



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES

Wednesday, September 10, 2025

Members Present

Jason Marks, Chair
Kristina Caffrey
Sean Cunniff
Levi Green
John Kelly
Clayton King
Susan Selbin (joined during item VI)

Others Present

Ethan Watson, City Clerk
Chris Peck, Deputy City Clerk
Ian Alden, City Attorney
Cristobal Rocha, Program Admin
Matthew Jackson, Outside Counsel
Alex Uballez, Mayoral Candidate
Stephanie Tellez, Complainant
Jessica Roth, Counsel for the Complainant
Scott Forrester, Respondent
Moe Maestas, Counsel for the Respondent

MINUTES

I. Call to order.

The Board of Ethics & Campaign Practices meeting of September 10, 2025, was called to order by Chair Marks at 10:00 a.m. Six members were present at the start of the meeting, establishing a quorum, with Member Selbin absent.

II. Review and approval of agenda for Wednesday, September 10, 2025.

Member Caffrey moved to approve the agenda. Member Green seconded. Motion approved unanimously, 6-0.

III. Review and approval of minutes from Wednesday, August 20, 2025.

Member Caffrey moved to approve the minutes. Member Kelly seconded. Motion approved unanimously, 6-0.

IV. Discussion and potential action on Advisory Opinion: AV 05-2025.

Outside Counsel Matthew Jackson presented a draft opinion requested by mayoral candidate Alexander Uballez. The request sought clarification on whether campaign finance provisions require disclosure of residential addresses in all cases, particularly for contributors who:

- reasonably fear disclosure could endanger them,
- are military personnel stationed overseas using military mailing addresses,
- are traveling abroad and prefer a local P.O. box, or
- are employed by or are entities that only use P.O. boxes.

Mr. Jackson explained that under the Charter, a residential address is expressly required only for contributors who are retired or unemployed. For employed individuals, disclosure of a mailing address and employer is sufficient. For entities, a mailing address also suffices. He noted the legislative history shows the Council deliberately omitted a broader residential address requirement when amending the Charter.

Member Cunniff moved to adopt the advisory opinion as presented. Member King seconded. Motion approved unanimously, 6-0.

V. Discussion and potential action on Advisory Opinion: AV 07-2025

Mr. Jackson presented a draft opinion requested by Carla Sonntag, the New Mexico Business Coalition (NMBC), a 501(c)(4), concerning whether its proposed advertisement—depicting a homeless encampment with the text “Had enough? Vote November 4th. Paid for by NMBC”—would require registration as a Measure Finance Committee (MFC).

Mr. Jackson reviewed the Charter and the Clerk’s 2025 rules defining MFCs, noting disclosure is required where an entity makes expenditures over \$250 for the purpose of influencing an election. He referenced state and federal case law permitting context-based determinations of political advocacy. He concluded the ad’s combination of imagery and language expressed dissatisfaction with incumbents and therefore constituted political advocacy requiring MFC registration.

Member Kelly questioned that Mr. Jackson’s draft expressed an opinion on the factual question of whether the ad was advocacy. Chair Marks clarified that while outside counsel may provide analysis, the Board ultimately determines whether the facts show advocacy. Members debated whether the ad targeted candidates or simply raised issues. Chair Marks and others interpreted “Had enough? Vote November 4th” as anti-incumbent messaging. Member Kelly questioned whether the ad could reasonably be viewed as issue advocacy. Members noted that the Charter favors disclosure in close cases and that registration as an MFC does not prohibit ads but requires reporting.

Member Caffrey moved to adopt the advisory opinion as presented. Member Cunniff seconded. Chair Marks moved to amend the main motion to strike language on page four of the draft regarding NMBC’s history and major purpose, leaving the conclusion based solely on the content of the advertisement. Member Green seconded. Amendment approved unanimously, 6-0

The motion to adopt the advisory opinion, as amended, was approved 5-1, with Member Kelly dissenting.

VI. Evidentiary hearing in BOE 03-2025: Telles v. Forrester

Jessica Roth, appeared as counsel, with Complainant Stephanie Tellez. Moe Maestas, appeared as counsel, with Respondent Scott Forrester.

Chair Marks opened the hearing by explaining the procedure for the evidentiary hearing.

Both parties offered opening statements. Testimony was taken from Stephanie Tellez. No other witnesses were presented. Members of the Board asked clarifying questions of the witness. Both parties offered closing arguments.

At 12:22 p.m., Member Caffrey moved to enter closed session pursuant to NMSA 1978, § 10-15-1(H)(3). Member King seconded. Motion approved 6-1, with Chair Marks dissenting.

At 12:42 p.m., after the conclusion of deliberations, Chair Marks called the Board back to open session. Member Cunniff moved to return to open session. Member King seconded. Motion approved unanimously.

Member Caffrey moved to find that the complainant had not proven by a preponderance of the evidence a violation of Articles XII, XIII, or XVI of the City Charter. Member Green seconded. Motion passed 6-1, with Member Kelly dissenting.

After the vote, Board members commented that the Board's jurisdiction extends to candidates and Measure Finance Committees, not individuals. Even assuming the events occurred as alleged, the enforcement authority did not extend to Mr. Forrester individually, and the matter was therefore outside the Board's authority.

VII. Adjournment.

There being no further business before the Board, Chair Marks asked for a motion to adjourn. Member Selbin moved to adjourn, and Member King seconded. The motion was approved 6-0. The meeting was adjourned at 12:47 p.m.