

November 4, 2019

To whom it may concern:

Any charge or charges that a candidate, candidate's committee, Measure Finance Committee, or any other group has committed a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or the Rules and Regulations promulgated by the Board of Ethics or the City Clerk shall be made in writing, notarized and brought before the City Clerk.

We allege that the Mayor of Albuquerque, Timothy Keller, and others have violated the Charter of the City of Albuquerque, including, but not limited to, Article XII, Section 4; Article XII, Section 6; Article XII, Section 7; Article XIII, Section 6; Article XVI, Section 2.

Article XII: Code of Ethics. Section 4: Conflict of Interest; Section 6: Use of Public Property; Section 7: Misuse of City Employees in Campaigns.

Article XIII: Election Code. Section 6: Measure Finance Committee.

Article XVI: Open and Ethical Elections Code. Section 2: Legislative Intent

Mayor Timothy Keller et al. disclosed or used confidential information concerning the property, government or affairs of the governmental body by which that official is employed or of which the official is a member without proper authorization in order to advance the direct or indirect private financial or other private interests of said official or others;

Mayor Timothy Keller et al. used property, owned by any governmental body or funds of any governmental body, for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council.

Mayor Timothy Keller et al. did not register a Measure Finance Committee with the City Clerk within five days of formation by preparing and filing with the Board a statement, signed by the chairperson of the Committee.

Mayor Timothy Keller et al. used their position(s) or employment with the city to influence support of employees of the city for or against any candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity;

Mayor Timothy Keller et al. failed to avoid both actual undue influence of large campaign donors and the appearance of undue influence in Council and Mayoral elections and decision-making.

Sincerely,



Patrick Monroe Brenner  
Director, Rio Grande Foundation

RECEIVED  
ALBUQUERQUE CITY CLERK

2019 NOV -5 PM 3:45



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

State of New Mexico )

) s.s.

County of Bernalillo )

### COMPLAINT FORM

1. Complainant's Information			
Last Name Brenner		First Name Patrick	
Mailing Address [REDACTED]		City Albuquerque	State NM
			Zip Code [REDACTED]
Daytime Phone Number (include area code) [REDACTED]		Email Address pbrenner@riograndefoundation.org	

2. Respondent's Information			
Last Name Duhigg		First Name Katy	
Mailing Address PO Box 1293		City Albuquerque	State NM
			Zip Code 87103
Daytime Phone Number (include area code) 505-924-3650		Email Address cityclerk@cabq.gov	

3. If Respondent is a Candidate, the office or position sought
Mayor Timothy Keller, City Clerk Katy Duhigg, et al.

4. Has this complaint been filed with any law enforcement agencies? If so, list all agencies and attach copies of all complaints submitted. Additional pages may be attached to this form if the space provided below is not adequate.

5. Describe in reasonable detail the alleged violation(s), including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk that you believe were violated, explain how you believe the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk were violated, the date of the alleged violation(s), and include any other pertinent information. Additional pages may be attached to this form if the space provided below is not adequate.

**We allege that the Mayor of Albuquerque, Timothy Keller, and others have violated the Charter of the City of Albuquerque, including, but not limited to, Article XII, Section 4; Article XII, Section 6; Article XII, Section 7; Article XIII, Section 6; Article XVI, Section 2.**

**Article XII: Code of Ethics. Section 4: Conflict of Interest; Section 6: Use of Public Property; Section 7: Misuse of City Employees in Campaigns.**

**Article XIII: Election Code. Section 6: Measure Finance Committee.**

**Article XVI: Open and Ethical Elections Code. Section 2: Legislative Intent**

**Mayor Timothy Keller et al. disclosed or used confidential information concerning the property, government or affairs of the governmental body by which that official is employed or of which the official is a member without proper authorization in order to advance the direct or indirect private financial or other private interests of said official or others;**

**Mayor Timothy Keller et al. used property, owned by any governmental body or funds of any governmental body, for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council.**

**Mayor Timothy Keller et al. did not register a Measure Finance Committee with the City Clerk within five days of formation by preparing and filing with the Board a statement, signed by the chairperson of the Committee.**

**Mayor Timothy Keller et al. used their position(s) or employment with the city to influence support of employees of the city for or against any candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity;**

**Mayor Timothy Keller et al. failed to avoid both actual undue influence of large campaign donors and the appearance of undue influence in Council and Mayoral elections and decision-making;**

6. Describe the inquiry undertaken regarding the alleged violation. Additional pages may be attached to this form if the space provided below is not adequate.

