



Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
Phone (505) 924-3650 Fax (505) 924-3660
www.cabq.gov/clerk

Katy Duhigg, City Clerk

Sent via Tracked Mail and Electronic Mail

November 25, 2019

Brook Bassan

[REDACTED]
Albuquerque, NM [REDACTED]
Brookfordistrict4@gmail.com

Eric Shimamoto

[REDACTED]
Albuquerque, NM [REDACTED]
kcemigre@hotmail.com

Re: Shimamoto vs. Bassan, BOE-08-19

Dear Ms. Bassan and Mr. Shimamoto,

On November 25, 2019 Eric Shimamoto filed the enclosed Complaint, naming the Brook Bassan as the Respondent.

I have gone through the complaint diversion process provided for in Part I of the City Clerk's 2019 Election Code Rules and Regs (<http://www.cabq.gov/vote/documents/final-election-code-2019.pdf>) and I find that the Complaint meets all required criteria, therefore I am not rejecting the Complaint.

Under the complaint diversion process, I may attempt to require the Respondent to correct the violation or prevent further violations by informal methods and may enter into a voluntary compliance agreement with the Respondent prior to referring the Complaint to the Board of Ethics and Campaign Practices.

Based on the information currently before me, it appears that Ms. Bassan can achieve voluntary compliance regarding in-kind contribution reporting. More information is needed in order to determine whether the in-kind contributions exceeded applicable limits that applied to Ms. Bassan as a publicly funded candidate.

If Ms. Bassan wishes to pursue voluntary compliance, she may amend her prior campaign finance reports to reflect all in-kind contributions from the Republican Party of Bernalillo County. Based on those amendments, I may propose a voluntary compliance agreement reflecting Ms. Bassan's compliance and may give notice to the Board of Ethics and Complainant that the Complaint has been resolved and will not be referred to the Board of Ethics. If you would like to pursue this voluntary compliance resolution, please contact Miriam Diemer

(mdiemer@cabq.gov, 924-3650) to set up a time to come in with any documentation to support valuation of in-kind contribution reporting, and to amend your reporting as appropriate.

Another option available to the Respondent is settlement. At any time after the filing of a Complaint, the Respondent may offer to settle the Complaint by admitting to the allegations in the Complaint and requesting a settlement conference. If the Respondent makes this request, we will have a settlement conference at my office, with the parties in separate rooms, and myself acting as the mediator. If Respondent would like to make this request, please do so as soon as possible.

Any potential settlement agreement would state the sections of the Election Code and/or Rules and Regulations violated, the action taken or to be taken by the Respondent to correct the violation and proposed sanctions, if any, upon Respondent.

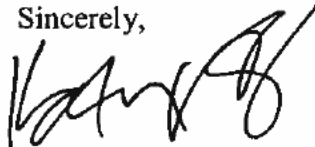
If the parties reach a settlement agreement, the Board of Ethics will meet to review and approve or reject a proposed settlement agreement, and, if the Board approves, to issue a Consent Order, which then concludes the case.

Neither party is required to have a lawyer or other representation, but if you wish to have someone represent you that is fine. Please just let me know who that person is so that I can include them in communications.

If the Respondent does not wish to pursue either voluntary compliance or a settlement conference, the Complaint will be referred to the Board of Ethics.

If you have any questions, please contact me as soon as possible.

Sincerely,



Katy Duhigg
Albuquerque City Clerk

Encl.

Cc: Andrew Schultz, Board of Ethics and Campaign Practices
John Grisham, Election Auditor