentation in any report or other document required to be filed under the OEEC or the EC.

20. Whether, if certification for public financing has been granted to Manuel Gonzales III, the Board of Ethics should revoke that certification, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17)(f), based on a determination that Manuel Gonzales III substantially violated the provisions of the OEEC or the EC.

21. Whether, if certification for public financing has been granted to Manuel Gonzales III and public funds have been distributed to him, the Board of Ethics, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17), should require Mr. Gonzales to return any unspent funds that were distributed to him to the City Clerk.

22. Whether, if certification for public financing has been granted to Manuel Gonzales III and public funds have been distributed to him, the Board of Ethics, pursuant to the 2021

Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17), should require Mr. Gonzales to return all funds that were distributed to him.

23. Whether, pursuant to the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part(C)(17), the Board of Ethics should impose an additional civil penalty on Manuel Gonaes III based on evidence of widespread fraudulent conduct by his Campaign.

24. Whether the Board should invoke its powers, pursuant to Section 4(C) of the Rules and Regulations of the Board of Ethics and Campaign Practices Relation to the Election Code, the Open and Ethical Election Code, and the Code of Ethics of the City Charter, to investigate the practices of the Gonzales Campaign, including but not limited to whether the campaign engaged in a pattern and practice of forging signatures on acknowledgement cards for Qualifying Contributions and submitting Qualifying Contribution acknowledgement cards without collecting \$5 contributions.

25. Whether the Board should refer any matters addressed in the July 22, 2021 hearing to any appropriate agency for criminal investigation.

Respectfully submitted,

KEEFE LAW FIRM

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Attorney for Complainant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of July, 2021, the foregoing was sent via email to ewatson@cabq.gov, Aschultz@rodey.com, and carter@harrisonhartlaw.com.

KEEFE LAW FIRM

By: /s/ Lauren Keefe
Lauren Keefe