

CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v.

BOE Case No. 01-2021

MANUEL GONZALES, III,

Respondent.

ORDER REGARDING PENDING REQUESTS FOR INVESTIGATION

THIS MATTER was referred to the City of Albuquerque Board of Ethics and Campaign Practices by the City Clerk. By the consent of both parties, the matter presently is set for an evidentiary hearing on July 16, 2021.

On June 16, 2021, Complainant submitted a “Request for Referral to the Office of Inspector General” in this matter. That Request seeks an investigation into “whether [Respondent] has engaged in pattern and practice of submitting Fraudulent Qualifying Contributions.” (Request at 1.) That request is pending before the Board. To-date, Respondent has not submitted a response to this Request.

On July 9, 2021, the Office of the City Clerk sent a letter addressed to the Chair of the Board of Ethics and Campaign Practices, the City Attorney, and the Acting Inspector General requesting “investigations . . . into various qualifying contributions submitted to the Office of the City Clerk by the campaign of [Respondent]” (Jul. 9, 2021 Letter at 1.) The City Clerk sent this letter pursuant to its independent obligations under the City’s Open and Ethical Election Code and not in the guise of any matter presently pending before the Board, including the present complaint.

Because there is an overlap in the request for investigation submitted by Complainant in this matter and the investigation requested by the Office of the City Clerk, the Board orders as follows:

1. No later than 5:00 PM on Wednesday, July 14, 2021, counsel for each party in the present matter shall submit a brief containing legal authorities related to the requests for investigation submitted by Complainant and the Office of the City Clerk. The briefs also should address and propose a suggested time table for completion of an investigation and continuance of an evidentiary hearing in this matter should the Board vote to authorize an investigation. The briefs shall be limited to no more than 7 double spaced pages. No response briefs by either party are permitted. Briefs must be submitted to the Office of the City Clerk via email addressed to mdiemer@cabq.gov.

2. The City Clerk is instructed to place consideration of both the Request submitted by Complainant and the request for investigation submitted by the Office of the City Clerk on the agenda for the Board's Evidentiary Hearing scheduled for 9:00 AM on July 16, 2021, and to provide adequate and sufficient public notice of this agenda item.

Dated this 9th day of July, 2021.

/s/ Andrew G. Schultz

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