

CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v.

BOE Case No. 02-2021

MANUEL GONZALES, III,

Respondent.

ORDER VACATING HEARING AND SETTING NEW HEARING DATE

THIS MATTER was referred to the City of Albuquerque Board of Ethics and Campaign Practices by the City Clerk by letter dated June 29, 2021. This matter was set for an evidentiary hearing on September 10, 2021.

Pursuant to the Code of Ethics of Article XII of the City Charter, a majority of the Board constitutes a quorum. For unavoidable reasons, a quorum of the Board is not available to attend the hearing set for September 10, 2021. Given the absence of a quorum, the Board cannot act. In light of this development, the evidentiary hearing in this matter set for September 10, 2021 is VACATED.

The Code of Ethics of Article XII of the City Charter provides that all complaints referred to the Board by the City Clerk at any time prior to 60 days before election day must be resolved, determined, or dismissed by the Board within 60 days from the referral of the complaint. If the complaint is not resolved

within that 60 day period, the complaint shall be dismissed, unless delayed by the Chair of the Board upon a showing of good cause.

Similarly, the Rules and Regulations of the Board of Ethics and Campaign Finances requires that the Board set a complaint for an evidentiary hearing within 30 days of the date the complaint was referred to the Board. This deadline also may be extended upon a showing of good cause.

The Board finds that there is good cause to continue the evidentiary hearing in this matter beyond the time periods set forth in the Code of Ethics of Article XII of the City Charter and the Rules and Regulations of the Board of Ethics and Campaign Finances. The City Clerk shall reschedule the evidentiary hearing in this matter for Friday, September 24, 2021.

Dated this 9th day of September, 2021.

/s/ Andrew G. Schultz

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