

**CITY OF ALBUQUERQUE**

**BOARD OF ETHICS AND CAMPAIGN PRACTICES**

**JOAQUIN BACA,**

**Complainant,**

**v.**

**Case No. BOE 09-2021**

**REBECCA HAMPTON,**

**Respondent.**

**RESPONDENT REBECCA HAMPTON'S**  
**ANSWER TO COMPLAINT**

Respondent Rebecca Hampton (hereinafter "Hampton") hereby submits the following Answer to Complaint filed by Complainant Joaquin Baca (hereinafter "Baca"), seeking dismissal of the same pursuant to § 4(D) of the Rules and Regulations of the Board of Ethics and Campaign Practices, and as a basis for which, states:

1. Hampton admits to personally opposing the \$50 million Stadium Bond sought by the New Mexico United team ownership group, including Peter Trevisani, seeking public-money to finance the destruction of Albuquerque's historic communities, including Barelás and South Broadway.

2. The Complaint alleges no violation of the City Charter or the Election Code allegedly committed by Ms. Hampton.

3. The Complaint, regardless of its merits, alleges "If true SSC [Stop the Stadium] and/or the Party for Socialism and Liberation would be in violation of the following sections of the City Charter..."

4. Neither SSC nor the Party for Socialism and Liberation are identified as Respondents.

5. Ms. Hampton is not alleged to have violated the City Charter or the Election Code.

6. Ms. Hampton requests that this Complaint be dismissed as defective, as frivolously filed, as harassing and without basis in law or fact, and requests sanctions issue against Complainant.

7. The *only* allegations in the Complaint that reference Ms. Hampton allege that her name and personal email address appear on a single undated Facebook post allegedly by Stop the Stadium referencing her as “Contact.” The post contains three paragraphs that appear to be First Amendment protected advocacy that states that grassroots “voices need to be heard” in opposition to “using public resources to finance a wasteful sports stadium.” No reference to any event, to any material, to any expenditure of money is made in this post. This allegation does not even purport to allege a violation by the respondent, Ms. Hampton.

8. The Facebook post does not reference the Party for Socialism and Liberation.

9. The Complaint alleges that “Bex Hampton is well known as an organizer with the Party for Socialism for Liberation.” This is an irrelevant statement alleging Ms. Hampton’s political associations which, if true, are protected by the Amendment I to the U.S. Constitution and Sec. 17, Article II of the New Mexico Constitution.

10. Ms. Hampton denies that, as a personal citizen, she is subject to the sections of the City Charter cited as a basis for the Complaint.

11. Ms. Hampton denies that this forum, the City of Albuquerque Board of Ethics and Campaign Practices, has subject matter or personal jurisdiction over Ms. Hampton.

12. On information and belief, Hampton denies being in violation of any part of the Charter of the City of Albuquerque, demanding strict proof of each and every allegation.

13. On information and belief, Hampton denies any and all alleged factual circumstances alleged in the Complaint giving rise to any sanction, penalty or violation under the Charter of the City of Albuquerque, statute or law, demanding strict proof of each and every allegation.

14. The Charter of the City of Albuquerque, to the extent invoked in the Complaint, is unconstitutional facially and as applied in violation of the U.S. Constitution, the First Amendment, the Equal Protection Clause, and the Due Process Clause, and the corresponding provisions of the New Mexico Constitution.

15. Hampton asserts that all allegations contained in the Complaint not specifically admitted herein are denied.

16. Hampton neither knowingly nor intentionally waives any further applicable affirmative defenses, reserving the right to assert additional defenses that may be discovered in the course of the proceedings of this matter and to which they may be entitled under the law, including any applicable case law, statutes, or rules of the jurisdictions whose law may be found to apply to the claims asserted.

17. I, Nicholas J. Rimmer, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, each factual contention of this Answer is supported by evidence, and/or there are grounds to conclude that the specifically identified factual contentions of this Answer are likely to be supported by evidence after a reasonable opportunity for further inquiry. Pursuant to 28 U.S.C. § 1746(2), I verify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

**MAYER LLP**

By:     /s/ Nicholas J. Rimmer      
Nicholas J. Rimmer

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*Attorney for Respondent Rebecca Hampton*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of November 2021 a true and correct copy of the foregoing was sent via email to the Albuquerque City Clerk (ewatson@cabq.com), and I contemporaneously served the Board of Ethics and Campaign Practices (aschultz@rodey.com), and to the following parties *pro se* via U.S. Mail:

Joaquin Baca  
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Complainant *Pro Se*

By:     /s/ Nicholas J. Rimmer      
Nicholas J. Rimmer