CITY OF ALBUQUERQUE

BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

       Complainant,

       v.   Case No. BOE 02-2021

MANUEL GONZALES, III,

       Respondent.

RESPONDENT'S § 4(E)(2) NOTICES

Respondent Manuel Gonzales hereby makes the following disclosures under § 4(E)(2) of

the Rules and Regulations of the Board of Ethics and Campaign Practices.

WITNESS LIST

1.   Sid Covington
    Undersheriff Covington assists the Respondent's campaign and will testify to his observations and understanding of the facts surrounding the allegations in the complaint, namely the absence of any fraud observed by him or observable by the Respondent.

2.   Manuel Gonzales III
    Manuel Gonzales III is the Respondent and will testify about his percipient observation and recollection of the events in question.

3.   Larry Koren
    Undersheriff Koren assists the Respondent's campaign and will testify to his observations and understanding of the facts surrounding the allegations in the complaint, namely the absence of any fraud observed by him or observable by the Respondent.

4.   Michele Martinez
    Ms. Martinez assists the Respondent's campaign and was a witness to the some of the events in question and will testify as to her recollection of the events, as well as to the procedures used by the campaign in collecting qualifying contributions.

5. Megan McMillan
Ms. McMillan assists the Respondent's campaign and was a witness to the some of the events in question and will testify as to her recollection of the events, as well as to the procedures used by the campaign in collecting qualifying contributions.

6. Any investigators used to probe the facts of this case, but only to the extent that the Board deems similarly undisclosed testimony by the Complainant is allowed

7. Certain voters or qualifying-contribution donors who contributed to one or more candidates in the 2021 mayoral race, but only to the extent that the Board deems similarly undisclosed testimony by the Complainant is allowed

8. Any witnesses listed by the Complainant or needed to respond to new witnesses untimely disclosed by the Complainant, as well as any witnesses needed for impeachment or rebuttal, but only to the extent that the Board deems such undisclosed testimony by the Complainant is allowed

EXHIBIT LIST

1. Audio Recording of Statement of Minnie Vigil

2. Audio Recording of Statement of Debbi Engelage

3. Manuel Gonzales III Qualifying Contribution Books 45 (page 2), 89, and 207 (page 6)

4. Manuel Gonzales III Qualifying Contribution Books 200, 115, 155, 203, 207, 56, 95, 98, 57, 154, 59, 14, 114, 21

5. *State Senate Candidate Accuses Opponent of Voter Fraud*, KOAT Action News 7 (Mar. 29, 2021), https://www.koat.com/article/state-senate-candidate-accuses-opponent-of-voter-fraud/5039895#, and similar articles on the same subject matter

6. *Manny Gonzales' Mayoral Campaign Accused of Forging Signatures*, KRQE (June 29, 2021), https://www.krqe.com/news/politics-government/elections/manny-gonzales-mayoral-campaign-accused-of-forging-signatures, and similar articles on the same subject matter

7. Email attached as Exhibit A to this filing

8. Nominating petitions attached as Exhibit B to this filing

STATEMENT OF ISSUES

1.   Whether Respondent Manuel Gonzales III knowingly submitted fraudulent qualifying contributions to the City Clerk.

2.   Whether the number of valid (including non-fraudulent) qualifying contributions submitted to the City Clerk exceeded the recognized, codified threshold indicating sufficient democratic support for a candidate to warrant that candidate's public financing.

3.   Whether the Complaint must be dismissed under § 4(E)(2).

4.   Whether severe and pervasive violations of §§ 3(B)(3) and 4(E)(4)(e), and correspondingly state law (including the Inspection of Public Records Act), warrant dismissal of some or all of the Complaint or otherwise constrain the ability of the Board or the Clerk to act, or require the granting of additional relief to the Respondent.

5.   Whether the Board of Ethics has the authority to grant the relief sought in the Complaint.

6.   What relief, if any, should be granted.

Respectfully submitted,

HARRISON & HART, LLC

By:

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            daniel@harrisonhartlaw.com

Attorneys for the Respondent

2 Exhibits Attached

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 2021, I submitted the foregoing Notices via email to the Albuquerque City Clerk (ewatson@cabq.com), the Board of Ethics and Campaign Practices (aschultz@rodey.com), and to the following counsel of record:

Lauren Keefe
Keefe Law Firm
P.O. Box 40693
Albuquerque, NM 87196
(505) 307-3447
keefelawoffice@gmail.com

Attorneys for the Plaintiff

HARRISON & HART, LLC

By: _/s/ Carter B. Harrison IV_
Carter B. Harrison IV

Subject: how widespread was the fraud that Manny and his campaign committed?

Dear ████

How widespread was the fraud that Manny and his campaign committed while trying to qualify for public financing?

It's a good question, and one the public deserves to know. *And it's a question voters like you could help us*

answer.

After we filed our ethics complaint against Manny Gonzales earlier this month for submitting fraudulent $5 Qualifying Contributions, more and more people have come forward to tell us their stories.

Initially, a respected citizen and voter came forward to tell us that Manny himself told him he did not have to provide $5 because Manny's campaign would take

EXHIBIT A

care of it, in clear violation of the law. What may have seemed like an isolated incident back then now is beginning to look like a pattern of fraud.

This case, which we filed on behalf of the concerned voter, goes before the City's Ethics Board on Friday, July 16. We're confident our case will show that Sheriff Manny Gonzales willfully broke the law in order to qualify for $660K in public financing.

