



CASE # 2017-3

# Complaint Form

(Please print or type)  
(Additional pages may be added)

City of Santa Fe  
Ethics & Campaign Review Board

Date: 3/27/17

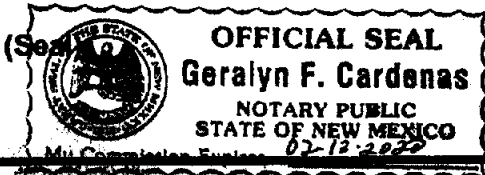
1. Name of person and/or group charged with alleged violation. BETTER WAY FOR SANTO FE O PAE-K
2. Please explain briefly the nature of the alleged violation. FAILURE TO IDENTIFY DONORS WHO DO NOT HAVE TO DISCLOSE THEIR DONORS / FAILURE TO LABEL CAMPAIGN MATERIALS FROM SUCH DONORS
3. Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. SECC 9-2.12(6) & 9-2.4(B)
4. Please state the facts you have regarding the violations, including:  
 the date(s) 3/23/17 + ASSORTED DISTRIBUTION DATES  
 the time(s) \_\_\_\_\_  
 the place(s) \_\_\_\_\_  
 people involved \_\_\_\_\_  
 other facts \_\_\_\_\_
5. Are there any witnesses to the violation who are willing to confirm your charge? Please list with addresses, phone numbers and what they know. \_\_\_\_\_
6. Attach documentation of actual evidence you have to support your complaint, to this form.
7. What is your name? KAREN HELMMEYER
8. Address? 325 E BERGER ST Zip Code 82505
9. Telephone Number? 982-3948 Work: \_\_\_\_\_
10. Email Address? KHELD@EARTHLINK.NET

Received on: March 27 20 17

By: Geralyn F. Cardenas  
City Clerk's Office

To the best of my knowledge, the above statements are true and complete.

Signature

Subscribed and sworn to before me this 27thday of March 20 17

Notary Public

March 27, 2017

Ethics and Campaign Review Board  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504  
[hand delivered]

CITY CLERK'S OFFICE

DATE 3/27/17 TIME 9:45 am

SERVED BY [Signature]

RECEIVED BY [Signature]

After viewing the campaign finance reports submitted by both Pre-K for Santa Fe and Better Way for Santa Fe & Pre-K, I noticed that both groups are deficient in their filings and I am filing an ECRB complaint against both groups.

The last time the Campaign Code was amended, there was a great deal of discussion about how to insure that the identities of all donors to campaigns were made public.

A number of different methods of doing this were discussed, but in the end, a compromise was reached for cases where the names of donors would not be public information or be difficult to obtain.

SFCC § 9-2.12(B) states: A candidate or political committee that receives contributions from another entity that does not have to disclose its contributors to the city clerk, shall indicate as such on the campaign finance statement submitted to the city clerk pursuant to existing reporting requirements. On form CC103A, there is a box next to each business contributor that is to be checked if contributor disclosure is not required.

On this form, both Pre-K for Santa Fe and Better Way for Santa Fe & Pre-K list donors who would appear to fall into this category. Pre-K for Santa Fe lists Organizing in the Land of Enchantment, a 501(c)(04) organization, and National Education Association, a union which is a 501(c)(05). Better Way for Santa Fe & Pre-K lists the American Beverage Association, a trade association which is a 501(c)(06). However, the "contributor disclosure not required" box is not checked next to any of these entities.

When SFCC § 9-2.12(B) was adopted, these were exactly the type of organizations that were supposed to be forthcoming about their lack of donor transparency. This alone would appear to be a violation of the code.

However, there is another reason that the lack of checkmark in the nondisclosure box is concerning.

SFCC § 9-2.6 (B) states: Any person or entity that has to file under this subsection and receives contributions from another entity that does not have to disclose its contributors to the city clerk, shall place the following visible disclosure on its campaign materials: "This campaign material is supported in part by donations from an organization that is not required to disclose its contributors to the Santa Fe city clerk".

I have received multiple mailings, and one hand-delivered flier, from both these political committees. This disclaimer was not on any of them.

