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)
- 4. Manuel Gonzales III Qualifying Contribution Books 200, 115, 155, 203, 207, 56, 95, 98, 57, 154, 59, 14, 114, 21
- State Senate Candidate Accuses Opponent of Voter Fraud, KOAT Action News 7 (Mar. 29, 2012), https://www.koat.com/article/state-senate-candidate-accuses-opponent-of-voter-fraud/5039895#, and similar articles on the same subject matter
- Manny Gonzales' Mayoral Campaign Accused of Forging Signatures, KRQE (June 29, 2021), https://www.krqe.com/news/politics-government/elections/manny-gonzales-mayoral-campaign-accused-of-forging-signatures, and similar articles on the same subject matter
- 7. Email attached as Exhibit A to this filing
- 8. Nominating petitions attached as Exhibit B to this filing

9.	Statement of Nancy Haubrich attached as Exhibit C to this filing
10.	Statement of Robert Danielson attached as Exhibit D to this filing
11.	Statement of Patrick Johns attached as Exhibit E to this filing
12.	Statement of Pamela Johns attached as Exhibit F to this filing
13.	Statement of Jean Kennedy attached as Exhibit G to this filing
14.	Statement of Nicholas Kennedy attached as Exhibit H to this filing
15.	Statement of Holly Schaub Lehman attached as Exhibit I to this filing
16.	Statement of April Crespin attached as Exhibit J to this filing
17.	Statement of Orlando Gurule attached as Exhibit K to this filing
18.	Statement of Julia Gurule attached as Exhibit L to this filing
19.	Statement of Guillermo and Stacey Orquiz attached as Exhibit M to this filing
20.	Statement of Christopher Demas attached as Exhibit N to this filing
21.	Statement of Michael Rogers attached as Exhibit O to this filing
22.	Statement of Jasmin Sandoval attached as Exhibit P to this filing
23.	Statement of Anthony Szurek attached as Exhibit Q 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

N 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: <u>daniel@harrisonhartlaw.com</u> <u>carter@harrisonhartlaw.com</u>

Attorneys for the Respondent

<u>17 Exhibits Attached</u>

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 (<u>ewatson@cabq.com</u> and <u>mdiemer@cabq.gov</u>), the Board of Ethics and Campaign Practices (<u>aschultz@rodey.com</u>), and to the following counsel of record:

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

Attorneys for the Plaintiff

HARRISON & HART, LLC

By: <u>/s/ Daniel J. Gallegos</u> Daniel J. Gallegos

carter@harrisonhartlaw.com

Subject: how widespread was the fraud that Manny and his campaign committed?



Dear

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



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

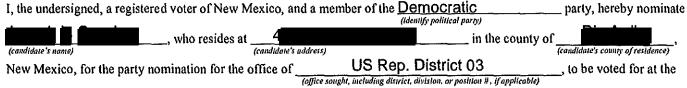
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Keep Keller · PO Box 7012, Albuquerque, NM 87194, United States This email was sent to <u>karen.l.montoya@gmail.com</u>. To stop receiving emails, <u>click here</u>. You can also keep up with Team Tim on <u>Twitter</u>.

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Created with <u>NationBuilder</u>, software for leaders.

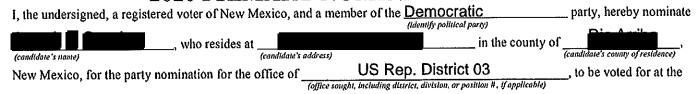
2020 PRIMARY NOMINATING PETITION



primary election to be held on <u>June 2, 2020</u>, 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.

