



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES

Friday, July 14, 2023

Members Present

John Kelly, Chair
Kristina Caffrey
Sean Cunniff
Joshua Martinez

Others Present

Ethan Watson, City Clerk
Chris Peck, Deputy City Clerk
Adam Leuschel, City Attorney
Cristobal Rocha, Program Admin

MINUTES

I. Call to order.

The Board of Ethics & Campaign Practices Meeting of July 14, 2023, was called to order by Chair Kelly at 9:03 am.

II. Review and approval of agenda for Friday, July 14, 2023.

Chair Kelly asked for a motion to approve the agenda. Member Caffrey moved to approve the agenda. Member Martinez seconded. Motion approved 4-0.

III. Review and approval of minutes from June 9, 2023.

Chair Kelly asked for a motion to approve the minutes from June 9, 2023. Member Cunniff moved to approve the minutes. Member Caffrey seconded. Motion approved 4-0.

IV. Ethics Training by Jeremy Farris, Executive Director of the State Ethics Commission.

Mr. Farris discussed the foundation of ethics and its importance in a republican form of government. He shared two key ethical concepts: the principle of public trust, which holds that elected officials and government employees manage power and property in a trust relationship with the public and use it only for the benefit of the public, and the requirement of disclosure to ensure compliance with this principle. Disclosure regulations overseen by the Albuquerque Board of Ethics and the New Mexico State Ethics Commission are crucial in ensuring public trust and sufficient disclosure regulations.

Mr. Farris also explained the essential duties of the New Mexico State Ethics Commission, including its judicial, legislative, and executive roles in state government and its authority over the government conduct act, the procurement code, campaign reporting, the financial disclosure

act, and anti-donation laws. Previously, only the attorney general or district attorney could enforce these laws, but the commission now has the power for civil action to ensure compliance.

Chair Kelly had a question about the start of ethics regulations in the federal government, and Mr. Farris explained that it originated after the Watergate scandal. Despite a 40-year delay in establishing a state ethics commission in New Mexico, Mr. Farris highlighted the state legislature's strong decisions, such as the process to appoint or remove of commissioners and the separation of funding from other agencies.

Finally, Mr. Farris inquired about the types of cases handled by the Albuquerque Board of Ethics, aside from campaign regulations. Member Marks responded that the board primarily deals with cases related to petitions, qualifying contributions, and public finance programs.

Member Martinez inquired about the necessity of an ethics commission in municipalities. Mr. Farris clarified that there is no mandatory requirement for municipalities to establish an ethics commission. Nevertheless, every government employee is accountable for adhering to the governmental conduct act and the procurement code. Although the New Mexico State Ethics Commission does not have jurisdiction over municipalities and counties, it will review any complaints submitted to them. If the complaint is valid, Mr. Farris will request the board of commissioners to issue a civil complaint.

The Board of Ethics expresses its gratitude to Mr. Farris for his time and expertise.

V. City Clerk's election update

During the board meeting, Mr. Rocha informed everyone about the number of candidates who have qualified for public financing and placement on the ballot based on initial numbers. At the start of the qualifying period, there were 13 candidates, out of which 12 met the petition threshold as per the initial numbers. Furthermore, it seems that 8 candidates have also qualified for public financing.

Member Marks asked for a list of each candidate by district that has met the threshold. Mr. Rocha listed the following candidates: District 2, Joaquin Baca and Loretta Naranjo Lopez, have both met the threshold for public financing and petitions; District 4, Brook Bassan met the threshold for public financing and petitions and Abby Foster, a privately financed candidate, met the threshold for petitions; District 6, Abel Otero, Kristin Greene, and Nichole Rogers met the threshold for public financing and petitions, Jeff Hoehn and Joseph Pitluck are privately financed candidates and met the threshold for petitions; District 8, Idalia Lechuga-Tena and Daniel Champine also met the threshold for public financing and petitions. You can view the final qualifying contribution and petition tally at the following website: <https://www.cabq.gov/vote/candidate-information/2023-candidates-and-committees-1/2023-petition-qualifying-contribution-tally>

VI. Office of the Internal Audit report

During the meeting, Chair Kelly requested that Ms. Meske provide an overview of the Office of Internal Audit (OIA). Chair Kelly was informed by Ms. Vargas that the OIA functions independently from the City Council and the administration. Hence, the City Clerk requested the OIA to audit qualifying contributions as it is an independent office. Ms. Meske presented the scope of the OIA's review of paper-qualifying contributions submitted by the candidates. The

OIA will examine 5% of each candidate's qualifying contributions, amounting to a total of 206 contributions. The OIA conducted door-to-door checks to verify the contributor's name, residence, signature, and that they contributed \$5.

Chair Kelly inquired about the response of the voters to the audit. Ms. Meske disclosed that the majority of voters were satisfied with the verification process. However, there were a few ambivalent voters. She also mentioned that the OIA identified one issue in week 2, which was a vacant house. Member Marks requested further clarification on the issue, which Mr. Rocha provided. He explained that the voter actually lived at the address, but had moved the location of the door and entrance of the residence. The Candidate has rehabilitated the qualifying contribution.

Subsequently, Mr. Rocha explained how a qualifying contribution could be rehabilitated since there was no direct example in the rules and regulations. After receiving the findings from the OIA, the City Clerk sends a letter to the candidate outlining the findings and how to rehabilitate the contribution. The candidate must then "promptly" rehabilitate the contribution after receiving notice from the City Clerk.

Member Martinez asked about the first letter of OIA findings sent to Mr. Baca. Mr. Rocha explained how the qualifying contribution was rehabilitated. Member Martinez further inquired about the boarded-up home in the first letter. Mr. Rocha clarified that the voter resided in a house behind the boarded-up home. Ms. Meske confirmed that the OIA revisited the house to locate the appropriate residence.

VII. Other board business

There was no other board business to discuss.

VIII. Adjournment.

There being no further business before the Board, Chair Kelly asked for a motion to adjourn. Member Cunniff moved to adjourn. Member Marks seconded. Motion approved 4-0. The meeting adjourned at 10:10am.

Approved: _____



Date: _____

