



# Complaint Form

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

City of Santa Fe  
Ethics & Campaign Review Board

Date: 4/7/2017

1. Name of person and/or group charged with alleged violation. Rio Grande Foundation, Paul Gessing, President

2. Please explain briefly the nature of the alleged violation. Failure to comply with City Ordinances regarding campaigning and elections as per Asst City Attorney Zachery Shaulter

3. Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. Chapter IX Election and Political Campaign Codes specifically with regard to 9-2 and 9-3 of City Code

4. Please state the facts you have regarding the violations, including:  
the date(s) 4/3/17 to the present  
the time(s) all times therein  
the place(s) Santa Fe  
people involved Rio Grande Fdn & Paul Gessing and others  
other facts not known to me.

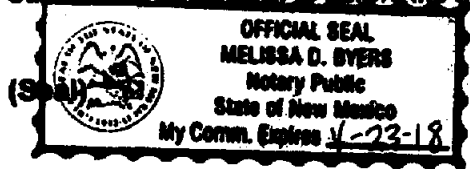
5. Are there any witnesses to the violation who are willing to confirm your charge? Please list with addresses, phone numbers and what they know. Mr. Gessing was quoted in the New Mexican as refusing to comply with the election laws of Santa Fe. Daniel Chacon, secretary in New Mexican

6. Attach documentation of actual evidence you have to support your complaint, to this form.  
7. What is your name? Edward T. Sten  
8. Address? 3172 Plaza Blanca Zip Code 87507  
9. Telephone Number? 312560-1686 Work: Retired  
10. Email Address? eststen-cvfw.com@gmail.com

Received on: April 7 20 17  
By: Melissa D. Byers  
City Clerk's Office

To the best of my knowledge, the above statements are true and complete.  
John D. Sten  
Signature

Subscribed and sworn to before me this 7th day of April 20 17



Melissa D. Byers  
Notary Public

AMENDMENT TO  
Complaint Form

CASE # 2017-4A

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

DATED 4/7/17

Date: 4/13/17

City of Santa Fe  
Ethics & Campaign Review Board

- Name of person and/or group charged with alleged violation. Bio Grande Foundation, aka NoWay Santa Fe + Paul Gessing President
- Please explain briefly the nature of the alleged violation. The charged parties & parties have continued to violate Santa Fe's Election Code by trying to influence the Nov 2 election without filing the proper papers
- Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. Chapter IX Election and Political Campaign Codes specifically with regards to 9-2 and 9-31 of City Code
- Please state the facts you have regarding the violations, including:  
 the date(s) 4/13/17 and continuous  
 the time(s) all times during  
 the place(s) Santa Fe  
 people involved Bio Grande NoWay Santa Fe, Loren + Paul Gessing  
 other facts Attached is NoWay... reference to Bio Grande and Foundation as a project. No reference in the You-Tube Ad-see attached
- Are there any witnesses to the violation who are willing to confirm your charge? Please list with addresses, phone numbers and what they know. YES. Everyone who has seen the You-Tube Campaign Ad
- Attach documentation of actual evidence you have to support your complaint, to this form.
- What is your name? Edward T. Steim
- Address? 3172 Plaza Blanca Zip Code 87507
- Telephone Number? 310 540 1986 Work: Retired
- Email Address? etsteim.culw.com @ gmail.com

Received on: April 13 2017  
By: Yolande G. W. [Signature]  
City Clerk's Office

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

Subscribed and sworn to before me this 13<sup>th</sup> day of April 20 17

(Seal)

Yolande G. W. [Signature]  
Notary Public

No Way Santa Fe is a project of the Rio Grande Foundation. Contact us at Info@RioGrandeFoundation.org or (505) 264-6090.



edward t stein <etstein.crfw.com@gmail.com>

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**Fwd: New from the Rio Grande Foundation**

1 message

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**Morty Simon** <simon@santafe-newmexico.com>  
To: Ted Stein <etstein.crfw.com@gmail.com>

Thu, Apr 13, 2017 at 12:27 PM

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Sandra Wechsler <sandrawechsler@gmail.com>  
Date: 4/13/17 12:10 PM (GMT-07:00)  
To: Carol and Morty <simon@santafe-newmexico.com>  
Subject: Fwd: New from the Rio Grande Foundation

note that there is no disclaimer on this video, but it is the rio grande foundation's project playing in the election

<https://m.youtube.com/watch?v=PLxWJwxuQqo>

### **Affidavit of Glenn Silber**

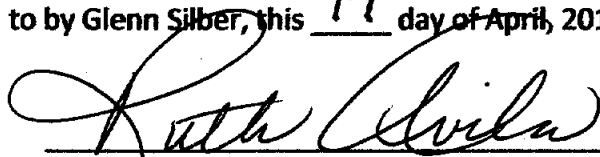
I, Glenn Silber, being duly sworn, depose and state as follows:

