



Office of the City Clerk
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Ethan Watson, City Clerk

Sent via Electronic Mail

October 21, 2021

Rudy Grande, Jr.
9109 Corona Ave NE
Albuquerque, NM 87122
Rudy@rudygrande.com

Manuel Gonzales III
c/o Carter Harrison
Harrison Hart Law LLC
924 Park Ave SW
Albuquerque, NM 87102
carter@harrisonhartlaw.com

Re: *Grande v. Gonzales III; BOE 10-2021*

Dear Mr. Grande and Sheriff Gonzales:

On October 19, 2021, Mr. Grande filed a complaint with our office against Sheriff Gonzales, a candidate for Mayor. Pursuant to Part K(1)(c) of the Board of Ethics Rules, the complaint was immediately sent to Sheriff Gonzales.

This letter discusses the complaint diversion process provided for in Part K of the City Clerk's 2021 Election Code Regulations ("EC Regulations") and Part 4(A) of the Board of Ethics Rules and Regulations ("BoE Rules"). The Rules and Regulations require that the complaint provide a reasonably detailed description of the alleged violations including the Sections of the Election Code, Code of Ethics, and Open and Ethical Elections Code or Rules and Regulations of the City Clerk allegedly violated and an explanation of how the complainant believes those rules, regulations, and ordinances were violated. *See* BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

The complaint alleges a variety of allegations regarding the City Election Code. Some of these allegations, i.e. the violation of Article XIII, Section 6(a)(3) alleging a requirement for Karen Montoya to register with the City Clerk's Office as "co-chairman" of an MFC, and the allegation of a violation of Article XII Section 2(g)(2), (3) (which we believe to mean Article XIII, Section 2(g)(2), (3)) that Ms. Montoya's professional contributions should be reported as in-kind in the financial disclosures, appear to be misdirected in a complaint against the candidate Gonzales and rather should be addressed directly with the MFC Save our City.

However, in addition to various filing requirements (e.g. a complaint may only name a single respondent), the central inquiry is whether the complaint provides

[a] reasonably detailed description of the alleged violation(s), including the Section(s) or Parts (s) of the Election Code, Code of Ethics, Open and Ethical Code or the Rules and Regulations of the Board of the City Clerk were violated and any other pertinent violation.

2021 Regulations of the Albuquerque City Clerk for the Election Code at K1(b)(i)(E). Here other than the allegations specific to the MFC Save our City, the allegations in the complaint do provide a sufficiently detailed description alleging coordination between the candidate Gonzales campaign and the MFC Save our City that have not been reported.

The Clerk's Rules and the Board's Rules do not provide for a partial rejection of a complaint. As a result, even though the complaint alleges violations against an MFC in a complaint naming a candidate for Mayor, the complaint does contain a reasonable description of alleged violations and otherwise complies with the relevant rules, the Clerk refers this matter to the Board of Ethics.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ethan Watson', with a long horizontal flourish extending to the right.

Ethan Watson
Albuquerque City Clerk

Encl.

Cc: Miriam Diemer, Deputy City Clerk
Andrew Schultz, Board of Ethics and Campaign Practices