

CITY OF SANTA FE ETHICS & CAMPAIGN REVIEW BOARD

IN THE MATTER OF: COMPLAINT
AGAINST PRE-K FOR SANTA FE

Respondent.

CASE #2017-1A/1B

ORDER OF PUBLIC REPRIMAND

THIS MATTER came before the City of Santa Fe’s Ethics & Campaign Review Board (“Board”) pursuant to a complaint filed by Ms. Karen Heldmeyer, and as the Board being fully advised in the premises, issued an Order of Public Reprimand for the following reasons:

Procedural Findings of Fact:

1. Pre-K for Santa Fe is a political committee participating in the May 2017 special election.
2. On March 22, 2017, Ms. Karen Heldmeyer filed a complaint with the City Clerk’s Office against an anonymous party for distribution of fliers, which re-printed an editorial from the Santa Fe New Mexican, without identifying who had distributed the fliers. (Complaint 2017-1A).
3. The complaint alleged violations of SFCC 1987, Section 9-2.5(B), (D).
4. Ms. Heldmeyer subsequently learned that Respondent was responsible for the distribution of the fliers.
5. On March 23, 2017, Ms. Karen Heldmeyer filed an amended complaint with the City Clerk’s Office to name Respondent in the complaint. (Complaint 2017-1B).
6. On April 3, 2017, Pre-K for Santa Fe submitted “Response of Pre-K for Santa Fe Political Committee.”
7. On April 4, 2017, the Board held a hearing to determine the “legal sufficiency” of the complaint under SFCC 1987, Section 6-16.4.

8. On April 4, 2017, the Board heard testimony from Ms. Heldmeyer, Respondent and the public.
9. On April 4, 2017, the Board voted to schedule a hearing on the merits for April 19, 2017.
10. On April 10, 2017, Respondent submitted “Waiver [of Hearing] of Pre-K for Santa Fe Political Committee.”
11. On April 19, 2017, the Board heard testimony from Ms. Heldmeyer, Respondent and the public.
12. On April 19, 2017, the Board announced its oral decision.

Substantive Findings of Fact:

13. The Complaint and amendment (“Complaint”) alleged that Pre-K for Santa Fe distributed a flier without printing a tag line with the organization’s identifying information as required under SFCC 1987, Section 9-2.5.
14. On April 3, 2017, Respondent provided written defenses to the Code requirements.
15. On April 4, 2017, Respondent’s representative orally testified to the Board that “leaving out the disclosure on the Santa Fe New Mexican editorial was his mistake.” (Board minutes, p. 3 (Apr. 3, 2017)).
16. Respondent’s representative testified that it distributed approximately 200 copies prior to realizing the error.
17. Respondent’s representative testified “[w]hen informed he immediately destroyed the copies and Pre-K reprinted with the disclosure.” (Board minutes, p. 3 (Apr. 3, 2017)).
18. On April 10, 2017, Respondent submitted a “Waiver [of Hearing]” document, which stated: “Once the Committee learned that it had inadvertently omitted the disclaimer from the newspaper editorial, the Committee immediately remedied the error.”

19. It stated: “In the interest of efficiency, and to avoid a waste of the Board’s resources, the Committee will accept the determination of the Board....”

Conclusions of Law

1. The Board has jurisdiction to “enforce the provisions of the ...Campaign Code (Section 9-2 SFCC 1987)....” SFCC 6-16.2(A).
2. SFCC 1987, Section 6-16-4(A) sets four separate elements to review to determine whether a complaint is legally sufficient or whether it should be dismissed.
3. SFCC 1987, Section 6-16.4(A)(4) states “[u]pon receipt of the complaint, the board shall determine the following...[i]f the board lacks jurisdiction to adjudicate the complaint.
4. Based on Findings of Fact #1-5, the Board has jurisdiction over Respondent.
5. The Board finds that redistributing a previously published editorial in these circumstances does not fall within the press exception to the definition of campaign materials in Section 9-2.3(E).
6. Based on Findings of Fact #14-17, Respondent admitted to conduct that violated SFCC 1987, Section 9-2.3E.
7. This conduct is subject to sanctions under SFCC 1987, Section 6-16.7
8. Based on Findings of Fact #14-17, Respondent stated it corrected its violation in an expedited manner.
9. The Board has given weight to Respondent’s admission and expedited corrective actions as part of its analysis of the appropriate level of sanction(s).

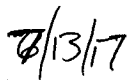
ORDER

1. A Public Reprimand issued against Pre-K for Santa Fe for its violation under SFCC 1987, Section 6-16.7(B)(1).

- a. Those voting in favor: Members Amer, Lujan, McMillan, Martinez, Miller.
- b. Those absent: Member Kovnat.
- c. Those recused: Member Biderman



Justin Miller, Chairperson



Dated