

CITY OF ALBUQUERQUE

BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v.

CASE NO. BOE 01-2021

MANUEL GONZALES, III,

Respondent.

**COMPLAINANT'S BRIEF IN SUPPORT OF REQUEST FOR INVESTIGATION**

The Board has asked the parties whether it should, pursuant to Rules and Regulations of the Board of Ethics and Campaign Practices, § 4(C)(1), to request an investigation into the allegations raised in the Complaint. It should.

The Board “may determine to have an investigation of any formal charge prior to or during any hearing that the Board may hold relative to the formal charge.” Rules and Regulations of the Board of Ethics and Campaign Practices, § 4(C)(1). An investigation is appropriate here. In this action, Complainant is asking the Board to examine a single instance in which Mr. Gonzales violated the Election Code, and the Open and Ethical Election Code, by signing a receipt reflecting that he had collected a \$5 Qualifying Contribution when he had not. The allegations regarding this one instance, by themselves, establish grounds for an investigation. But Complainant has also gathered additional information that the Gonzales Campaign, as part of its effort to obtain public financing, routinely collected Qualifying

Contribution receipts without collecting \$5 contributions. These additional allegations further justifies an investigation into the practices of the Gonzales Campaign.

Although the Complaint details one only incident, that incident by itself raises the question as to whether the Gonzales Campaign routinely submitted Qualifying Contribution receipts without collecting \$5. The Complaint does not merely allege that Mr. Gonzales failed to collect \$5 from Mr. Zantow — which would be sufficient to constitute a violation of the Codes. The Complaint alleges that Respondent refused an offer of \$5 and collected the Qualifying Contribution receipt from Mr. Zantow without collecting a \$5 donation. The Complaint further alleges that the Gonzales Campaign then submitted the Qualifying Contribution receipt to the City Clerk's Office and deposited \$5 into the City of Albuquerque Open and Ethical Elections (CAOEE) Fund, even though Mr. Zantow had not provided any funds. These facts suggest that the violation at the heart of this Complaint was not a one time thing, but part of a pattern and practice of violating the Codes.

Moreover, since filing the Complaint, the Keller Campaign has identified additional evidence that supports the conclusion that the Gonzales Campaign engaged in a pattern of submitted fraudulent Qualifying Contributions:

*First*, three other individuals who attended the May 27, 2021 meeting of the Salvation Army Advisory Board — in addition to Mr. Zantow — have told the Keller Campaign that they signed Qualifying Contribution receipts but did not give \$5 donations. Those individuals were not willing to appear at the July 16, 2021 hearing, for a variety of reasons, but may be willing to give statements to an investigator from the City. Complainant can provide the Board, or any investigators, with the names and contact information for those individuals.

**Second**, other individuals have informed the Keller Campaign that they signed Qualifying Contribution receipts but did not, in fact, give a \$5 donation. One voter sent an email to the Keller Campaign with the following statement:

I signed the petition to get Manny Gonzalez on the ballot as a candidate for the November 2nd Mayoral election. I was also asked to sign a paper that I knew was for a five dollar donation. I asked if they wanted the five dollars and was told no. I did not feel comfortable about that but let it go. Then I heard about this on the news.

I am writing this because I should have spoken up at the time I was asked to sign that form.

Another voter told the Keller Campaign that he and his wife had both signed Qualifying Contribution receipts but had not given \$5. Complainant can provide the Board, or any investigators, with contact information for these individuals.

**Third**, an employee of the Bernalillo County Sheriff's Office contacted the Keller Campaign and reported that representatives of the Gonzales Campaign would provide cash to people who signed Qualifying Contribution receipts. Complainant can provide the Board, or any investigators, with contact information for this individual.

**Fourth**, Complainant has filed a separate action presenting evidence that the Gonzales Campaign forged signatures on other Qualifying Contribution receipts. As shown in the evidence submitted on July 8, 2021, the Gonzales Campaign also did not collect \$5 contributions from these voters. This again raises the question as to the source of the money being deposited into the CAOEE account. It appears that the Campaign was depositing money from another source when submitting many Qualifying Contribution cards. Complainant can identify, for the Board or any investigators, those individuals who have reported in sworn statements that they

did not give \$5 to the Gonzales Campaign, even though their names appear on Qualifying Contribution receipts.

Based on the weight and volume of this additional information, it appears that the violation described in the Complaint was not an isolated incident — it was part of a pattern of illegal, fraudulent conduct by the Gonzales Campaign. The Board, therefore, has more than sufficient grounds to exercise its authority to request an investigation. Moreover, Complainant believes that an investigation by an independent authority will be the best way to get to the bottom of these issues. Many of the witnesses that the campaign has spoken to were reluctant to appear as a witness because they did not want to be seen as taking sides in a political dispute. Those witnesses may be more forthcoming when being interviewed by an independent investigator. In addition, many witnesses were reluctant to participate in these proceedings due to the burden on their time. These witnesses may feel more of an obligation to participate when contacted by an independent investigator. Regardless, there is a sufficient basis to believe that the Gonzales Campaign has engaged in widespread fraud and misconduct, and the Board should exercise its authority to request an investigation at this time.

Respectfully submitted,

KEEFE LAW FIRM

By: /s/ Lauren Keefe

Lauren Keefe

P.O. Box 40693

Albuquerque, NM 87196-0693

(505) 307-3447

[keefelawoffice@gmail.com](mailto:keefelawoffice@gmail.com)

*Attorney for Complainant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 14th day of July, 2021, the foregoing was sent via email to [mdiemer@cabq.gov](mailto:mdiemer@cabq.gov), [ewatson@cabq.gov](mailto:ewatson@cabq.gov), [Aschultz@rodey.com](mailto:Aschultz@rodey.com), and [carter@harrisonhartlaw.com](mailto:carter@harrisonhartlaw.com).

KEEFE LAW FIRM

By: /s/ Lauren Keefe  
Lauren Keefe