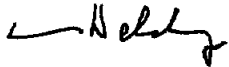
I am attaching copies of one mailer and one flier I received from Pre-K for Santa Fe that lack this disclaimer. I did not keep copies of other material I received from Pre-K for Santa

Fe or from Better Way for Santa Fe & Pre-K as I did not realize until the campaign finance statements were filed last Thursday that this was going to be an issue. However, the nondisclosure disclaimer was not on any of this literature. And since the bulk of the funds for both these groups (in the case of Better Way for Santa Fe & Pre-K, all monetary contributions) come from entities that are not subject to disclosure of their donors, I think it is safe to say that the campaign material that has come out so far from both political committees "is supported in part by donations from an organization that is not required to disclose its contributors to the Santa Fe city clerk".

I understand that this section of the Campaign Code is relatively new, but all the more reason for the Ethics and Campaign Review Board to examine all campaigning that is occurring for this special election and require all entities covered by the Campaign Code to adhere to the letter of the law.

I would also suggest that the ECRB work with the political committees and with the City Clerk to make sure that the reporting requirements are clear and that the forms the city is using are consistent with the law. As an example, I would suggest that the "contributor disclosure not required" box also be placed on Form CC105A, in-kind contributions. There are some very large in-kind donations for both these political committees and, while in this case most come from the entities named above, that may not always be so.

The city is facing a city election in March, 218, and I see this special election as a test run for the current Campaign Code, so let's get all bugs worked out before next spring.



Karen Heldmeyer



# City of Santa Fe



## CAMPAIGN FINANCE STATEMENT SUMMARY CUMULATIVE TOTALS TO DATE CONTRIBUTIONS, EXPENDITURES, LOANS AND IN-KIND CONTRIBUTIONS

Name of Political Committee Better Way for Santa Fe & Pre-K

Mailing Address P.O. Box 31731 Ballot Proposition Sugar-Sweetened Beverage Tax  
Santa Fe, NM 87594

Email Address \_\_\_\_\_ Phone No. 505-819-3276

REPORTING PERIOD 2/1/2017 TO 3/22/2017

CUMULATIVE TOTAL OF  
IN-KIND CONTRIBUTIONS TO DATE (OTHER THAN MONEY) \$217,348.72

### CUMULATIVE TOTALS TO DATE:

CONTRIBUTIONS \$100,000.00

LOAN(S) \$0.00

INTEREST EARNED \$0.00

GRAND TOTAL  
TO DATE \$100,000.00

### CUMULATIVE TOTALS TO DATE:

EXPENDITURES \$95,564.89

CASH ON HAND \$4,435.11

GRAND TOTAL  
TO DATE \$100,000.00

# City of Santa Fe

## CAMPAIGN FINANCE STATEMENT SUMMARY CONTRIBUTIONS, EXPENDITURES, LOANS AND IN-KIND CONTRIBUTIONS

Name of Political Committee Better Way for Santa Fe & Pre-K

Ballot Proposition Sugar-Sweetened Beverage Tax

REPORTING PERIOD 2/1/2017 TO 3/22/2017

### THIS REPORTING PERIOD

Total Individual Contributions	<u>\$0.00</u>
Total Business Contributions	<u>\$100,000.00</u>
Total In-Kind Contributions (Other than Money)	<u>\$217,348.72</u>
Total Loans	<u>\$0.00</u>
Total Interest Earned	<u>\$0.00</u>
Total Expenditures	<u>\$95,564.89</u>

**CAMPAIGN FINANCE STATEMENT / CONTRIBUTIONS BY INDIVIDUALS**  
(See Definition of Individual Contributor at §9-2.3(J)(1) SFCC 1987)

**CAMPAIGN FINANCE STATEMENT / CONTRIBUTIONS BY BUSINESSES**

**(See Definition of Business Contributor at §9-2.3(J)(2) SFCC 1987)**

<b>Name of Political Committee</b>	<b>Better Way for Santa Fe &amp; Pre-K</b>
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**Ballot Proposition      Sugar-Sweetened Beverage Tax**

