CITY OF ALBUQUERQUE

BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v. Case No. BOE 02-2021

MANUEL GONZALES, III,

Respondent.

RESPONDENT'S AMENDED § 4(E)(2) NOTICES

Respondent Manuel Gonzales hereby makes the following disclosures under § 4(E)(2) of
the Rules and Regulations of the Board of Ethics and Campaign Practices.

WITNESS LIST

1. Sid Covington
   Undersheriff Covington assists the Respondent’s campaign and will testify to his
   observations and understanding of the facts surrounding the allegations in the complaint,
   namely the absence of any fraud observed by him or observable by the Respondent.

2. Manuel Gonzales III
   Manuel Gonzales III is the Respondent and will testify about his percipient observation
   and recollection of the events in question.

3. Larry Koren
   Undersheriff Koren assists the Respondent’s campaign and will testify to his observations
   and understanding of the facts surrounding the allegations in the complaint, namely the
   absence of any fraud observed by him or observable by the Respondent.

4. Michele Martinez
   Ms. Martinez assists the Respondent’s campaign and was a witness to the some of the
   events in question and will testify as to her recollection of the events, as well as to the
   procedures used by the campaign in collecting qualifying contributions.
5. Megan McMillan  
Ms. McMillan assists the Respondent’s campaign and was a witness to the some of the events in question and will testify as to her recollection of the events, as well as to the procedures used by the campaign in collecting qualifying contributions.

6. Any investigators used to probe the facts of this case, but only to the extent that the Board deems similarly undisclosed testimony by the Complainant is allowed

7. Certain voters or qualifying-contribution donors who contributed to one or more candidates in the 2021 mayoral race, but only to the extent that the Board deems similarly undisclosed testimony by the Complainant is allowed

8. Any witnesses listed by the Complainant or needed to respond to new witnesses untimely disclosed by the Complainant, as well as any witnesses needed for impeachment or rebuttal, but only to the extent that the Board deems such undisclosed testimony by the Complainant is allowed

EXHIBIT LIST

1. Audio Recording of Statement of Minnie Vigil

2. Audio Recording of Statement of Debbi Engelage

3. Manuel Gonzales III Qualifying Contribution Books 45 (page 2), 89, and 207 (page 6)


7. Email attached as Exhibit A to this filing

8. Nominating petitions attached as Exhibit B to this filing
STATEMENT OF ISSUES

1. Whether Respondent Manuel Gonzales III knowingly submitted fraudulent qualifying contributions to the City Clerk.

2. Whether the number of valid (including non-fraudulent) qualifying contributions submitted to the City Clerk exceeded the recognized, codified threshold indicating sufficient democratic support for a candidate to warrant that candidate’s public financing.

3. Whether the Complaint must be dismissed under § 4(E)(2).
4. Whether the Board of Ethics has the authority to grant the relief sought in the Complaint.

5. What relief, if any, should be granted.

Respectfully submitted,

HARRISON & HART, LLC

By:
Daniel J. Gallegos
Carter B. Harrison IV
924 Park Avenue SW, Suite E
Albuquerque, NM 87102
Tel: (505) 369-6599
Fax: (505) 341-9340
Email: daniel@harrisonhartlaw.com
carter@harrisonhartlaw.com

Attorneys for the Respondent

17 Exhibits Attached

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2021, I submitted the foregoing Notices via email to the Albuquerque City Clerk (ewatson@cabq.com and mdiemer@cabq.gov), the Board of Ethics and Campaign Practices (aschultz@rodey.com), and to the following counsel of record:

Lauren Keefe
Keefe Law Firm
P.O. Box 40693
Albuquerque, NM 87196
(505) 307-3447
keefelawoffice@gmail.com

Attorneys for the Plaintiff

HARRISON & HART, LLC

By:  /s/ Daniel J. Gallegos
     Daniel J. Gallegos
Dear [Name],

How widespread was the fraud that Manny and his campaign committed while trying to qualify for public financing?

