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**City of Albuquerque
Board of Ethics and Campaign Practices**

ERIC SHIMAMOTO,

Complainant,

vs.

No. BOE-02-2019

RIO GRANDE FOUNDATION, INC.,

Respondent.

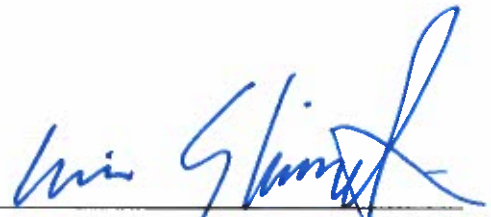
Statement of Issues

Pursuant to Section 6(H)(2)(c) of the Rules and Regulations of the Board of Ethics and Campaign Practices, Complainant provides the following statement of issues to be addressed in the above-captioned matter. Because the parties have stipulated to the facts of this case, no witness or other evidence should be required to address these issues.

1. Did the Respondent, Rio Grande Foundation, Inc., act as a Measure Finance Committee (“MFC”) during Albuquerque’s 2019 local election pursuant to Section 2(l) of the Election Code, which defines an MFC, in relevant part, as “any person or combination of two or more persons acting jointly in aid of or in opposition to . . . voter approval or disapproval of one or more measures on the ballot . . . when such person or people have accepted contributions in excess of \$250 or make expenditures in excess of \$250 for any of the purposes listed heretofore” by contracting with a radio station to broadcast an advertisement advocating for the defeat of Proposition 2 on the 2019 ballot?
2. Based upon Respondent’s multiple violations of Section 6(a) and (c) of the Election Code, Section 4(c)2 of the Election Code, Section 7(B) and (D) of the Rules and Regulations of the Board of Ethics, and Section 6(M) of the Rules and Regulations of the Board of Ethics, what fine would be appropriate pursuant to Section 6(I) of the Rules and Regulations of the Board

of Ethics, in order to punish Respondent's misconduct and deter future violations of the Code?

3. To the extent that Respondent asserts it expended less than \$250 on radio advertising even though the cost of the advertisements exceeded that amount, this Board is also being asked to craft a standard to apportion a single piece of campaign material into "regulated" and "non-regulated" content. Complainant, however, asserts that even if possible, such an approach is neither practicable nor supported by any reasonable reading of the Election Code.



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