



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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DATE: April 5, 2022

SUBJECT: Alleged unethical and corrupt behavior amongst two City Councilors in the form of a quid pro quo.

FILE NO: 22-0057-C

INVESTIGATOR: M. Santistevan

STATUS: Closed

Informative Case Synopsis

On March 28, 2022, the Office of Inspector General (OIG) received information from an anonymous complainant alleging unethical and corrupt behavior amongst two City Councilors in the form of a quid pro quo with regard to the Plastic Bag Ban.

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

While conducting our fact-finding investigation, the OIG Investigator researched ordinances and reviewed the City's Personnel Policy Code of Conduct, reviewed emails between the councilors as well as emails pertaining to the plastic bag ban, and the Clean and Green Retail Ordinance. The OIG conducted information gathering interviews with each of the councilors and the Technology and Innovation Department.

The OIG conducted an interview with Councilor 1 (C1) on March 29, 2022. C1 stated that the Clean and Green Retail Ordinance was passed in 2019 with an effective date of January 1, 2020. The ordinance was suspended in March 2020 due to the pandemic but was reinstated in August 2021. C1 sponsored legislation to repeal the "plastic bag ban" in January 2022. The legislation was up for vote at the March 7, 2022 Council Meeting. The legislation to repeal the plastic bag ban passed with a vote of 6-3. The legislation was then forwarded to the Mayor for consideration of veto. On March 25, 2022 the Mayor vetoed the legislation and remanded it back to the council. To overturn the veto, the plastic bag ban would require a 6-3 council vote. OIG asked C1 if there was any agreement between C1 and C2 regarding the plastic bag ban vote. C1 stated that C1 is for transparency and there is no quid pro quo. C1 stated that C1 works across the aisle to get meaningful legislation passed for the City and its constituents. C1 authorized the OIG to obtain

and review all of C1's emails. C1 explained to the OIG that there were vulgar emails from constituents contained in the compilation of emails related to the plastic bag ban.

The OIG conducted an interview with Councilor 2 (C2) on March 31, 2022. OIG asked C2 if there was any agreement between C1 and C2 regarding the plastic bag ban vote. C2 stated that there was no agreement between C1 and C2. C2 stated that this issue had really "blown up". C2 stated that individuals are calling C-2's home and emailing obscenities. C2's family had received harassing phone calls, waking them up at 1:00 am. C2 stated that both the councilors subject to this investigation received harassing, obscene emails regarding their vote on the plastic bag ban. C2 gave authorization for the OIG to obtain and review all of C2's emails and stated that "there was nothing there".

In addition to the interviews of the councilors, the OIG obtained access to all emails between the two councilors and all emails with key words such as "plastic bag", "plastic", "Ordinance", "bags", "Constituent Concern Comments, Plastic bags". The OIG obtained and reviewed three thousand three hundred nine 3,309 emails dated between December 30, 2019 and March 31, 2022.

During the fact-finding investigation, the OIG did identify six (6) emails to the councilors that were harassing, vulgar and profanity laced. The OIG inquired with Information Technology to determine if there were policies governing this type of activity or if there are protocols employed to capture the emails and prohibit these emails from being distributed to the City personnel. Information Technology stated that the City does not have a system that identifies key words in emails that would capture those emails and prohibit them from being delivered to the recipient. The City does have a system in place that reviews emails for suspicious content related to spam, phishing or other system penetrating mechanisms and this type of activity is captured and quarantined. Information Technology stated that there is a policy for reporting such emails after they have been delivered to the recipients. Once reported to Information Technology by the recipient, Information Technology would investigate and take appropriate action.

The OIG investigation identified a weakness in the email system whereby City personnel are subjected to harassing, vulgar and profanity laced correspondence. The City should consider reviewing the IT policies and procedures to determine if the City is employing best practices and the appropriate tools to mitigate harassing emails using vulgarities or profanity to any City personnel.

Allegation: Two councilors engaged in unethical and corrupt behavior in the form of a quid pro quo related to the plastic bag ban vote.

Conclusion: The OIG could not substantiate the allegation. The evidence reviewed reflected no instances of unethical or corrupt behavior and no evidence of a quid pro quo between the two councilors or any councilors regarding the plastic bag ban.

Based on the information obtained during our fact-finding investigation, the allegation in the complaint is not substantiated and is closed.