**Reporting Period** 2/1/2017 **TO** 3/22/2017

**Total of Contributions this Reporting Period:** \$100,000.00

<b>Cumulative Total of Contributions to Date (Including this Report):</b>	<b>\$100,000.00</b>
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(ATTACH ADDITIONAL PAGES AS NEEDED)

**Page Total \$100,000.00**

Page 1 of 1

# City of Santa Fe

## CAMPAIGN FINANCE STATEMENT / LOANS

Name of Political Committee Better Way for Santa Fe & Pre-K

Ballot Proposition Sugar-Sweetened Beverage Tax

Reporting Period 2/1/2017 TO 3/22/2017

Total of Loans this Reporting Period: \$0.00

Cumulative Total of Loans to Date: \$0.00

Cumulative Total of Loan(s) Remaining Unpaid to Date: \$0.00

Total of Interest Earned this Reporting Period: \$0.00

Cumulative Total of Interest Earned to Date: \$0.00

Lender (Name and Address )	Amount of Loan	Date of Loan	Interest Rate

Total \$0.00

Total

If any of the above loans have been forgiven or paid by a third person, please indicate below:

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Report separately below investments made with campaign funds and interest, dividends and/o income earned (Include Date and Amount):

Date	Amount	Description

Total \$0.00

# City of Santa Fe

## CAMPAIGN FINANCE STATEMENT / IN-KIND CONTRIBUTIONS

Name of Political Committee Better Way for Santa Fe & Pre-K

Ballot Proposition Sugar-Sweetened Beverage Tax

Reporting Period 2/1/2017 TO 3/22/2017

Total of In-Kind Contributions this Reporting Period: \$217,348.72

Cumulative Total of In-Kind Contributions to Date (Including this Report): \$217,348.72

List any goods, materials, services, facilities or anything of value (other than money) which has been contributed and the monetary value. For in-kind contributions from Individuals, list the name, home address, occupation and name of employer. For in-kind contributions from Businesses, list the name, type of business and physical address.

Date Received	Contributor Information	Contribution Description	Value	Contributor Total
02/10/17	Coca-Cola Bottling of Santa Fe Inc., Soft Drink Distribution Company 660 W. San Mateo Road Santa Fe, NM 87505	Signs	\$2,560.00	\$2,560.00
02/10/17	Coca-Cola Bottling of Santa Fe Inc., Soft Drink Distribution Company 660 W. San Mateo Road Santa Fe, NM 87505	Flyers	\$220.00	\$220.00
02/17/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Consulting	\$5,415.63	\$5,415.63
02/28/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Print, Radio and Media	\$96,451.55	\$96,451.55
02/28/17	Coca-Cola Bottling of Santa Fe Inc., Soft Drink Distribution Company 660 W. San Mateo Road Santa Fe, NM 87505	Legal Fees	\$3,025.00	\$3,025.00
02/28/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Legal Fees	\$4,070.00	\$4,070.00
03/01/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Direct Mail Piece	\$42,880.00	\$42,880.00
03/03/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Consulting	\$4,500.00	\$4,500.00
03/21/17	Coca-Cola Bottling of Santa Fe Inc., Soft Drink Distribution Company 660 W. San Mateo Road Santa Fe, NM 87505	Employee Time and Meals	\$38,410.92	\$38,410.92
03/22/17	American Beverage Association, Trade Association 1275 Pennsylvania Avenue NW., Suite 1100 Washington, D.C. 20004	Employee Time and Meals	\$1,318.62	\$1,318.62
(ATTACH ADDITIONAL PAGES AS NEEDED)			Page Total	<u>\$198,851.72</u>

