

**CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICE**

JASON KATZ,

Complainant,

v.

Case No. BOE 06-2021

TIM KELLER,

Respondent.

UNOPPOSED MOTION TO WITHDRAW COMPLAINT

COMES NOW Complainant Jason Katz, through counsel Kenneth H. Stalter, Stalter Law LLC, and moves that this Board permit withdrawal the complaint filed in BOE 06-2021. As grounds for this motion, Complainant states:

This Board’s rules state that “Complainant voluntarily may withdraw a complaint at any time up until 14 days before a hearing on the merits of the complaint. After that time, Complainant voluntarily may withdraw a complaint only with Respondent’s consent and approval of the Board.” *BOE Rules 4(F)(1)*.

Complainant wishes to withdraw his complaint due to his professional obligations, which often involve travel. On November 4, 2021, undersigned counsel filed a notice of withdrawal, based on counsel’s view that hearing on a motion to dismiss was not a “hearing on the merits” and Complainant could therefore unilaterally withdraw the Complaint. Later that day, the Board issued an order, which suggested that counsel’s interpretation of the rule was incorrect and that consent and approval are required.

As such, counsel contacted counsel for Respondent, who indicated that Respondent consents to withdrawal of the Complaint. The purpose of this motion is to clarify the record that Complainant’s request is unopposed.

Respectfully submitted,

STALTER LAW LLC

/s/ Kenneth H. Stalter

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Certificate of Service

I hereby certify that on November 18, 2021, this filing was sent via email to
ewatson@cabq.gov and keefelawoffice@gmail.com.

/s/ Kenneth H. Stalter

Kenneth H. Stalter