It’s a good question, and one the public deserves to know. *And it’s a question voters like you could help us answer.*

After we filed our ethics complaint against Manny Gonzales earlier this month for submitting fraudulent $5 Qualifying Contributions, more and more people have come forward to tell us their stories.

Initially, a respected citizen and voter came forward to tell us that Manny himself told him he did not have to provide $5 because Manny’s campaign would take
care of it, in clear violation of the law. What may have seemed like an isolated incident back then now is beginning to look like a pattern of fraud.

This case, which we filed on behalf of the concerned voter, goes before the City’s Ethics Board on Friday, July 16. We’re confident our case will show that Sheriff Manny Gonzales willfully broke the law in order to qualify for $660K in public financing.

**We believe this case is also just the tip of the iceberg in terms of the fraud that will be uncovered** from Sheriff Gonzales’ effort to qualify for public financing. The penalty for committing fraud must be to deny his campaign public financing.

To this end, **we’ve set up a voter fraud hotline**, so voters like you can call us about what you may know. In many ways, Albuquerque is a small town. If you saw something, say something now. We know the intimidation is real, so if you feel better leaving your name anonymously, do that too.

Sheriff Manny Gonzales is supposed to enforce the laws, not break them. As a top law enforcement official, he’s supposed to be a role model for ethical conduct. It’s a shame he’s not.

Thanks,
Team Tim

KeepKeller.com | Facebook | Twitter | Instagram

-=-=-

Keep Keller · PO Box 7012, Albuquerque, NM 87194, United States
This email was sent to karen.l.montoya@gmail.com. To stop receiving emails, click here.
You can also keep up with Team Tim on Twitter.

-=-=-

Created with NationBuilder, software for leaders.
2020 PRIMARY NOMINATING PETITION

I, the undersigned, a registered voter of New Mexico, and a member of the Democratic party, hereby nominate [candidate’s name], who resides at [candidate’s address] in the county of [candidate’s county of residence], New Mexico, for the party nomination for the office of [office sought, including district, division, or position #, if applicable] to be voted for at the primary election to be held on June 2, 2020, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

1. Ana Bella Salazar
   (usual signature)
   Anabella Salazar County Road 74 #4, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

2. Victoria Lovato
   (usual signature)
   Victoria Lovato CR 74 #1, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

3. Ray Lovato
   (usual signature)
   Ray Lovato CR 74 #1, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

4. Belamie Salazar
   (usual signature)
   Belamie Salazar CR 8 #19, Galina
   (name printed as registered)
   (address as registered)
   (city or zip code)

5. Fidel Vigil
   (usual signature)
   Fidel Vigil County Road 16 #3, Velerde
   (name printed as registered)
   (address as registered)
   (city or zip code)

6. Lorraine Vigil
   (usual signature)
   Lorraine Vigil CR 16 #3, Velerde
   (name printed as registered)
   (address as registered)
   (city or zip code)

7. Rodney Julian
   (usual signature)
   Rodney Julian County Road 56 #91, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

8. Lucy Martinez
   (usual signature)
   Lucy Martinez CR 56 #91, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

9. Therese Chacon
   (usual signature)
   Therese Chacon 769 Duran St, 87532, Chamita
   (name printed as registered)
   (address as registered)
   (city or zip code)

10. Adam Chacon
    (usual signature)
    Adam Chacon 769 Duran St, 87532, Chamita
    (name printed as registered)
    (address as registered)
    (city or zip code)

11. Jerome Valdez
    (usual signature)
    Jerome Valdez CR 41 #5, Alcalde
    (name printed as registered)
    (address as registered)
    (city or zip code)

12. Rebecca Valdez
    (usual signature)
    Rebecca Valdez CR 41 #5, Alcalde
    (name printed as registered)
    (address as registered)
    (city or zip code)

13. Celina Duran
    (usual signature)
    Celina Duran 1116 Santo Nino, Santa Cruz
    (name printed as registered)
    (address as registered)
    (city or zip code)

