

CITY OF ALBUQUERQUE

BOARD OF ETHICS AND CAMPAIGN PRACTICES

NERI HOLGUIN,

Complainant,

v.

Case No. BOE 01-2021

MANUEL GONZALES, III,

Respondent.

RESPONDENT'S ANSWER TO THE COMPLAINT

Respondent Manuel Gonzales, by and through his counsel, Harrison & Hart, LLC (Carter B. Harrison IV and Daniel J. Gallegos), hereby “respon[ds] to each allegation in the Complaint” pursuant to § 4(D) of the Rules and Regulations of the Board of Ethics and Campaign Practices.

1. The Respondent acknowledges that he, Sid Covington, and Larry Koren were present at the Salvation Army Advisory Board Meeting on May 27, 2021.

2. The Respondent denies the allegation that he offered to cover the \$5 qualifying contribution (“QC”) for Dean Zantow.

3. The Respondent is without sufficient information to ascertain whether Mr. Zantow paid \$5 in relation to his QC receipt, although it seems likely, based on his own statements, that at the very least that \$5 was not paid out of funds brought into the meeting by Mr. Zantow.

4. The Respondent’s campaign did submit Mr. Zantow’s QC to the City Clerk.

5. The Respondent did not violate NMSA 1978, § 1-19-34.3.

6. The Respondent did not violate Part I(1) of the 2021 Regulations of the Albuquerque City Clerk for the Election Code.

7. The Respondent did not violate Part C(6) of the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code (“OEEC Rules”).

8. The Respondent denies that any of the factual circumstances triggering the sanction referenced in Part C(17) of the OEEC Rules exist.

I, Carter B. Harrison IV, am an agent of the Respondent’s campaign who has been charged with investigating and defending this matter, and I am likely the most knowledgeable individual associated with the campaign regarding the facts and law asserted in this Answer. I hereby swear and affirm under penalty of perjury that, to the best of my knowledge, information, and belief, each factual contention of this Answer is supported by evidence, and/or there are grounds to conclude that the specifically identified factual contentions of this Answer are likely to be supported by evidence after a reasonable opportunity for further inquiry.

Pursuant to 28 U.S.C. § 1746(2), I verify under penalty of perjury that the foregoing is true and correct. Executed on July 11, 2021.

Respectfully submitted,

HARRISON & HART, LLC

By: 

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Attorneys for the Respondent

This Answer Has No Exhibits

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July 2021, I filed the foregoing Answer via email with the Albuquerque City Clerk (ewatson@cabq.com), and I contemporaneously served the Board of Ethics and Campaign Practices (aschultz@rodey.com), and to the following counsel of record:

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Attorneys for the Plaintiff

HARRISON & HART, LLC

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