**The inquiry included documentation and sources acquired through information that is publicly accessible, and through information obtained through the inspection of public records act (IPRA).**

7. List and attach evidence that supports your allegations, including but not limited to:
  - a. The names/telephone numbers of persons whom you believe may be witnesses to the facts;
  - b. A copy or picture of any political advertisement(s) Complainant references;
  - c. A copy of each document the Complainant references; and
  - d. Any other evidence supporting your allegations.

Additional pages may be attached to this form if the space provided below is not adequate.

**"Your voice matters. Let's come together on November 5 as One Albuquerque to make our community safer, more innovative, and more inclusive by voting "YES" on the G.O. Bonds and on all of the ballot items that will help our City reach its full potential. Find more information on the election at [cabq.gov/vote](http://cabq.gov/vote)."**

I, \_\_\_\_\_, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this Complaint is supported by evidence.

\_\_\_\_\_  
Complainant (Signature)

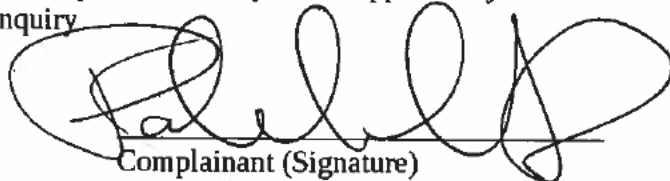
\_\_\_\_\_  
Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary Public

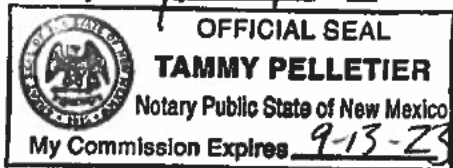
**If, after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the Complaint are supported by evidence, you may certify as follows:**

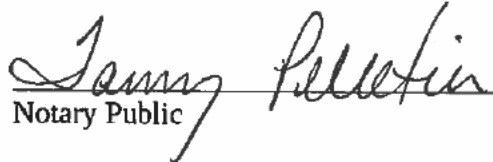
I, PATRICK M. BRENNER, hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, there are grounds to conclude that the specifically identified factual contentions of this Complaint are likely to be supported by evidence after a reasonable opportunity for further inquiry.

  
Complainant (Signature)

PATRICK M BRENNER  
Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by Patrick M Brenne this  
4th day of November 2019.



  
Notary Public

**All exhibits or attachments referenced in the complaint must be included with the Complaint.**

# Invoice

Invoice Date	Invoice #
10/15/2019	14364

<b>Bill To</b>
City of Albuquerque, Office of the City Clerk PO Box 1293 Albuquerque, NM 87102 (505) 768-3298

P.O. No.	Terms	Project

Description	Qty	Rate	Amount
Project: One Albuquerque Votes Event Activation		1,000.00	1,000.00T
Digital			
Programmatic Display		5,000.00	5,000.00T
Programmatic Audio (Spotify, Soundcloud, etc.)		6,000.00	6,000.00T
Facebook/Instagram Ads (video + static)		5,000.00	5,000.00T
Radio			
iHeart Media Traffic Network (AM/PM)		3,851.00	3,851.00T
Television			
KRQE 13 (Morning/Evening News)		7,189.00	7,189.00T
KOB 4 (Morning/Evening News)		5,960.00	5,960.00T
KOAT 7 (Morning/Evening News)		6,000.00	6,000.00T
Albuquerque Sales Tax		7.875%	3,150.00

<b>Total</b>	<b>\$43,150.00</b>
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<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$43,150.00</b>

<b>Phone #</b>	<b>Fax #</b>
505-764-4444	505-764-8636
<b>E-mail</b>	
accounting@sunny505.com	

Please remit payment to:  
 Sunny505  
 119 Dartmouth Dr. SE  
 Albuquerque, NM 87106

For ACH or Credit Card payments  
 please call or email

The screenshot shows the City of Albuquerque website. At the top, there is a navigation menu with links for Home, Mayor, and What's at Stake?. Below the menu is a search bar and a language selection dropdown. The main content area features a large video player with a play button and a title 'What's at Stake? Albuquerque Votes November 5, 2019.' Below the video is a list of links:

- > One Albuquerque
- > Community Engagement
- > Contact Us
- > News Releases
- > Newsletter
- > About Mayor Timothy M. Keller and First Lady Elizabeth J. Kistin Keller, PhD
- > Blog
- > Crime Strategy
- > Mayor's Youth Advisory Council
- > One Albuquerque Award
- > Signup
- > What's at Stake?

At the bottom of the page, there is a section for 'Mayor Keller: Social Media'.