14. Elijah Abrutay
    (usual signature)
    Elijah Abrutay HWY 84 #23, Hernandez
    (name printed as registered)
    (address as registered)
    (city or zip code)

15. Beverly Gutierrez
    (usual signature)
    Beverly Gutierrez HWY 285 #10, Hernandez
    (name printed as registered)
    (address as registered)
    (city or zip code)

16. Sr Gutierrez
    (usual signature)
    Sr Gutierrez HWY 285 #10, 87537, La Puebla
    (name printed as registered)
    (address as registered)
    (city or zip code)

17. Oscar Pena
    (usual signature)
    Oscar Pena 976 El Sitio Rd, La Puebla
    (name printed as registered)
    (address as registered)
    (city or zip code)

18. Heraldo Lucero
    (usual signature)
    Heraldo Lucero CR 160 #1, Chimayo
    (name printed as registered)
    (address as registered)
    (city or zip code)

19. Willie Carter
    (usual signature)
    Willie Carter 4610 Shadowood, Espanola
    (name printed as registered)
    (address as registered)
    (city or zip code)

20. Jane Carter
    (usual signature)
    Jane Carter 4610 Shadowood, Espanola
    (name printed as registered)
    (address as registered)
    (city or zip code)
2020 PRIMARY NOMINATING PETITION

I, the undersigned, a registered voter of New Mexico, and a member of the Democratic party, hereby nominate [candidate’s name], who resides at [candidate’s address] in the county of [candidate’s county of residence], New Mexico, for the party nomination for the office of US Rep. District 03, to be voted for at the primary election to be held on June 2, 2020, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>(name printed as registered)</th>
<th>Address</th>
<th>City or Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ida Trujillo</td>
<td>Ida Trujillo</td>
<td>5310 Milagro St</td>
<td>87532</td>
</tr>
<tr>
<td>2.</td>
<td>Ernest Trujillo</td>
<td>Ernest Trujillo</td>
<td>5310 Milagro St</td>
<td>87532</td>
</tr>
<tr>
<td>3.</td>
<td>Debbie Trujillo</td>
<td>Debbie Trujillo</td>
<td>1957 Jemez View</td>
<td>87532</td>
</tr>
<tr>
<td>5.</td>
<td>Lorraine Macias</td>
<td>Lorraine Macias</td>
<td>1640 Calle Rendena</td>
<td>87532</td>
</tr>
<tr>
<td>6.</td>
<td>Héctor Benmán</td>
<td>Héctor Benmán</td>
<td>County Road 61 # 10</td>
<td>87532</td>
</tr>
<tr>
<td>7.</td>
<td>Oliver King</td>
<td>Oliver King</td>
<td>CR 10 # 4</td>
<td>La Puebla</td>
</tr>
<tr>
<td>8.</td>
<td>Sharon Nuttall</td>
<td>Sharon Nuttall</td>
<td>610 N Shadowwood</td>
<td>Ellano</td>
</tr>
<tr>
<td>9.</td>
<td>Ron Nuttall</td>
<td>Ron Nuttall</td>
<td>610 N Shadowwood</td>
<td>Ellano</td>
</tr>
<tr>
<td>10.</td>
<td>Jed Miera</td>
<td>J. D. Miera</td>
<td>1800 Calle Rendena</td>
<td>87532</td>
</tr>
<tr>
<td>12.</td>
<td>Bonnie Overton</td>
<td>Bonnie Overton</td>
<td>7631 Taos Ln</td>
<td>Espanola</td>
</tr>
<tr>
<td>13.</td>
<td>Nancy Padilla</td>
<td>Nancy Padilla</td>
<td>Hwy 76 # 16</td>
<td>Chiricahua</td>
</tr>
<tr>
<td>14.</td>
<td>Carmen Martinez</td>
<td>Carmen Martinez</td>
<td>CR 84 # 39</td>
<td>Chiricahua</td>
</tr>
<tr>
<td>15.</td>
<td>Adan Martinez</td>
<td>Adan Martinez</td>
<td>CR 84 # 39</td>
<td>Chiricahua</td>
</tr>
<tr>
<td>16.</td>
<td>Michelle Pena</td>
<td>Michelle Pena</td>
<td>1162 Valle Dr</td>
<td>87532</td>
</tr>
<tr>
<td>17.</td>
<td>Annabelle Pena</td>
<td>Annabelle Pena</td>
<td>4791 Calle Sin Nombre</td>
<td>87532</td>
</tr>
<tr>
<td>18.</td>
<td>Shelley Baca</td>
<td>Shelley Baca</td>
<td>2469 Angel Duran Dr</td>
<td>Espanola</td>
</tr>
<tr>
<td>19.</td>
<td>Cindy Corriz</td>
<td>Cindy Corriz</td>
<td>7131 Angel Duran Dr</td>
<td>Espanola</td>
</tr>
<tr>
<td>20.</td>
<td>Jim Sims</td>
<td>Jim Sims</td>
<td>1812 Taos Ln</td>
<td>87532</td>
</tr>
</tbody>
</table>