We believe this case is also just the tip of the iceberg in terms of the fraud that will be uncovered from Sheriff Gonzales' effort to qualify for public financing. The penalty for committing fraud must be to deny his campaign public financing.

To this end, **we've set up a voter fraud hotline,** so voters like you can call us about what you may know. In many ways, Albuquerque is a small town. If you saw something, say something now. We know the intimidation is real, so if you feel better leaving your name anonymously, do that too.

Sheriff Manny Gonzales is supposed to enforce the laws, not break them. As a top law enforcement official, he's supposed to be a role model for ethical conduct. It's a shame he's not.

Thanks,
Team Tim

[KeepKeller.com](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

2020 PRIMARY NOMINATING PETITION

I, the undersigned, a registered voter of New Mexico, and a member of the <u>Democratic</u> party, hereby nominate
(Identify political party)

████████████, who resides at ____4█████████████ in the county of ___█████████___,
(candidate's name)   (candidate's address)   (candidate's county of residence)

New Mexico, for the party nomination for the office of _____ US Rep. District 03 _____, to be voted for at the
(office sought, including district, division, or position #, if applicable)

primary election to be held on <u>June 2, 2020</u>, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

#	(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
1.	Arabella Salazar	Arabella Salazar	County Road 74 # 4	Chamita
2.	Victoria Lovato	Victoria Lovato	Cr 74 # 1	Chamita
3.	Ray Lovato	Ray Lovato	Cr 74 # 1	Chamita
4.	Belamie Salazar	Belamie Salazar	Cr 6 # 19	Gallina
5.	Fidel Vigil	Fidel Vigil	County Road 16 #3	Velarde
6.	Lorraine Vigil	Lorraine Vigil	Cr 16 # 3	Velarde
7.	Rodney Julian	Rodney Julian	County Road 56 # 91	Chamita
8.	Lucy Martinez	Lucy Martinez	Cr 56 # 91	Chamita
9.	Therese Chacon	Therese Chacon	769 Duran St	87532
10.	Adam Chacon	Adam Chacon	769 Duran St	87532
11.	Jerome Valdez	Jerome Valdez	Cr 41 # 5	Alcalde
12.	Rebecca Valdez	Rebecca Valdez	Cr 41 # 5	Alcalde
13.	Celina Duran	Celina Duran	1716 Santo nino ln	Santa Cruz
14.	Elijah Abeyta	Elijah Abeyta	Hwy 84 # 23	Hernandez
15.	Beverly Guttierrez	Beverly Guttierrez	Hwy 285 # 10	Hernandez
16.	Jr Guttierrez	Jr Guttierrez	Hwy 285 # 10	87537
17.	Oscar Pena	Oscar Pena	976 El Sitio Rd	La Puebla
18.	Heralda Lucero	Heralda Lucero	CR 60 # 1	Chimayo
19.	Willie Carter	Willie Carter	461 n Shadowood	Espanola
20.	Jane Carter	Jane Carter	461 N SHADOWOOD	Espanola

Rev. 2019 NMSA 1978, § 1-8-30

EXHIBIT
B

2020 PRIMARY NOMINATING PETITION

I, the undersigned, a registered voter of New Mexico, and a member of the **Democratic** _____ party, hereby nominate
(identify political party)

███████████████, who resides at ███████████████ in the county of ████████,
(candidate's name)   *(candidate's address)*   *(candidate's county of residence)*

New Mexico, for the party nomination for the office of **US Rep. District 03**, to be voted for at the
(office sought, including district, division, or position #, if applicable)

primary election to be held on June 2, 2020, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

#	(usual signature)	(name printed as registered)	(address as registered)	(city or zip code)
1.	Ida Trujillo	Ida Trujillo	5310 Milagro St	87532
2.	Ernest Trujillo	Ernest Trujillo	5310 milagro	87532
3.	Debbie Trujillo	Debbie Trujillo	1957 Jemez View	87532
4.	Janet Trujillo	Janet Trujillo	CR 61 # 98	Hernandez
5.	Lorraine Macias	Lorraine Macias	1610 Calle Rendonla	87532
6.	Hector Bencon	Hector Bencon	County Road 61 # 10	Hernandez
7.	Oliver King	Oliver King	CR 10 # 4	La Puebla
8.	Sharon Nuttall	Sharon Nuttall	610 N Shadowood	El llano
9.	Ron Nuttall	Ron Nuttall	610 n Shadowood	El Llano
10.	Jd Miera	J.d Miera	1800 Calle Redonda	87532
11.	Geneva Miera	Geneva Miera	1800 Calle Rendonda	87532
12.	Bonnie Overson	Bonnie Overson	7631 Taos Ln	Espanola
13.	Nancy Padilla	Nancy Padilla	Hwy 76 # 16	Chimayo
14.	Carmen Martinez	Carmen Martinez	CR 84 # 39	Chimayo
15.	A Martinez	Adan Martinez	Cr 84 # 39	Chimayo
16.	Michele Pana	Michole Pana	1162 Valle Dr	87532
17.	Annabelle Pana	Annabelle Pana	4791 Calle Sin Nombre	87532
18.	Shelley Baca	Shelley Baca	2469 Angel Duran dr	Espanola
19.	Cindy Corriz	Cindy Corriz	7131 Angel Duran dr	Espanola
20.	J. Sims	Jim Sims	1812 Taos Ln	87532

Rev. 2019 NMSA 1978, § 1-8-30