



Office of the City Clerk  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone (505) 924-3650 Fax (505) 924-3660  
[www.cabq.gov/clerk](http://www.cabq.gov/clerk)

Katy Duhigg, City Clerk

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*Sent via Certified Mail and Electronic Mail*

November 26, 2019

Mayor Timothy Keller  
PO Box 1293  
Albuquerque, NM 87103

Patrick Brenner  
4301 The 25 Way, Suite B  
Albuquerque, NM 87109  
[pbrenner@riograndefoundation.org](mailto:pbrenner@riograndefoundation.org)

Re: Brenner vs. Keller, BOE-06-19

Dear Mayor Keller and Mr. Brenner,

On November 22, 2019 Patrick Brenner filed the enclosed Complaint, naming the Mayor Keller as the Respondent.

I have gone through the complaint diversion process provided for in Part I of the City Clerk's 2019 Election Code Rules and Regs (<http://www.cabq.gov/vote/documents/final-election-code-2019.pdf>) and I find that the Complaint meets all required criteria, therefore I am not rejecting the Complaint.

Under the complaint diversion process, the Clerk's Office may attempt to require the Respondent to correct the violation or prevent further violations by informal methods and may enter into a voluntary compliance agreement with the Respondent prior to referring the Complaint to the Board of Ethics and Campaign Practices.

Another option available to the Respondent is settlement. At any time after the filing of a Complaint, the Respondent may offer to settle the Complaint by admitting to the allegations in the Complaint and requesting a settlement conference. If the Respondent makes this request, we will have a settlement conference at the Clerk's office, with the parties in separate rooms, and the Clerk or Deputy Clerk acting as the mediator. If Respondent would like to make this request, please do so as soon as possible.

Any potential settlement agreement would state the sections of the Election Code and/or Rules and Regulations violated, the action taken or to be taken by the Respondent to correct the violation and proposed sanctions, if any, upon Respondent.

If the parties reach a settlement agreement, the Board of Ethics will meet to review and approve or reject a proposed settlement agreement, and, if the Board approves, to issue a Consent Order, which then concludes the case.

Neither party is required to have a lawyer or other representation, but if you wish to have someone represent you that is fine. Please just let me know who that person is so that I can include them in communications.

If the Respondent does not wish to pursue either voluntary compliance or a settlement conference, the Complaint will be referred to the Board of Ethics.

If you have any questions, please contact me as soon as possible.

Sincerely,



Ethan Watson  
Albuquerque Deputy City Clerk

Encl.

Cc: Andrew Schultz, Board of Ethics and Campaign Practices  
John Grisham, Election Auditor

November 19, 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 Timothy Keller, Mayor of Albuquerque, has 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 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;

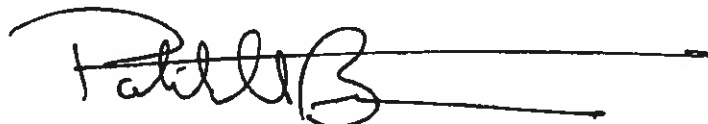
Mayor Timothy Keller used property, owned by any governmental body or funds of any governmental body, for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council.

Mayor Timothy Keller 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 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 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  
Rio Grande Foundation

2019 NOV 22 PM 12:57  
RECEIVED  
MAYORAL CITY CLERK



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Albuquerque, NM 87103  
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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 4301 The 25 Way, Suite B	City Albuquerque	State NM	Zip Code 87109
Daytime Phone Number (include area code) 505-908-9040	Email Address pbrenner@riograndefoundation.org		

2. Respondent's Information			
Last Name Keller	First Name Timothy		
Mailing Address PO Box 1293	City Albuquerque	State NM	Zip Code 87103
Daytime Phone Number (include area code) (505) 768-3000	Email Address unknown		

3. If Respondent is a Candidate, the office or position sought
Timothy Keller, Mayor of the City of Albuquerque

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.

No.

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.

Any charge or charges that a candidate, candidate

SEE ATTACHED LETTER ON  
RHO' GRANDE FOUNDATION STATIONERY

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.

**To date, the inquiry undertaken regarding the alleged violation included acquisition and review of information, documentation, and sources acquired by virtue of publicly accessible vehicles (websites) and through requests made pursuant to the inspection of public records act.**

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.

**Please see attached documentation.**

**Also, quoting the Mayor's statement posted on a city website:**

**"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

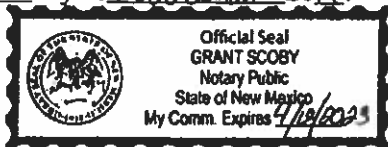
**If, after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the Complaint are supported by evidence, you may certify as follows:**

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

[Handwritten Signature]  
Complainant (Signature)

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

Sworn or affirmed before me, the undersigned authority by Patrick M. Brenner this 19th day of November 2019.



[Handwritten Signature]  
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			
Heart 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>
<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

• New library in the international district  
 • Shade structures and playground equipment for parks  
 • Railyards redevelopment  
 • Improvements to senior centers  
 • Centralized emergency shelter and affordable housing  
 • Police vehicles and equipment for APD and AFR

Other items on the ballot will include public finance changes that focus on accountability to voters and increased transparency and access to local government. These reforms are necessary to bring our city in line with decisions made by the Supreme Court of the United States. A Transit Tax Renewal will also be on the ballot to continue funding maintenance and repair of roads in our city, as well as new bike ways and walking trails. That tax is a renewal, so you will not see an increase in taxes if it is passed.

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/yea](http://cabq.gov/yea).

We'll see you at the polls!  
 Your Mayor  
 Timothy M. Keller

The screenshot shows the City of Albuquerque website. At the top, there is a navigation bar with the city logo and the text 'CITY OF ALBUQUERQUE'. Below this is a main menu with categories like 'Home', 'Mayor', and 'What's at Stake?'. The 'What's at Stake?' link is highlighted.

The main content area features a large, dark image of a person's face, likely related to the election. To the left of the image is a sidebar menu with the following items:

- > One Albuquerque
- > Community Engagement
- > Contact Us
- > News Releases
- > Newsletters
- > About Mayor Timothy M. Keller and First Lady Elizabeth J. Kestib
- > Media
- > Crime Strategy
- > Mayor's Youth Advisory Council
- > One Albuquerque Award
- > Signup
- > WHAT'S AT STAKE

The main article is titled 'What's at Stake?' and has a sub-headline 'Albuquerque Votes November 5, 2019'. Below the image, there is a small window with the text 'Screenshot • New' and 'Screenshot taken from the browser'. At the bottom of the page, there is a footer with the text 'COPY TO clipboard' and 'ADDITIONAL LINKS'.