Rev. 2019 NMSA 1978, § 1-8-30
I, Nancy Haubrich, voluntarily give this statement to Sylvia Aragon who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Nancy Haubrich
Date: 7-21-2021
Address: 1458 Bluebell Drive NE ABQ 87122
Time: 6:15 pm

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes ___ No ___

2. Do you remember where you signed it? At an event? Someone come to your door? Yes - I think it was mailed or event

3. Did you donate $5 to the Manny Gonzales campaign? Yes ______ No ______

Additional Comments:
You are wasting everyone's time and this is a transparent delay tactic. My signatures obviously match and apparently you do not review them at all: JUST DELAY TACTICS.
I am disgusted and can't support Mayor Keller for even this silly, un-constructive attempt to subvert the will of citizens such as me.

Nancy Haubrich
(NOT FORGED)
Statement

I, Robert Danielson, voluntarily give this statement to Sylvia Arranz who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Robert Danielson
Date: July 21, 2021
Address: 14158 Bluebell Dr. NE
Time: 5:15 pm

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt?
   Yes ☑ No _____

2. Do you remember where you signed it? At an event? Someone come to your door?
   At my home _______________________

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☑ Yes ☑ No _______

Additional Comments:
Shame on you mayor Keller!
Statement

I, Patrick John, voluntarily give this statement to Pete Contrelli, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Patrick John
Date: 7/21-2021
Address: 8908 Tia Christina Dr NW
Time: 4:30 pm

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes [X] No

2. Do you remember where you signed it? At an event? Someone come to your door? [X] Home

3. Did you donate $5 to the Manny Gonzales campaign? Yes [X] No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Ex. 5
Statement

Pamela Jones voluntarily give this statement to Pete Cantwell, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Pamela Jones
Date: 7.21.2021
Address: 8908 Tia Christina Dr NW
Time: 4:23 PM

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? 
   Yes ☒ No

2. Do you remember where you signed it? At an event? Someone come to your door?
   ________ HOME ________

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☒ No

Additional Comments:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
Statement

I, Jean Kennedy, voluntarily give this statement to Pete Conticelli, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Jean Kennedy
Date: 7/21/2
Address: 2715 Bosque Del Sol
Time: 5:04 PM

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes ☒ No

2. Do you remember where you signed it? At an event? Someone come to your door?
   ☒

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☒ No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Ex. G
Statement

I voluntarily give this statement to Pete Contielli who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Nicholas Kennedy
Date: 7/21/21
Address: 2715 Bosque del Sol
Time: 5:02pm

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes [x] No

2. Do you remember where you signed it? At an event? Someone come to your door? [x] Home

3. Did you donate $5 to the Manny Gonzales campaign? Yes [x] No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Statement

I voluntarily give this statement to Randy Wright who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Holly Schaub Lehman
Date: 7/22/2021
Address: 3730 Eubank NE, 9601 Sierra Vista CT NE
Time: 11:00 AM

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes ☑ No

2. Do you remember where you signed it? At an event? Someone come to your door?

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☑ No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Ex. I
I, April Crispin, voluntarily give this statement to ____________________________
who I know to be a volunteer campaign worker. I understand that this statement may be used
in a hearing before the City of Albuquerque or similar.