**CAMPAIGN FINANCE STATEMENT / IN-KIND CONTRIBUTIONS**  
**(Continued)**

**\$18,497.00**

# City of Santa Fe

## CAMPAIGN FINANCE STATEMENT / EXPENDITURES

Name of Political Committee Better Way for Santa Fe & Pre-K

Ballot Proposition Sugar-Sweetened Beverage Tax

Reporting Period 2/1/2017 TO 3/22/2017

Total of Expenditures this Reporting Period: \$95,564.89

Cumulative Total of Expenditures to Date (Including this Report): \$0.00

Date Expended	Name of Individual or Business and Mailing Address Purpose of Expenditure	Method of Payment	Amount
03/09/17	Wells Fargo Bank	EFT	\$15.00
	420 Montgomery, San Francisco, CA 94104		
	Bank fee		
03/20/17	Waterfront Strategies	Check	\$21,025.95
	3050 K Street, Suite 100, Washington, D.C. 20007		
	Media/ Production		
03/21/17	Dewey Square Group	Check	\$37,554.66
	607 14th Street NW, Suite 500, Washington, D.C. 20005		
	Phone Bank, Consulting, Transportation and Lodging		
03/22/17	Blue Sky Media	Check	\$2,972.36
	1054 31st Street, NW #430, Washington, D.C. 20007		
	Print Ads		
03/22/17	Rodriguez Strategies	Check	\$20,687.73
	12121 Wilshire Blvd, Suite 1260, Los Angeles, CA 90025		
	Canvassing		
03/22/17	Rodriguez Strategies	Check	\$7,979.19
	12121 Wilshire Blvd, Suite 1260, Los Angeles, CA 90025		
	Canvassing		
03/22/17	New Partners Teleservices	Check	\$4,560.00
	P.O. Box 5021, ST Cloud, MN 56302		
	Phone Banks		
03/22/17	New Partners Teleservices	Check	\$770.00
	P.O. Box 5021, ST Cloud, MN 56302		
	Phone Banks		

(ATTACH ADDITIONAL PAGES AS REQUIRED)

Page Total \$95,564.89

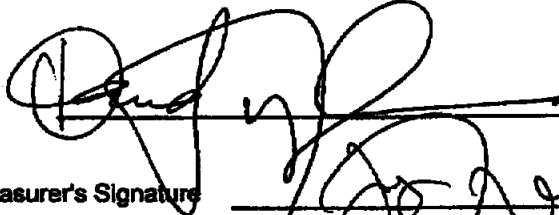


# City of Santa Fe

## CAMPAIGN FINANCE STATEMENT CERTIFICATION

This Campaign Statement has been prepared with all reasonable diligence and is true and complete in accordance with §9-2 SFCC 1987.

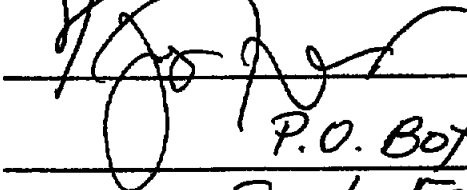
Officer's Signature



Date

3-23-17

Treasurer's/Deputy Treasurer's Signature



Date

3-23-17

Treasurer's/Deputy Treasurer's Address

P.O. Box 31731  
Santa Fe, NM 87594

Subscribed to and sworn before me this

23<sup>rd</sup>

day of March

2017



OFFICIAL SEAL  
Geraldyn F. Cardenas  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 05-18-2020



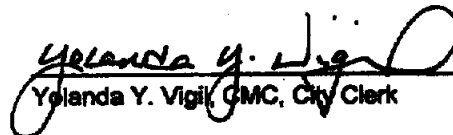
Notary Public

My Commission Expires:

February 13, 2020

Received in the Office of the City Clerk at 2:31 (AM/PM) on the 23<sup>rd</sup> day of March, 2017.

(SEAL)



