



Office of the City Clerk  
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[www.cabq.gov/clerk](http://www.cabq.gov/clerk)

Ethan Watson, City Clerk

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*Sent via Electronic Mail*

October 8, 2021

Rob Grilley  
[rob@rob4abq.com](mailto:rob@rob4abq.com)

Ms. Judy Young  
[youngjudy@ymail.com](mailto:youngjudy@ymail.com)  
13309 Rachel Rd. SE  
Albuquerque, NM 87123

Re: *Young v. Grilley* BOE 07-2021

Dear Mr. Grilley and Ms. Young:

On October 5, 2021 Ms. Young filed the enclosed Complaint, naming Mr. Robert Grilley as the respondent.

I have gone through 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"). Those regulations and rules require that the City Clerk review complaints to ensure they meet the filing criteria set out in the Clerk's Regulations and the Board's Rules. The Board's Rules and the City Clerk's Regulations require that the City Clerk reject complaints that do not comply with the Rules and Regulations. See BoE Rules 4(a)(4) and Election Code Regulations at Part K(1)(e).

The City Clerk rejects this complaint because it fails to comply with various Rules and Regulations in Section 4 and Part K.<sup>1</sup> 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). This requirement of reasonable detail of an alleged violation is especially important in the context of campaign finance violations because these campaign finance filings are audited by the Independent Auditor after filing. Failure to provide reasonable detail of the violation in the context of campaign finance violations may result in rejection of the complaint. See August 6, 2021 Rejection, *Katz II v. Keller, et. al.*

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<sup>1</sup> As an initial matter, the complaint must allege "a violation occurred within 120 days of the date the complaint is filed with the City Clerk." EC Regs Part K(1)(B)(7). Some of these alleged violations appear to have occurred more than 120 days prior to filing.

Here, Complainant's allegations regarding seed money fail to comply with these provisions of the rules. Complainant essentially alleges that Mr. Grilley collected excess campaign seed money and collected seed money from donors who were not qualified to give seed money. The primary evidence cited in support of these allegations is the Grilley campaign's finance reports filed June 14 and July 12, 2021. These documents do not support the stated claim, however. Complainant states that Mr. Grilley collected "excess seed money of \$9,268.20, but the July 12, 2021 report shows that these excess seed money contributions were already refunded to the donors. Complainant similarly alleges that Mr. Grilley accepted seed money from donors who were not qualified to give seed money. Although the June 14, 2021 report shows seed money donations from out-of-state donors, following the audit, the July 12, 2021 finance report shows that donations from donors living out of state were refunded. Under the circumstances, and especially because these reports were audited for the problems alleged, this does not describe a violation of the Charter, Ordinances, or Regulations. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

Complainant alleges that Mr. Grilley "knowingly spent unqualified/illegal seed money to fund campaign expenditures." *Complaint*, 2. The July 12, 2021 Report, however, shows that any seed money donations from out of state donors were refunded. Because Complainant's exhibits do not support the allegations, and because these financial reports already were audited, this does not reasonably describe a violation of BOE Rules or the Election Code Rules. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

Complainant alleges that Mr. Grilley "solicited qualified seed money contributions and exceeded [sic] money maximum limit in order to pay back original illegal contributions [...]." *Young Complaint* at 2. The evidence cited is again the June 14 and July 12 campaign finance reports. These reports do not support the allegations. The reports instead show that Mr. Grilley coded his refunds as "expenditures." That does not support an allegation that he exceeded the seed money threshold. As noted above, because Complainant's exhibits do not support the allegations, and because these financial reports already were audited, this does not reasonably describe a violation of BOE Rules or the Election Code Rules. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

Finally, Complainant alleges that Mr. Grilley "directly paid himself and financially enriched himself with campaign seed money intended for campaign expenditures." Various provisions of the City Clerk's Regulations are cited in support of these allegations, but some citations are to non-existent provisions of the code. See *Complaint* at 2 (citing 11efg). There is no explanation of how these various provisions were actually violated considering reimbursements to a candidate from the candidate committee are not a violation of the City Clerk's Regulations. These allegations, as well, do not reasonably describe a violation of the BOE Rules or the Election Code Rules. See BoE Rules 4(A)(2)(a)(v) and EC Regs at Part K(1)(b)(i)(E).

Thus, Complainant's Complaint fails to reasonably describe a violation of the BOE Rules or the Election Code Rules. The Clerk's Officer therefore rejects the Complaint. Complainant can appeal this rejection to the Board of Ethics.

Sincerely,

A handwritten signature in black ink, appearing to be the name of the Clerk's Officer, written in a cursive style.

Ethan Watson  
Albuquerque City Clerk

Encl.

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