

**Neri Holguin,  
Complainant**

vs.

**BOE-01-2019**

**John Strong,  
Respondent**

## **SETTLEMENT AGREEMENT**

### **RECITALS**

1. John Strong (hereinafter referred to as "the Respondent") is the chairman of a Measure Finance Committee ("MFC") named ABQ United for District 2, located in Albuquerque, New Mexico in the 2019 City Council election. A complaint was filed with the City Clerk on October 25, 2019, by Neri Holguin ("the Complainant"), against the Respondent, alleging violations of the Board of Ethics and City Clerk's Rules and Regulations regarding disclosures on MFC mail pieces, BOE-01-2019. The Respondent wishes to resolve the complaint through the settlement process.

2. Pursuant to Part I of the City Clerk's Complaint Diversion Process, the complaint was reviewed by the City Clerk and referred to the Board of Ethics. The complaint alleges violations of Section 4(C) of the Board of Ethics Rules and Regulations, and Part D, Section 4 and Part F, Section 2 of the 2019 City Clerk Rules and Regulations, including a failure to provide the following: the name and address of the printer on campaign materials, "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE," and an internet address that links to the entity's campaign finance reports.

3. The Respondent timely requested a settlement conference on October 25, 2019, and a settlement conference occurred at the Office of the City Clerk on October 28, 2019. The Respondent, Complainant, and the Clerk propose the following terms for settlement of the complaint:

### **Stipulated Facts**

1. The complaint was filed on October 25, 2019, and electronically sent to the Respondent, the Board of Ethics and Campaign Practices, and the Complainant, by the Clerk's office on the same date.

2. The Respondent agrees that the mailings at issue, and an additional mailing that went out on October 26, 2019, did not include the name and address of the printer of the campaign materials, the language "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE," or an internet address that links to the entity's campaign finance reports, and that such error constitutes a violation of the Board of Ethics and City Clerk's Rules and Regulations. The Respondent and Complainant stipulate that the violation was not intentional and all mail pieces in production now will include all disclaimers required by the Board of Ethics and City Clerk's Rules and Regulations.


3. The Respondent and the Complainant negotiated, stipulated, and agreed to this Settlement Agreement (hereinafter "Agreement") relating to the violation of the Rules and Regulations, with the mutual understanding that the Agreement is subject to approval by the Board of Ethics and Campaign Practices.

4. The Chairman and the Complainant both acknowledge that they have the right to retain the services of a private attorney to assist them with negotiating this Agreement.

**IT IS THEREFORE UNDERSTOOD, STIPULATED AND AGREED AS FOLLOWS:**

1. The Respondent will pay the City of Albuquerque the amount of \$400.00 in fines for the stipulated violations Section 4(C) of the Board of Ethics Rules and Regulations, and Part D, Section 4 and Part F, Section 2 of the 2019 City Clerk Rules and Regulations, within thirty (30) days of the Board of Ethics' approval of this Agreement. The Respondent shall not use contributions received by the MFC to make payment of the \$400 fine assessed. Payment of fines may not be included as an expenditure, an in-kind donation, or other contribution for the MFC;
2. The Respondent's violations were not intentional;
3. Complainant hereby agrees that she will not file a complaint regarding the third mailing that went out on October 26, 2019, and that this Agreement resolves any and all claims that Complainant might bring regarding the October 26, 2019 mailing;
4. All mailings in-production now, and all future mailings by ABQ United for District 2 will include all disclaimers required by the Board of Ethics and City Clerk's Rules and Regulations; and
5. With the approval of the Board of Ethics and Campaign Practices, the complaint will be dismissed with prejudice.

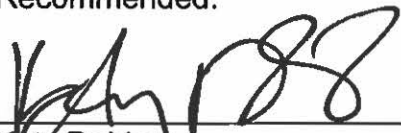
Agreed:

  
\_\_\_\_\_  
Matthew Gloudemans, for  
Respondent, John Strong


Agreed:

  
\_\_\_\_\_  
Neri Holguin  
Complainant

Recommended:

  
\_\_\_\_\_  
Katy Duhigg,  
City Clerk

Reviewed by:

  
\_\_\_\_\_  
John DuBois,  
Assistant City Attorney

**Decision of the Board**

The Board of Ethics hereby \_\_\_\_\_ (Approves/Rejects) this proposed Settlement Agreement by a vote of \_\_\_\_ for and \_\_\_\_ against. If the Board approves, a Consent Order dismissing the complaint with prejudice will be entered.

\_\_\_\_\_  
Andrew Schultz, Chairperson of the  
Board of Ethics and Campaign Practices