Rev. 2019 NMSA 1978, § 1-8-30

2020 PRIMARY NOMINATING PETITION



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.

election.			
1. Ida Trugula-	1da Trujillo	5310 Milagro St	<u>87532</u>
(usual signature)	(namo printed as registered)	(address as registered)	(city or zip code)
2. <u>Prnent Trujillo</u>	Ernest Trujillo	5310 mil AgRo	<u>87532</u>
(usual signaturo)	(name printed as registered)	(address as registered)	(city or zip code)
3. Deblaie Toutlo	Debbie Truillo	1957 Demez View	87532
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
4. Vonet Trugtter	Janet Trujillo	<u>C-R 61 4 98</u>	HERNANDEZ
(usual signalure)	(name printed as registered)	(address as registered)	(city or zip code)
5. Lorkaine Macins	LORRAINE MACIES	1610 Cille Rendonda	<u>87532</u>
(usual signature)		(address as registered)	(city or zip code)
6. <u>Hector Bencon</u>	Hecter Bancon.	County Road 61 # 10	llernondez_
(usual signalure)	(name printed as registered)	(address as registered)	(city or zip code)
7. <u>Churer Rune</u>	(name printed as registered)	<u>C, R 10 # 4</u>	La Puebla
(usual signature)		(address as registered)	(city or zip code)
8. <u>Sharon Neittall</u>	Sharon Nuttall	(allo N Shadoward)	El llano
(usual signature)	(name printed as registered)		(city or zip code)
9. <u>Ron Nuttatt</u>	Ron Nutter, 11	610 n Shadowood	El Llow o
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
10. Ja Mera.	J. J. Mierca	1800 Calle Redandy	<u>87532</u>
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
11. Geneur- Miera- (usual signature)	<u>Genera Miera</u> (name printed as registered)		
12. BUNNER OVERDEN	Bonnie Overson	7631 TAOS LN	Espanola
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
13. Nancy Padella	Nancy Padilla	HWY 76 # 16	Chimay O
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
14. <u>Carmen, Martinez</u>	Carmen Martinez	C.R. B.Y. H- '39	(city or zip code)
(usual signature)	(name printed as registered)	(address as registered)	
15. <u>A Masetinez</u>	(name printed as registered)	C. r 84 # 39	<u>Chimayo</u>
(usual signature)		(address as registered)	(city or zip code)
16. Michele Pana	Michole Pana	1/62_ Valle Dr-	87532
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
17. annabelle Porna	anna belle Pawa	4791 Culle Sin Nombr	c 87532
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
18. <u>Shelley Baca</u>	Shelley Baca	1469 Angel Durand.	- Espanola
(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
19. Cindy Corriz	Cindy Corriz (name printed as registered)	(address as registered)	· ·
20. J. Sims	(name printed as registered)	1812 TOLOG LN	87532
(usual signature)		(address as registered)	(city or zip code)

Rev. 2019 NMSA 1978, § 1-8-30

1 Manay Haubrich voluntarily give this statement to Syline Arrequin 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:	Nahay	Haubr	ìch			
Date:	7-21-	2021				
Address:	1458	<i>Bluebell</i>	Drive	NE	ABQ	87122
Time:	6:1	5 pM			,	

- 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? Ves - 1 Think it was a mailed or event

3. Did you donate \$5 to the Manny Gonzales campaign? Yes_____ No_____

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

Mancy Dambüch (NOT FORGED)

Robert Danielson voluntarily give this statement to Syline Arroguen 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.

	Plant Durales
Name:	Robert Danjelson
Date:	July 21, 2021
Address:	1458 Bluebell Dr. NE
Time:	Silspa

- 1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt?
- 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) / C No_____

Additional Comments: Kellor! hame on you mayor

Statement al K h~_voluntarily give this statement to

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

Name: Atrick John S
Date: 7,21-2021
Address: 8108 TIA CHRISTINA DENW
Time: 4:20 DW

- 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_____

____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: PAMELA Johns
Date: $7/2/2021$
Address: 8208 Tia Chaisting DANW
Time: 4:13 DM

- 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______

envedy voluntarily give this statement to TE who 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: 2(15 Degve del SOL
Time: 5.04pm

- 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_____

duntatily 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: Nicholde	KENNEdy
Date: 7/21-21	
Address: 2715 D	tour del Sol
Time: <u>5'02pm</u>	

- 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_____

Lohmar voluntarily give this statement to Landey Wright tolly Sch I

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.

