

CITY OF ALBUQUERQUE  
BOARD OF ETHICS AND CAMPAIGN PRACTICES

In re David Bearshield

BOE Case No. 05-2019

**ORDER**

THIS MATTER came before the City of Albuquerque Board of Ethics and Campaign Practices (“the Board”) at its November 1, 2019 meeting. At that time, the Election Auditor recommended to the Board that Candidate David Bearshield be sanctioned with \$100 automatic fines for each failure to file Campaign Financial Statements, and a \$500 fine for failure to attend the mandatory meeting. The Board unanimously voted in favor this recommendation.

**Findings in Support of Order**

1. On May 28, 2019 David Bearshield obtained a nominating petition from the City Clerk pursuant to Section 4(c)1.D. of the Election Code for the office of District 2 City Councilor, and is therefore a candidate pursuant to Article XIII, Section2(d).
2. On June 6, 2019 Candidate Bearshield’s campaign treasurer signed an acknowledgment that he attended the Clerk’s mandatory training for campaign financing.
3. On June 7, 2019, Candidate Bearshield signed a declaration and acknowledgment that as a candidate for elective office he was required to file disclosure statements of Campaign Financing with the City Clerk as required by Section 4(c)(2) of Article XIII of the City Charter.

4. On June 7, 2019, Candidate Bearshield signed a declaration and acknowledgment that he was familiar with the City Charter's Election Code, Rule and Regulations of the Board of Ethics and Campaign Practices, and 2019 Regulations of the City Clerk.

5. Candidate Bearshield established a campaign finance account at U.S. Eagle Federal Credit Union named "Committee to Elect David Bearshield."

6. On July 1, 2019, the City Clerk notified Candidate Bearshield that his campaign was not certified by the City Clerk as containing the minimum number of valid nominating petition names, addresses and signatures as mandated by law.

7. Candidate Bearshield failed to file the required Campaign Financial Statements due on July 8, 2019, August 12, 2019, September 9, 2019, October 14, 2019, October 28, 2019, and November 4, 2019.

8. Following each failure to file a Campaign Financial Statement, the City Clerk notified Candidate Bearshield, via certified mail and electronic mail, that despite the fact that he did not obtain 500 valid nominating signatures, he was required to file Campaign Financial Statement until he delivered a report to the City Clerk stating that: (1) There are no outstanding campaign debts, (2) All money has been expended in accordance with the provisions of Section 4 Article XIII of the Election Code, and (3) The bank account has been closed.

9. Following each failure to file a Campaign Financial Statement, the City Clerk notified Candidate Bearshield, via certified mail and electronic mail, that he had

ten days to file his Campaign Financial Statement, and that if he failed to file within this timeframe he would be subject to automatic fines.

10. Candidate Bearshield has not filed any Campaign Financial Statements within any applicable timeframes.

11. On October 22, 2019 Candidate Bearshield was notified, via first class mail and electronic mail, that he or his campaign treasurer was required to attend the mandatory meeting before the Board on November 1, 2019 at 3pm.

12. Neither Candidate Bearshield nor his campaign attended the mandatory meeting of the Board on November 1, 2019.

NOW THEREFORE, THE BOARD ORDERS AS FOLLOWS:

Based on his violations of the Election Code, Candidate Bearshield is sanctioned in the amount of \$1,100.00. This amount is calculated as follows:

- (a) \$100 in automatic fines for each of the six failures to file Campaign Financial Statements in violation of Section 4(c)(2) of Article XIII of the City Charter, and
- (b) A \$500 fine for failure to attend the mandatory Board meeting in violation of Section 4(i)(3) of Article XIII of the City Charter.

Candidate Bearshield shall pay the City of Albuquerque the amount of \$1,100.00 within 30 days of the date of this Order. Candidate Bearshield shall not use campaign contributions to make payment of the \$1,100 fine assessed. Payment of fines may not be included as an expenditure, an in-kind donation, or other contribution for the candidate.

Candidate Bearshield will continue to be responsible for filing the Campaign Financial Statement due on December 5, 2019 until he delivers a report to the City Clerk stating that: (1) There are no outstanding campaign debts, (2) All money has been expended in accordance with the provisions of Section 4 Article XIII of the Election Code, and (3) The bank account has been closed.

Dated this 30th day of November, 2019.

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