

CITY OF ALBUQUERQUE BOARD OF ETHICS AND CAMPAIGN PRACTICES

DAYMON ELY,
Complainant,

v.

No. **BOE 08-2025**

PAUL GESSING,
Respondent.

DECISION

THIS MATTER came before the Board on the Complaint of Daymon Ely against Paul Gessing. The complainant alleges that an expenditure exceeding \$250 was made for election-related messaging without the required registration of a Measure Finance Committee, the expenditure being the production and distribution of sweatshirts intended to influence voting in the 2025 mayoral election. The Complaint alleges that Respondent Gessing has knowledge of the identity of the person(s) or entity that engaged in the alleged conduct, but does not allege that Respondent Gessing engaged in the conduct that is the subject of the Complaint.

The Board considered the Complaint at a duly-noticed public meeting on January 14, 2026. Complainant appeared, gave a statement, and answered questions from the Board. Respondent was invited to appear, but declined through counsel. The Board did not take testimony from any witnesses or otherwise create an evidentiary record.

The Board found that the Complaint was deficient on its face for failing to state a violation of the City of Albuquerque Elections Code against Mr. Gessing, when (1) no conduct violating the Code is alleged to Mr. Gessing himself, and (2) when the Code provides that the only proper respondents for a Complaint before the Board are either candidates or the chair (or equivalent) of a measure finance committee.

For these reasons, the Board does not find a violation of any provision of the Election Code, or of the other portions of the Charter within the Board's purview (Articles XII and XIV) by Respondent Gessing for the matters alleged in Complaint 08-2025.¹

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

Any appeal from this decision must be taken to Second Judicial District Court by filing a notice of appeal within 5 days of today's date in accordance with Article XIII, Sect. 10(g) of the Charter.

Entered, January 21, 2026.

/s/ Jason Marks
Jason Marks
Chair

¹ The Board did not make any formal findings as to whether the alleged conduct, if proven, would constitute a violation of the Elections Code by the actual perpetrator(s). The Board did indicate it would further consider the matter at its next meeting, including the question of whether Mr. Gessing may be properly issued a subpoena if the Board determines to proceed with an investigation into the alleged violation.