



Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
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www.cabq.gov/clerk

Ethan Watson, City Clerk

December 5, 2025

SENT VIA EMAIL ONLY

Daymon Ely
1228 Central Ave SW
Albuquerque, NM 87102
daymon@daymonely.com

Paul Gessing
400 Gold Ave SW Suite 909
Albuquerque, NM 87102
info@riograndefoundation.com

Re: *BOE 08-2025 Ely v. Gessing*

Dear Mr. Ely and Mr. Gessing:

On December 4, 2025, Daymon Ely filed a complaint with our office against Paul Gessing. As is required by the *Rules by the Board of Ethics & Campaign Practices for the Election Code, the Open and Ethical Election Code, and the Code of Ethics of the City Charter*, the City Clerk reviewed the complaint for facial sufficiency. I am writing to provide you with the results of the City Clerk's review.

The complainant alleges that an expenditure exceeding \$250 was made for election-related messaging without the required registration of a Measure Finance Committee, and cites Article XIII, Sec. 2(y) of the City of Albuquerque Charter, which defines a Measure Finance Committee as any person or entity making such expenditures. The complaint further notes that the financer of the sweatshirts is unknown to the public and that Mr. Gessing acknowledged during a KOAT-TV interview that he knows the identity of the financer but will not disclose it. Mr. Ely requests an investigation to determine the source of the expenditure and whether a violation of the Election Code occurred.

The complaint satisfies the facial sufficiency criteria set forth in Rule 5(A)(3) of the Rules of the Board of Ethics & Campaign Practices, including timeliness, identification of a single Respondent, notarized certification, and a detailed allegation citing the relevant section of the Election Code.

Having thoroughly reviewed the complaint for facial sufficiency in accordance with the Rules, I have determined that the complaint is facially sufficient and may warrant further review.

Therefore, in accordance with Rule 5(A)(2), I am referring this claim to the Board of Ethics for further investigation.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Ethan Watson
Albuquerque City Clerk

Cc: Cristobal Rocha, Program Administrator
Jason Marks, Board of Ethics & Campaign Practices, Chair
Ian Alden, Board Attorney

IMPORTANT DATES TO NOTE:

Respondents must file an answer to the complaint within ten (10) days of receiving notice from the City Clerk, which is **December 17, 2025**.

1. The City Clerk's staff will reach out to you to schedule an evidentiary hearing that must be held within thirty (30) days of the Board receiving a complaint, except when the hearing falls within a "blackout period," in which case seven (7) additional days are added.
2. A Respondent may request a settlement conference at any time after the complaint is filed.
3. A settlement conference offer must be accepted within ten (10) days, or it is automatically withdrawn.
4. A Complainant may file a motion to dismiss a complaint at least fourteen (14) days before the scheduled hearing.
5. Both parties must submit a list of witnesses and documentary evidence at least ten (10) days before the hearing.
6. Any party objecting to the authenticity of exhibits must do so in writing at least three (3) days before the hearing.
7. The Board must send a written decision to all Parties within three (3) days after the hearing.
8. Any party may appeal the Board's decision to the District Court of the 2nd Judicial District within five (5) days of the action or order.