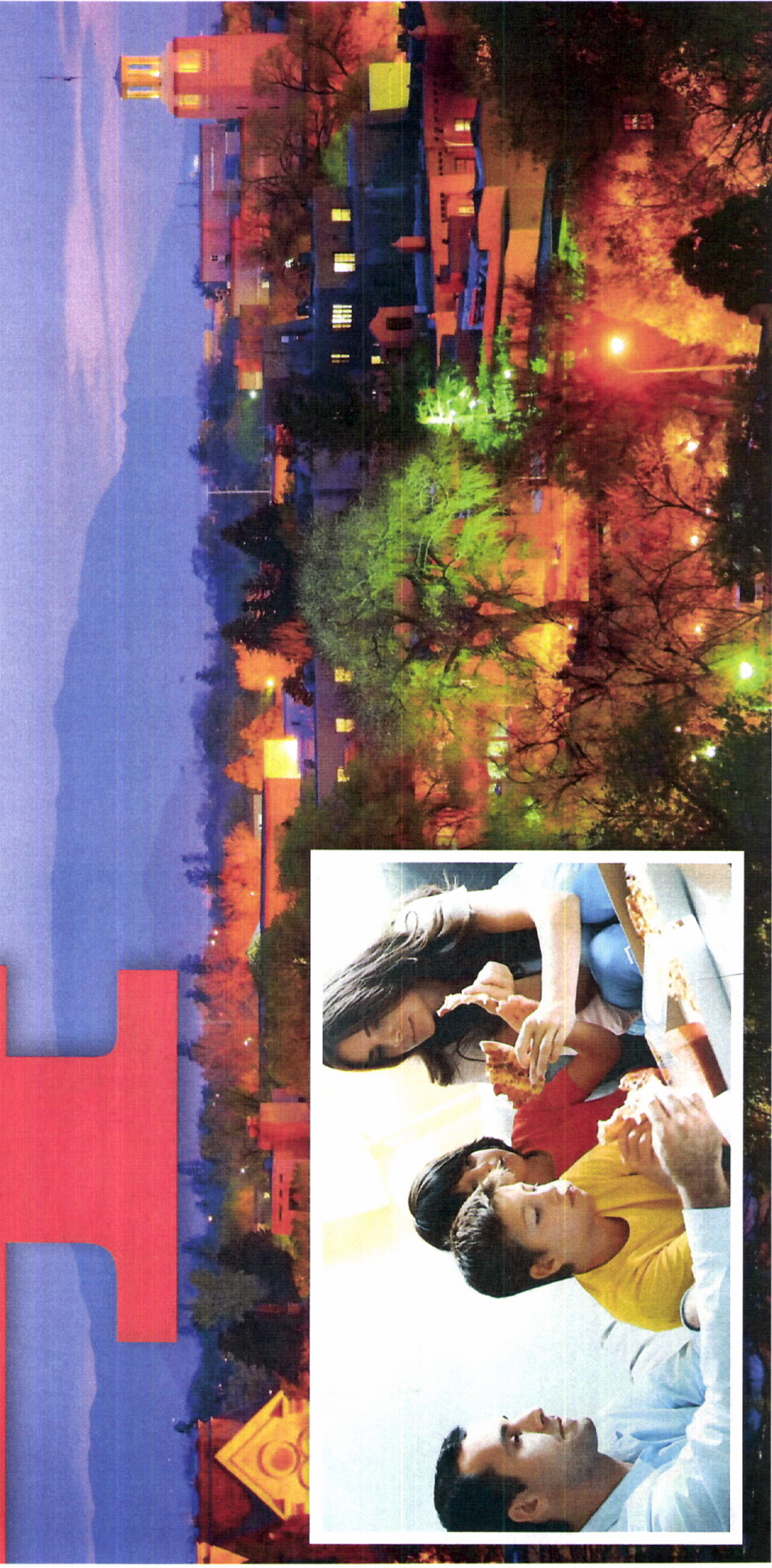
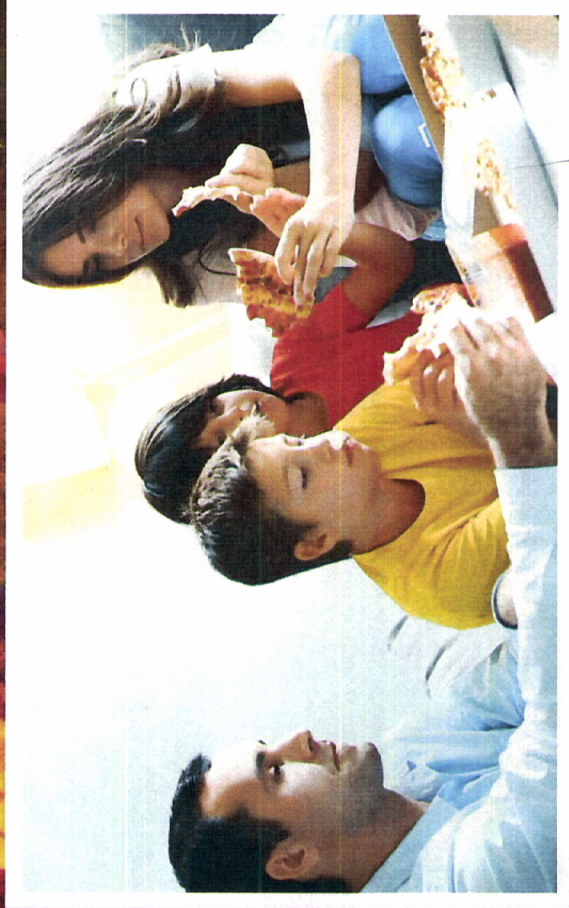
Yolanda Y. Vigil, GMC, City Clerk

