



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES

Friday, January 12, 2024

Members Present

John Kelly, Chair
Jason Marks
Kristina Caffrey
Sean Cunniff
Joshua Martinez
Jim Collie

Others Present

Ethan Watson, City Clerk
Adam Leuschel, City Attorney
Cristobal Rocha, Program Admin
Camille Chavez, Assistant City Clerk
Carter Harrison, Counsel for Respondent in 03-2023
Dave Esdale, Complainant in 03-2023
Councilor Brook Bassan, Respondent in 03-2023
Members of the Public

MINUTES

I. Call to order.

The Board of Ethics & Campaign Practices Meeting of January 12, 2024, was called to order by Chair Kelly at 9:10 am.

II. Review and approval of agenda for Friday, January 12, 2024.

Chair Kelly asked for a motion to approve the agenda. Member Cunniff moved to approve the agenda. Member Collie seconded. Motion approved 5-0.

III. Review and approval of minutes from November 17, 2023.

Chair Kelly asked for a motion to approve the minutes from November 17, 2023. Member Marks moved to approve the minutes. Member Caffrey seconded. Motion approved 5-0.

IV. City Clerk Watson provides a brief overview

Clerk Watson provided an overview of the filings provided to the Board members. He also informed the Board that in the last twenty-four hours, two witnesses contested the subpoenas: Abby Foster moved to quash the subpoena issued to her, and Neri Holguin contended that the subpoena to her was not properly served. The Respondent also submitted exhibits. Clerk Watson explained the previously sent notice regarding the conduct of the hearing and the timeline each party receives.

V. Evidentiary Hearing in BOE 03-2023 Esdale v. Bassan

Chair Kelly opened the hearing with a discussion on whether the board should handle the motion to quash prior to opening statements. Member Cunniff recommended addressing the motion, but both Member Marks and Chair Kelly expressed disagreement. Chair Kelly instructed the Complainant to proceed with their opening statements. Both Parties offered opening statements. The Respondent called witnesses and presented the audio recording of Ms. Dawn Emillio's interview. The Board also had the opportunity to ask clarifying questions. Closing arguments were deemed unnecessary.

At 10:10 am, Member Caffrey made a motion for the Board to find insufficient evidence that Councilor Bassan violated Section 7 Article XII of the City of Albuquerque Ethics Code. Member Marks seconded. Motion approved 6-0.

VI. Clarifying questions for the City Clerk

Member Caffrey and Clerk Watson discussed whether the Board needed to address the other provisions of the complaint that were not referred. Member Martinez and Clerk Watson also discussed the procedures after the hearing.

VII. Adjournment.

There being no further business before the Board, Chair Kelly asked for a motion to adjourn. Member Cunniff moved to adjourn. Member Collie seconded. Motion approved 6-0. The meeting adjourned at 10:18am.

Approved: _____ Date: _____