

CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICES

DAVE ESDALE,

Complainant,

vs.

Case No. BOE 03-2023

BROOK BASSAN,

Respondent.

RESPONDENT'S § 4(E)(2) DISCLOSURES

Respondent Brook Bassan hereby makes the following disclosures required by § 4(E)(2) of the Rules & Regulations of the Board of Ethics & Campaign Practices for the Election Code, the Open and Ethical Election Code, and the Code of Ethics of the City Charter (updated May 24, 2023).

ISSUES TO BE ADDRESSED AT THE HEARING

Pursuant to the City Clerk's Referral Letter (dated Nov. 2, 2023), in which he reviewed the Complaint for compliance with § 4(A)(2) and determined that most of the allegations in the Complaint are either time-barred or outside the Board's jurisdiction, only one issue remains for adjudication by the Board:

1. Whether Respondent Brook Bassan "us[ed] her position . . . with the city to influence support of [an] employee[] of the city," Dawn Emillio, for Ms. Bassan's reelection campaign, ABQ City Charter art. XII, § 7(A), where "influence" means the "[u]se of pressure, authority, or power, usu. indirectly, to induce action or change the decisions or acts of another," *Black's Law Dictionary* (11th ed. 2019) (definition of "influence"), or "[p]ressure applied to undermine or override a person's judgment or willpower," *Ballentine's Legal Dictionary and Thesaurus* 320 (1995) (definition of "influence").

WITNESS LIST

Respondent Brook Bassan reserves the right to call the following witnesses, although, as the Respondent, she will tailor her case-in-chief to that of the Complainant, and in any event it is unlikely that all of them will need to be called:

1. Brook Bassan
Ms. Bassan may be called to testify to the fact that she did not influence Ms. Emillio to contribute to her campaign or vote for her in the 2023 election.
2. Ethan Bassan
Mr. Bassan, who is Brook Bassan's 15-year-old son, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Ms. Bassan's home for a period — should that become an issue at the hearing, which it should not be.
3. Luke Bassan
Mr. Bassan, who is Brook Bassan's 11-year-old son, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Ms. Bassan's home for a period — should that become an issue at the hearing, which it should not be.
4. Molly Bassan
Ms. Bassan, who is Brook Bassan's 13-year-old daughter, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Brook Bassan's home for a period — should that become an issue at the hearing, which it should not be.
5. Uri Bassan
Mr. Bassan, who is Brook Bassan's husband, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Ms. Bassan's home for a period — should that become an issue at the hearing, which it should not be.
6. Zack Bassan
Mr. Bassan, who is Brook Bassan's 11-year-old son, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Ms. Bassan's home for a period — should that become an issue at the hearing, which it should not be.

7. **Athena Christodoulou**
Ms. Christodoulou, who is an adverse witness for whom a subpoena has been issued (and, thus, is unlikely to be able to be talked to in advance of the hearing), may be called to testify about the development of this case by the Complainant and the involvement of Ms. Bassan's electoral opponent, Abby Foster, and her campaign manager, Neri Holguin.
8. **Dawn Marie Emillio**
Ms. Emillio may be called to testify that Ms. Bassan did not influence her to contribute to or vote for Ms. Bassan in the 2023 election.
9. **Abby Foster**
Ms. Foster, who is an adverse witness for whom a subpoena has been issued (and, thus, is unlikely to be able to be talked to in advance of the hearing), was Ms. Bassan's opponent in the 2023 election, and may be called to testify about the development of this case by the Complainant and Ms. Foster's campaign.
10. **Neri Holguin**
Ms. Holguin, who is an adverse witness for whom a subpoena has been issued (and, thus, is unlikely to be able to be talked to in advance of the hearing), was the campaign manager for Ms. Bassan's opponent in the 2023 election, Abby Foster, and may be called to testify about the development of this case by the Complainant and Ms. Foster's campaign.
11. **Madelyne Venaglia**
Mr. Bassan, who is Brook Bassan's mother, may be called to testify that Ms. Emillio did reside, receive mail, and store furniture and clothing at Ms. Bassan's home for a period — should that become an issue at the hearing, which it should not be.

DOCUMENTARY EXHIBIT LIST

1. Any administrative subpoenas issued in this case and returns of service therefor
2. Any documents that are necessary for impeachment or rebuttal
3. Any documents relevant to this action but which are not yet in the possession of the Respondent or her counsel (including documents that do not yet exist)

Respectfully submitted,

HARRISON & HART, LLC

By:  _____

Carter B. Harrison IV
924 Park Avenue SW, Suite E
Albuquerque, NM 87102
Tel: (505) 295-3261
Fax: (505) 341-9340
Email: carter@harrisonhartlaw.com

Attorneys for the Respondent

This Filing Has No Exhibits

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January 2024, I submitted the foregoing Disclosures via email to the Albuquerque City Clerk (ewatson@cabq.com), and to the Complainant (davidandteresa505@gmail.com).

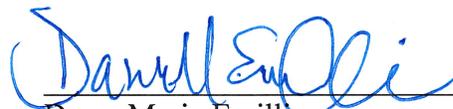
HARRISON & HART, LLC

By: /s/ Carter B. Harrison IV
Carter B. Harrison IV

5. It was my idea to change the address, and while I believe I mentioned to Councilor Bassan that I had done so, the idea was completely my own, and Councilor Bassan never suggested — let alone exercised undue influence in doing so — that I change the address.

6. Similarly, apparently in June of that year, I signed Councilor Bassan’s nominating petition and donated a \$5.00 qualifying contribution to help her get public financing. These actions were likewise taken on my own accord. Councilor Bassan did not in any way pressure, coerce, influence, or even meaningfully suggest that I sign the petition or give the contribution, and I would have done both of these things even if Councilor Bassan had never said a word to me about it.

7. In the aftermath of the publicity these false allegations received, I canceled my voter registration entirely before the 2023 election. As a result, I did not vote at all in that election. I do not intend to re-register to vote again, despite previously having been an active voter for many years.


Dawn Marie Emillio

SUBSCRIBED AND SWORN to before me this 11th day of January 2024 by Dawn Marie Fryzel.

State of New Mexico
Notarial Officer
Carter B. Harrison IV
State Bar No. 148090


Notary Public

(Seal)

Carter B. Harrison IV

From: Carter B. Harrison IV
Sent: Thursday, January 11, 2024 11:09 AM
To: davidandteresa505@gmail.com
Cc: Amanda Bustamante
Subject: Esdale v. Bassan: Interview of Dawn Marie Emillio

Mr. Esdale:

I learned just yesterday that Dawn Marie Emillio is out of town for tomorrow's hearing. She has work all day today and then classes in the evening, but she has agreed to come to my office late in the evening to give a recorded interview, which I likely intend to submit into evidence tomorrow.

Although it isn't required (hearsay is fully admissible at these BOE proceedings), out of fairness — and because I think it might be helpful to you to hear from her — I wanted to invite you to sit in for this interview if you would like. When I am done asking Ms. Emillio questions, you could also have an equal amount of time to ask your own questions. I would give you a copy of the recording and you could use whatever portion you like in your case-in-chief tomorrow.

If you are interested, please make arrangements to be at my office (address below) at **10:00 p.m.** tonight. I realize that's an extremely odd time, but it's all that was available under the circumstances. Let me know if you intend to come, and if so, you can call me on my cell at 901-230-3556, and I'll ensure you can get into the building.

Best,

Carter B. Harrison IV
HARRISON & HART, LLC
924 Park Avenue SW, Suite E
Albuquerque, New Mexico 87102
Tel: (505) 295-3261
Fax: (505) 341-9340