\* A candidate or political committee that receives contributions from another entity that does not have to disclose its contributors to the City Clerk, shall indicate as such on the campaign finance statement submitted to the City Clerk pursuant to existing reporting requirements. (§9-2.12(B) (Form CC103A & CC103B))

- The term "contribution" does not include a volunteer's personal services provided without compensation or the travel or personal expenses of such a campaign worker. (§9-2.3(1)(2) SFCC 1987)
- The City Clerk is authorized to reject any incomplete campaign finance statements. (§9-2.10(E) SFCC 1987)
- The City Clerk shall assess a fine of one hundred dollars (\$100) for unexcused late filing of campaign finance statements. (§9-2.10(G) SFCC 1987)



# Reasons Why A Tax On Beverages Is Wrong For Santa Fe





# 4 Reasons Why A Tax Is Wrong For Santa Fe

*Santa Fe City officials are considering a tax on supports Pre-K, a beverage tax will hurt families*



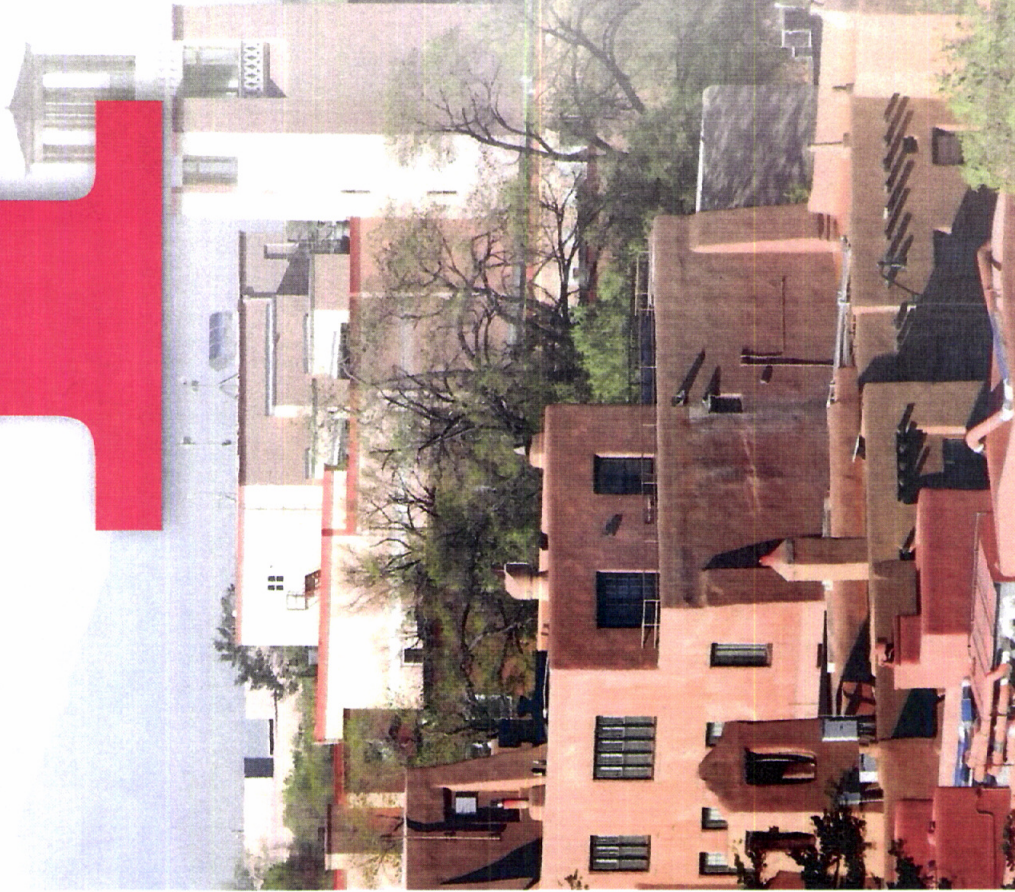
## 1 Would Hurt Families

A tax on beverages will hurt middle-class and low-income families. The facts are that these families would pay for the bulk of this tax despite being least capable of paying for it.



## 2 Santa Fe Currently Enjoys A Budget Surplus

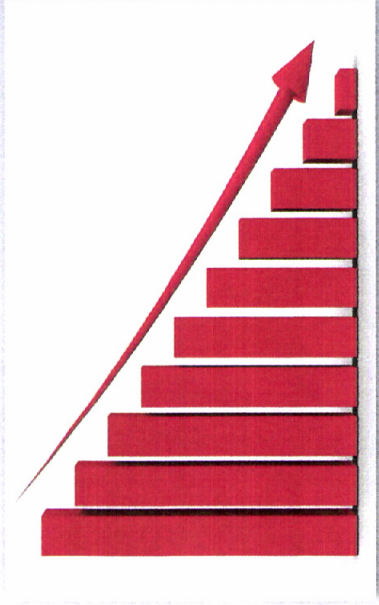
The City recently announced a nearly surplus in its annual budget. This surplus be used to invest in early childhood education instead of raising taxes on working families and small businesses.





# Tax On Beverages ta Fe Families

*verages to help fund Pre-K programs. While everyone  
and won't be a dependable way to fund Pre-K.*