1. I am an Academy Award-Nominated documentary filmmaker and long-time network TV news producer who has produced more than 80 prime-time newsmagazine stories for various CBS News and ABC News broadcasts, as well as several independent feature documentaries.
2. I was twice nominated for an Academy Award for Best Feature Documentary.
3. I received two National Emmy Awards, the George Polk Award for National TV Reporting, the Columbia-DuPont Silver Baton, the IRE (Investigative Reporters & Editors) Award; a Writers Guild Award, and dozens of other awards, nominations and citations for my work as an independent Producer/Director and network TV newsmagazine producer.
4. My recent documentary, "A Death in St. Augustine" for *Frontline*, in partnership with the *New York Times*, was nominated in 2014 for an Emmy for Best Investigative Reporting, Long Form.
5. In June, 2016, I was Senior Producer & Writer for "Adnan Syed: Innocent or Guilty?" one hour special for the Investigation Discovery Channel (I.D.).
6. I was a Directing Fellow at the American Film Institute's Center for Advanced Film Studies; was the recipient of the John Simon Guggenheim Fellowship for Filmmaking; a founding board member of the Independent Feature Project (IFP); a co-founder of First Run Features, a film distribution company.
7. I am a member of the Academy of Motion Picture Arts & Sciences (Documentary Branch).
8. I looked at the website "No Way, Santa Fe." I also viewed the one-minute video "No Way, Santa Fe," which is a fairly well done, but simple political persuasion ad.
9. The ad does not feature any live action video.
10. Rather, it relies entirely on graphics and animation, to visually illustrate the voice over narration that makes several claims about the impact of the soda tax if implemented in Santa Fe, as well as making claims about the Philadelphia soda tax.
11. From a production standpoint, putting together the video "No Way Santa Fe" would require an experienced writer, producer/director, graphic artist and editor.

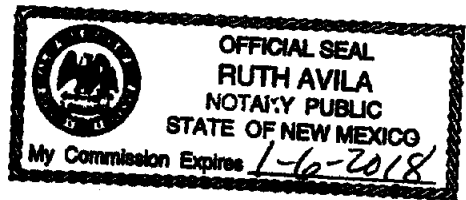
- 12. My opinion is that if the producers already had an approved script for the video "No Way, Santa Fe" in hand, which would take the writer at least one day, the director and the video editor/graphic artist could produce the one-minute video in 3-4 days additional.
- 13. If these professionals were getting paid standard rates — and this was produced by professionals, including renting an editing system, adding the music and refining the graphics — I would estimate the cost for producing the "No Way, Santa Fe" video would cost an absolute minimum of three thousand dollars (\$3,000.00), and possibly two or three times that amount.
- 14. I base this on my general knowledge of writing, editing, graphics and related producing and directing videos for a wide range of network, and independent clients.
- 15. This does not include the cost of designing and setting up the website "No Way, Santa Fe," which is also well done and would cost an additional amount of money.
- 16. I also consulted my video editor in Brooklyn after he watched the video "No Way, Santa Fe".
- 17. He said the technique or editing tool they used in the video to create motion was probably "After Effects" animation.
- 18. He agreed with my assessment of the cost.

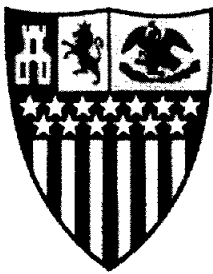
  
 \_\_\_\_\_  
 Glenn Silber

SUBSCRIBED AND SWORN to by Glenn Silber, this 17 day of April, 2017.

  
 \_\_\_\_\_  
 NOTARY PUBLIC

My commission expires:  
1-6-2018





# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

[www.santafenm.gov](http://www.santafenm.gov)

*Javier M. Gonzales, Mayor*

Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1

Renee Villarreal, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Mike Harris, Dist. 4

April 20, 2017

Paul Gessing  
Rio Grande Foundation  
P.O. Box 40336  
Albuquerque, N.M., 87196

by letter and email [pgessing@riograndefoundation.org](mailto:pgessing@riograndefoundation.org)

Re: City Campaign Code Section 9-2: Complaint #2017-4/4A

Dear Mr. Gessing:

On April 19, 2017, Mr. Edward Stein presented Complaint #2017-4/4A (enclosed) to the City's Ethics and Campaign Review Board, which alleges that the Rio Grande Foundation failed to file a campaign report on April 7, 2017. Mr. Stein presented an affidavit from Mr. Glenn Silber (enclosed) regarding the potential cost of the video found on the webpage "No Way, Santa Fe." The Board viewed the video. The Board also reviewed your April 7 and 14, 2017 letters. Based on City Code Section 6-16.4, the Board voted that Mr. Stein's complaint set forth "legally sufficient facts which, if true, show probable to believe that there was a violation" of the City Campaign Code. The Board has set a hearing on this matter on **MONDAY, APRIL 24, 2017 at 3:00 P.M.** at the City Council Chambers. This hearing will include opening statements, witnesses, and submittal of written documents (rules enclosed) The Board anticipates that your organization has been working on this matter (i.e. your April 14 letter stated you were working on providing an additional letter today) and will be prepared to explain your organization's position. If you have any documents (i.e. exhibits, receipts, witness lists) you may bring them to the hearing but please provide at least 10 copies. At the conclusion of the hearing, the Board may vote on the matter and may dismiss the complaint or announce monetary sanctions. This hearing date is significant because the next filing date is Tuesday, April 25, 2017. Absent hearing otherwise from your organization, we will see you on Monday.

