

CITY OF ALBUQUERQUE  
BOARD OF ETHICS AND CAMPAIGN PRACTICES

DAVID ESDALE,

Complainant,

v.

BOE Case No. 03-2023

COUNILOR BROOK BASSAN,

Respondent

**DECISION BY THE BOARD OF ETHICS AND CAMPAIGN PRACTICES**

THIS MATTER was referred to the City of Albuquerque Board of Ethics and Campaign Practices by the City Clerk. David Esdale (“Complainant”) filed a complaint against Councilor Brook Bassan (“Respondent”) on October 30, 2023. Complainant and Respondent collectively are referred to as “the Parties”.

Complainant alleges a violation by the Respondent of Section 7 of the Code of Ethics of Article XII of the City Charter.

The Board held an evidentiary hearing on January 12, 2024. At this hearing, the Complainant appeared pro se, and the Respondent was represented by counsel. Consistent with parameters set by the Board in an earlier letter, both Complainant and Respondent were afforded an equal opportunity to make opening and closing statements and to present evidence in support of their respective positions in the form of witness testimony, documents and recordings. In addition to these

presentations and materials, the Parties submitted exhibits. The Complainant submitted a written statement and the Respondent submitted a brief containing the authorities related to the issues to be considered by the Board at the evidentiary hearing.

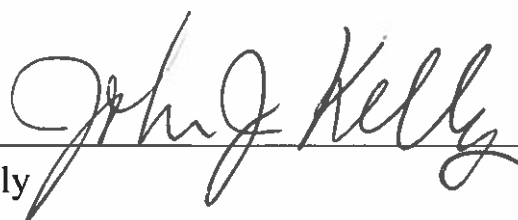
At the request of the Respondent, the Board issued subpoenas for the attendance of witnesses at the hearing. Two witnesses contested the subpoenas: Abby Foster, moved to quash the subpoena issued to her, and Neri Holguin contended that the subpoena to her was not properly served. At the hearing, however, counsel for Respondent stated that those witnesses would not be necessary, and the Board thus did not reach the issues raised by those witnesses regarding the subpoenas.

At the close of the evidentiary portion of the hearing on January 12, 2024 the Board voted that there was insufficient evidence that Councilor Bassan violated Section 7 of Article XII of the City of Albuquerque Ethics Code.

The Board does not impose any fine, sanction, or reprimand.

Any appeal from this decision of the Board must be taken to the Second Judicial District Court within the time limits set forth in Article XIII § 10(g) of the City Charter.

Dated this 30<sup>th</sup> day of January, 2024.

A handwritten signature in black ink, reading "John Kelly". The signature is written in a cursive style with a large initial "J".

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John Kelly

Chair, Board of Ethics and Campaign Practices