Name: April Crispin
Date: 7-21-21
Address: 10200 Arroyo Crest dr
Time: 3:57

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt?  
   Yes [ ] No [ ]

2. Do you remember where you signed it? At an event? Someone came to your door?
   Event [ ]

3. Did you donate $5 to the Manny Gonzales campaign? Yes [ ] No [ ]

Additional Comments:

_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
Statement

I, Orlando Gurrola, voluntarily give this statement to Sylvia Arreguin, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Orlando Gurrola
Date: July 21, 2021
Address: 2104 Alvarado Dr., NE
Time: 6:15 p.m.

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes ☑ No

2. Do you remember where you signed it? At an event? Someone come to your door? Petition signed at 2104 Alvarado Dr., NE, NM 87110

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☑ No

Additional Comments:
Investigator from Keiser campaign came to my residence.
I will respond to any questions you may have.
I, Julio Gurule, voluntarily give this statement to Sylvia Arreguin who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Julio Gurule
Date: 7/21/2021
Address: 2104 Alvarado Dr., NE.
Time: 6:11 PM

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes ☑ No

2. Do you remember where you signed it? At an event? Someone come to your door? Home - mail

3. Did you donate $5 to the Manny Gonzales campaign? Yes ☑ No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Ex. L
I voluntarily give this statement to Randy Wright who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Guillermo & Stacy Orquiz
Date: 7-22-21
Address: 7315 Hawthorn Ave
Time: 10:25 pm

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes √ No

2. Do you remember where you signed it? At an event? Someone come to your door? approached by person

3. Did you donate $5 to the Manny Gonzales campaign? Yes √ No
   5 + 5 = $10 donated

Additional Comments:

Stacy & Guillermo Orquiz
Signed for Mr. Gonzalez on 5/8/21

Ex. m
Statement

I, Christopher Demas, voluntarily give this statement to Sylvia Arreguin who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Christopher R. Demas
Date: 7.23.2021
Address: 8332 Manuel C Act. NE
Time: 12:09

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes X No

2. Do you remember where you signed it? At an event? Someone come to your door? Front Porch

3. Did you donate $5 to the Manny Gonzales campaign? Yes X No

Additional Comments:

This is my signature

Christopher R. Demas

Ex. N
I, Michael Rogers, voluntarily give this statement to Kori Winkler, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Michael Rogers
Date: 21 July 2021
Address: 8104 East road NE
Time: 13:15

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes No

2. Do you remember where you signed it? At an event? Someone come to your door? At my door

3. Did you donate $5 to the Manny Gonzales campaign? Yes No

Additional Comments:

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
I, Jasmin Sandoval, voluntarily give this statement to Dominic Crespin who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Jasmin Sandoval
Date: 7/22/21
Address: 3828 Tracy St NE
Time: 9:47 am

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt?
   Yes _X_ No ___

2. Do you remember where you signed it? At an event? Someone come to your door?
   _an event_ ____________________________

3. Did you donate $5 to the Manny Gonzales campaign? Yes _X_ No ___

Additional Comments:

__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________

Jasmin Sandoval

Ex. P
Statement

I, Anthony Szudek, voluntarily give this statement to Pamrie Jones, who I know to be a volunteer campaign worker. I understand that this statement may be used in a hearing before the City of Albuquerque or similar.

Name: Anthony Szudek
Date: 7/21/21
Address: 10467 NW 80th St, NW
Time: 14:26

1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt?
   Yes [x] No

2. Do you remember where you signed it? At an event? Someone come to your door?
   The OPPE [REDacted]

3. Did you donate $5 to the Manny Gonzales campaign? Yes [x] No

Additional Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Ex. Q