

CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICES

PATRICK SAIS,

Complainant,

v.

BOE Case No. 04-2021

MANUEL GONZALES, III,

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. Patrick Sais (“Complainant”) filed a complaint against Manuel Gonzales III (“Respondent”) on July 16, 2021. Respondent did not respond to the complaint. Complainant and Respondent collectively are referred to as “the Parties”.

Complainant appears to allege various violations by Respondent of the Open and Ethical Elections Code of Article XVI of the City Charter and the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code. However, the complaint does not identify any specific portion of the Code or Regulations that Respondent supposedly violated.

The Parties failed to comply with the Rules and Regulations of the Board in that neither party made any of the pre-hearing disclosures mandated by Section

4(E)(2). In addition, the Parties failed to comply with the Board's September 9, 2021 Order requiring both parties to submit a brief containing legal authorities related to the legal issues to be considered by the Board at the evidentiary hearing by no later than Monday, September 20, 2021.

The Board held an evidentiary hearing on September 24, 2021. At this hearing, Complainant was pro se and Respondent was represented by counsel. Given the Parties' multiple failures to comply with the Board's Rules and Regulations and the Board's September 9 Order, neither party was permitted to present any witnesses or submit any documentary evidence. Instead, each party was afforded ten minutes to make a statement to the Board.

At the close of these presentations, the Board voted to go into closed session to deliberate on the arguments presented at the hearing.

Following its deliberations, the Board returned from closed session. The Board announced its unanimous decision to dismiss the complaint.

As required by the Rules and Regulations of the Board of Ethics and Campaign Finances, the Board finds as follows:

- 1) The complaint on its face is groundless. (Board Rule and Regulation Section 4(F)(2)(d)). The complaint takes statements and documents from a different complaint and attaches them without any explanation.

2) Complainant failed to comply with the pre-hearing disclosures mandated by this Board's Rules and Regulations. "Failure of a Complainant to comply fully with this paragraph shall result in a dismissal of the complaint with or without prejudice at the Board's discretion in view of the totality of the circumstances." (Board Rule and Regulation Section 4(E)(2)).

3) The complaint is dismissed.

Other than as set forth in this Decision, the Board does not make any ruling on the allegations set forth in the complaint.

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 30th day of September, 2021.

/s/ Andrew G. Schultz

Andrew G. Schultz
Chair, Board of Ethics and Campaign Practices