Sincerely,  
  
Zachary Shandler  
Assistant City Attorney

Enclosures

Cc: Edward Stein



ITEM # 2-a



**Rio Grande Foundation**

*Liberty, Opportunity, Prosperity  
New Mexico*

**Via E-Mail**

Zachary Shandler  
Assistant City Attorney  
City of Santa Fe  
200 Lincoln Avenue  
PO Box 909  
Santa Fe, NM 87504-0909

**Re: April 6, 2017 Letter Concerning City Campaign Code Section 9-2**

Dear Mr. Shandler:

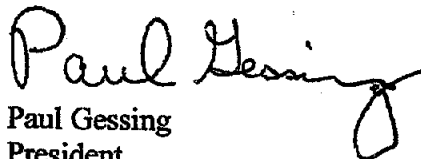
In my April 7 letter, I told you I would send a follow up on April 14 to report the results of my investigation into whether the Rio Grande Foundation has triggered the provisions of the ordinance. This is the promised follow-up letter.

As of now, my research indicates that we have not engaged in any conduct or spending that require disclosure under the ordinance.

We were planning to engage in public communications that would have triggered your reporting requirements and would have done so but for the ordinance. Requiring 501c3 nonprofits to disclose their donors is a major burden and, accordingly, we are choosing not to speak rather than expose the privacy of our donors, including exposing them to potential harassment.

As you know, the Foundation must respond to your April 10 complaint by April 20. We will file an additional response at that time, and will amend our conclusions accordingly if needed.

Thank you,

  
Paul Gessing  
President



**Via U.S. Mail and E-Mail**

Zachary Shandler  
Assistant City Attorney  
City of Santa Fe  
200 Lincoln Avenue  
PO Box 909  
Santa Fe, NM 87504-0909

**Re: April 6, 2017 Letter Concerning City Campaign Code Section 9-2**

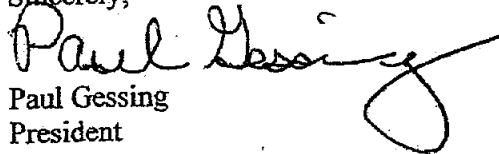
Dear Mr. Shandler:

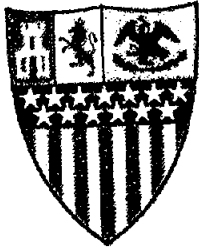
I have received a letter from your office to the Rio Grande Foundation, dated April 6, 2017. Thank you for writing me concerning our potential reporting obligations under Santa Fe's campaign finance ordinance.

We take our reporting obligations seriously and wish to comply as required by law. This is a complicated area, so we are carefully reviewing our records to determine whether we have crossed the reporting threshold of section 9-2.6. After our initial review, we do not believe that we have. However, if during the course of our review we learn that we have crossed the threshold, we will immediately comply with all of our reporting obligations. We expect to complete our review by April 14, 2017.

Please do not hesitate to contact me with any questions.

Sincerely,

  
Paul Gessing  
President



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Javier M. Gonzalez, Mayor*

**Councilors:**

Signe I. Lindell, Mayor Pro Tem, Dist. 1  
Renee Villarreal, Dist. 1  
Peter N. Ives, Dist. 2  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Mike Harris, Dist. 4

April 6, 2017

Paul Gessing  
Rio Grande Foundation  
P.O. Box 40336  
Albuquerque, N.M., 87196

by letter and email [pgessing@riograndefoundation.org](mailto:pgessing@riograndefoundation.org)

Re: City Campaign Code Section 9-2

Dear Mr. Gessing:

In 2015, the City Council adopted changes to the City Campaign Code, Section 9-2.6 ("Independently Sponsored Campaign Communications and Reporting"). I have enclosed a copy for your review. Based on information in your press release, it appears your organization has spent more than \$250, on broadcast advertisements referring to a ballot proposition, which have reached more than 100 eligible voters. If so, your organization must file a campaign finance statement. The next reporting date is Friday, April 7, 2017. Please contact the City Clerk's office immediately to obtain the CD disk needed to file the campaign finance statement. If you disagree, please contact the City Clerk's office immediately **in writing** to explain why you believe your organization is exempt from Section 9-2.6.

Sincerely,

Zachary Shandler  
Assistant City Attorney

Enclosure

Cc: Yolanda Vigil, City Clerk