

Office of the City Clerk  
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www.cabq.gov/clerk

Ethan Watson, City Clerk

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*Sent via Electronic Mail*

August 17, 2021

Mayor Tim Keller  
c/o Lauren Keefe  
P.O. Box 40693  
Albuquerque, NM 87196-0693  
keefelawoffice@gmail.com

Mr. Jason Katz  
c/o Patrick J. Rogers  
20 First Plaza Center, NW. Ste. 725  
Albuquerque, NM 87102  
patrogers@patrogerslaw.com

Re: *Katz III v. Keller*, BOE 06-2021 (“*Katz III*”)

Dear Mr. Rogers and Ms. Keefe:

This is now the third version of this complaint filed by the complainant. Complainant Jason Katz originally filed this complaint on July 14, 2021. (BOE 03-2021 *Katz I*). Although based on many of the same documents as this current complaint, it contained different allegations and alleged different violations of the city charter, ordinances, and regulations. *Id.* Mr. Katz then withdrew *Katz I* and that motion to withdraw is currently pending before the Board. On August 3, 2021, Mr. Katz filed a new complaint containing many of the same allegations but naming Mayor Tim Keller and Nathan [*sic*] Watson as the respondents. See, BOE 05-2021 *Katz v. Keller, et. al. (Katz II)*. Because this new complaint did not comply with various BOE rules and Election Code regulations it was rejected. For example, the Board’s rules are clear that a complaint may only name one party.

This letter discusses the complaint diversion process provided for in Part K of the City Clerk’s 2021 Election Code Regulations (“EC Regulations”) and Part 4(A) of the Board of Ethics Rules and Regulations (“BoE Rules”) with regard to the third version of this complaint. The Rules and Regulations require that the complaint provide a reasonably detailed description of the alleged violations including the Sections of the Election Code, Code of Ethics, and Open and Ethical Elections Code or Rules and Regulations of the City Clerk allegedly violated and an explanation of how the complainant believes those rules, regulations, and ordinances were violated. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

Mr. Katz’s new version of this complaint is twenty-five pages long. While some parts of the complaint provide “reasonably detailed descriptions of the alleged violations,” other parts contain no alleged violations by Mayor Keller at all and instead appear to be argument directed to the Clerk’s Office. See pp. 17-22. Other parts of the complaint do not describe a violation of the

code at all. For example, in *Katz II*, Mr. Katz alleged that Mayor Keller had accepted seed money contributions from individuals who lived out of state but cited only the addresses of their employers. See BOE 02-2021 Complaint, Exhibit A at 8.

This Complaint does not contain the former complaint's allegation that individuals who provided the seed money contributions live out of state. In fact, registration cards are attached showing that all the individuals referenced in *Katz II* live in Albuquerque. See, Exhibit 7. Instead, this Complaint alleges that the Keller campaign should have updated the addresses of these contributors once the software was updated to allow campaigns to enter both the contributor's employer and the contributor's home address. This allegation again does not state a violation of the City Charter, Ordinances, or Regulations. The Charter provides as follows:

Each candidate for the office of Mayor . . . shall file with the Board the statements required in Section 4(c)(2) of this Election Code, each of which shall be cumulative, signed under oath by the candidate or the candidate's treasurer or by the chairperson or treasurer of the Measure Finance Committee, setting forth through 5:00 p.m. of the day preceding the filing of each statement:

\* \* \*

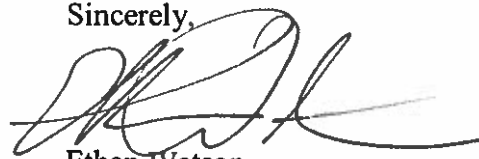
(B) When the contributor is an individual, the name of the contributor, the contributor's principal business or occupation, the name and ***address of the contributor's employer***. If self-employed, the address of the contributor's business, and the nature of the contributor's or the contributor's employer's business. If the contributor is retired or not employed, the residential address of the contributor shall be disclosed.

See Albuquerque Charter, Art. XIII, § 4(c)(1)(B) (emphasis added).

Mr. Katz's deficient allegations including those allegations involving seed money discussed above warrant rejection of those portions of the complaint among others. The Clerk's Rules and the Board's Rules do not, however, provide for a partial rejection of a complaint and Mr. Katz can appeal any rejection to the Board of Ethics. As a result, in light of that fact that other allegations in the complaint do contain a reasonable description of alleged violations and otherwise comply with the relevant rules, the Clerk refers this matter to the Board of Ethics.

The Clerk notes that this office expressly reserves any determination regarding revocation and makes no determination regarding revocation at this time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ethan Watson', written over a light blue horizontal line.

Ethan Watson  
Albuquerque City Clerk

Encl.

Cc: Miriam Diemer, Deputy City Clerk  
Andrew Schultz, Board of Ethics and Campaign Practices