

CITY OF ALBUQUERQUE
BOARD OF ETHICS AND CAMPAIGN PRACTICES

ERIC SHIMAMOTO,

Complainant,

vs.

Case No. 02-2019

RIO GRANDE FOUNDATION, INC.,

Respondent.

DECISION BY THE BOARD OF ETHICS AND CAMPAIGN PRACTICES

THIS MATTER came before the City of Albuquerque Board of Ethics and Campaign Practices (“the Board”) when a Complaint was filed on November 1, 2019 by Eric Shimamoto (“Complainant”) against Rio Grande Foundation, Inc., a New Mexico nonprofit corporation (“Respondent”). Complainant and Respondent collectively are referred to as “the Parties”.

Complainant alleges various violations by Respondent of the Election Code of Article XIII of the City Charter and the Rules and Regulations of the Board of Ethics and Campaign Practices.

The Board held a preliminary hearing on December 3, 2019, at which time it voted to accept the Complaint and to conduct an evidentiary hearing on the allegations in the Complaint. The Board later voted on December 6, 2019 to

extend the time for holding an evidentiary hearing based on a finding of good cause.

The Board held an evidentiary hearing on February 28, 2019. At this hearing, Complainant represented himself and Respondent was represented by counsel. Prior to the hearing, Complainant and Respondent each timely submitted a Statement of Issues, and the Parties submitted a Joint Stipulation of Facts. Neither Complainant nor Respondent timely submitted either a list of proposed witnesses or any copies of documentary evidence to be introduced at the hearing. As a result, the Board Chair determined that no witnesses would be called and no exhibits would be submitted other than the documents attached to Complainant's original Complaint Form.

Complainant and counsel for Respondent were afforded an equal opportunity to make presentations in support of their respective positions.

At the close of the evidentiary portion of the hearing on February 28, 2020, the Board voted to go into closed session to deliberate on the arguments and evidence presented through the Parties' Joint Stipulation of Facts.

Following its deliberations, the Board returned from closed session. The Board announced its unanimous decision to find in favor of Complainant and to impose a sanction of \$500.00 against Respondent. In support of this decision, the Board finds as follows:

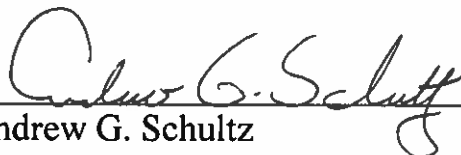
1) Complainant provided sufficient evidence of violations of Article XIII of the City Charter and Sections 6 and 7 of the Rules and Regulations of the Board of Ethics and Campaign Practices by Respondent. In particular, Respondent was a Measure Finance Committee for purposes of the November 2019 election as set forth in the Election Code, and failed to comply with the reporting requirements for Measure Finance Committees imposed by the Election Code and this Board's Rules and Regulations. This finding is based on the Parties' Joint Stipulation of Facts presented at the February 28, 2020 hearing.

2) The Board has the discretion to impose a fine not to exceed \$500 for each violation of the Election Code or the Board's Rules and Regulations. In the present case, the appropriate sanction for these violations is the imposition and levy of a fine of five hundred dollars (\$500.00). This fine is due upon entry of this Decision and must be paid to the City Clerk. If Respondent fails to pay this fine within 31 days after entry of this Decision, it is subject to the payment of interest as provided by law. The limitations set forth in Section 6(I)(11) of the Board's Rules and Regulations on the sources from which these fines may be paid apply to the payment of this fine.

Other than as set forth in this Decision, the Board does not impose any other fine, sanction or recommendation.

Any appeal from this decision of the Board must be taken to the Second Judicial District Court within the time limits set forth in Article XIII § 10(i) of the City Charter.

Dated this 6th day of March, 2020.



Andrew G. Schultz
Chair, Board of Ethics and Campaign Practices

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