## 3 Targets Small Businesses

This tax burdens local restaurants, grocery stores, movie theaters, and more. In other cities, customers are leaving city limits in droves and shopping elsewhere, and businesses are witnessing a decline in sales of more than 40%.

## 4 Not A Dependable Source Of Revenue

A tax on beverages is not a dependable source of revenue for Santa Fe. When tax revenues dip due to declining business and lost wages, the program will face cuts or other taxes will have to be raised.

**E-MAIL OR CALL THE  
CITY COUNCIL TODAY  
TELL THEM YOU OPPOSE A  
TAX ON BEVERAGES....**

### DISTRICT 1

Renee Villarreal  
(505) 955-2345  
rdvillarreal@santafenm.gov  
Signe I. Lindell  
(505) 955-6812  
silindell@santafenm.gov

### DISTRICT 2

Joseph Maestas  
(505) 955-6815  
jmaestas@santafenm.gov  
Peter Ives  
(505) 955-6816  
pnives@santafenm.gov

### DISTRICT 3

Carmichael Dominguez  
(505) 955-6814  
cadominguez@santafenm.gov  
Chris Rivera  
(505) 955-6818  
cmrivera@santafenm.gov

### DISTRICT 4

Ron Trujillo  
(505) 955-6811  
rstrujillo@santafenm.gov  
Michael Harris  
(505) 955-6817  
maharris@santafenm.gov

For more information: [www.betterwaysantafe.com](http://www.betterwaysantafe.com)





**BETTER WAY**  
FOR SANTA FE & PRE-K

P.O. Box 31731

Santa Fe, NM 87594



14323\*\* T24 P3 \*\*\*\*\*AUTO\*\*\*5-DIGIT 87505



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FIRST CLASS  
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PAID  
DPMS

Brought to you by Better Way for Santa Fe & Pre-K, David Huynh, 505-819-3276.

*Inside:*

# Reasons Why A Tax On Beverages Is Wrong For Santa Fe