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Name: Ho, 1/4 Schaubhehmasc
Date: 1/22/2021
Date: 7/22/2021 Address: 3736 EUTOUR DE 9601 Sierral Ista
Time:
 Is this your signature on the 2021 Qualifying Contribution (QC) receipt? YesNo
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? YesNo
Additional Comments:

I **Creation** voluntarily give this statement to _______ who'l 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 Crespin Date: 7.21-21 Address: 10200 Arroys Crest de Time: 3:57

- Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes <u>_____</u>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_____

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I Ortand Gurule voluntarily give this statement to Sylvia Arrog unwho 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.

rlando Durel Name: C Date: July 21, 2021 Address: 2/04 advarado Dr. NE 6:15 Time:

- Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes <u>Ves</u> No____
- 2. Do you remember where you signed it? At an event? Someone come to your door? NE Petition signed of 2/04 advances Dr. NE alt, NM 87110

3. Did you donate \$5 to the Manny Gonzales campaign? Yes_____ No_____

Additional Comments: om Kellen com respond to any greations hav

I <u>Julia Gurula</u> voluntarily give this statement to <u>Surva</u> Arraquin 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: Quelia Gurule
Name: <u>Julia Aurule</u> Date: <u>7/21/2021</u>
Address: 2104 alvarado Dr., n.E.
Time: 6 ; 11 PM

- Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes <u>No</u>
- 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_____

Jovery Orquiz Guillerno Orquiz Statement 1/22/2/ _voluntarily give this statement to <u>Kandy</u> (A

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:	Guillomo a Stacey Orquiz
Date:	7-22-21
Address:	7315 Hawthorn Ave
Time:	12:25 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?

3. Did you donate \$5 to the Manny Gonzales campaign? Yes $\sqrt{}$ No 5+5= \$10 donate d

Additional Comments: & Hoten Guillermo Orquez Stacy Mr. Gonza Signed for on

I <u>Christopher</u> <u>Demas</u> voluntarily give this statement to <u>Sylvia</u> <u>Arrequin</u> 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.

1 Jacop Dawa
Name: CHRISTOPHERR, DEMAS
Date: 7.22-2021
Address: 8332 MANUELCIACT.NE
Time: 17:09

- 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? FRONT PORCH
- 3. Did you donate \$5 to the Manny Gonzales campaign? Yes_____No_____

MY SIGNITURE.

)IMAS

 $\frac{Michae}{Rixes}$ voluntarily give this statement to $\frac{Rixes}{Lingh}$ who I know to be a volunteer campaign worker. I understand that this statement to $\frac{Rixes}{Lingh}$

in a hearing before the City of Albuquerque or similar.

Name:	March Day
Date:	21 July 2021
Address:	8104 Eater Lail Are nE
Time:	13:15

- 1. Is this your signature on the 2021 Qualifying Contribution (QC) receipt? Yes <u>No</u>
- 2. Do you remember where you signed it? At an event? Someone come to your door?

_____ No_____

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 Bandoval
Date: 1/22/21
Address: 3828 Tracy ST WE
Time: 9:47 am

- 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?

3. Did you donate \$5 to the Manny Gonzales campaign? Yes X No_____ No_____

gamingandoval

I <u>Anthen</u>, <u>Stakk</u> voluntarily give this statement to <u>Pomine</u> <u>Clespin</u> 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	Szaleh	
Date:	Thily		
Address	5: <u>10467</u>	TOCODOST.	. لمناسع
Time:	14:26		

- 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? <u>The opera</u> <u>Mar/Guil</u>

3. Did you donate \$5 to the Manny Gonzales campaign? Yes_____ No_____

Additional Comments:

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FX.Q