



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

RECEIVED
10/30/23 QAW

State of New Mexico)
County of Bernalillo) s.s.

COMPLAINT FORM

1. Complainant's Information			
Last Name Esdale	First Name Dave		
Mailing Address 4335 San Pedro Dr NE Apt E9	City Albuquerque	State NM	Zip Code 87109
Daytime Phone Number (include area code) 505/363-9475	Email Address davidandteresa505@gmail.com		

2. Respondent's Information			
Last Name Bassan	First Name Brook L.		
Mailing Address 9000 Modesto Ave NE	City Albuquerque,	State NM	Zip Code 87122
Daytime Phone Number (include area code) 505-238-2418	Email Address bbassan@cabq.gov; BROOKFORDISTRICT4@GMAIL.COM		

3. If Respondent is a Candidate, the office or position sought
City Council District 4

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.

See attached

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.

See attached.

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.

Dawn Marie Emillio, (505) 922-4903; dawnmarie@cabq.gov
Copy of past two voter registration cards from Dawn Marie Emillio
CABQ data of signed petition and gave \$5 for Brook Bassan
Copy of IPRA request from July 10, 2023: City of Albuquerque public records request
#23-6427

I, DAVID ESDALE, 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.

[Signature]
Complainant (Signature)

RALPH DAVID ESDALE
Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by Ralph Esdale this 30th day of October 2023.

[Signature]
Notary Public
STATE OF NEW MEXICO
NOTARY PUBLIC
Ramona Salvio
Commission No. 1078821
February 11, 2024

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, _____, 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

Complainant (Signature)

Print or type name of Complainant

Sworn or affirmed before me, the undersigned authority by _____ this _____ day of _____ 20__.

Notary Public

All exhibits or attachments referenced in the complaint must be included with the Complaint.

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. Add

I believe Councilor Bassan, as a City Councilor, is violating Section 7 of Article XXII, the **City Code of Ethics**. Section 7 deals with the Misuse of City Employees in Campaigns. In Section 7 (A), states that no official shall participate in the following types of political activity: **"Using his or her position 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; provided, however, that nothing herein shall deny the right of an official of the city to express his or her views on any issue."**

Councilor Bassan employs Dawn Marie Emillio as her policy analyst with the Albuquerque City Council. Emillio is believed to be a resident of the City of Albuquerque based on public records that showed she was recently registered to vote at 10208 Delbert Ave NW, Albuquerque, NM, 87114. That residence is on Albuquerque's Westside, and outside City Council District 4, which is represented by Councilor Bassan. According to public records, Emillio changed her voting address on April 23, 2023 to 9000 Modesto Ave NE, Albuquerque, NM, 87122, but maintains her mailing address on the Westside at 10344 Mogollon Dr NW Albuquerque, NM 87114 .

9000 Modesto Ave. NE is the residence that Councilor Bassan lists on city records as her home.

While it is unclear whether Emillio physically moved into Councilor Bassan's home, it appears Bassan intends to allow her residence to be used for Emillio's voter registration address, so that Emillio can vote for Bassan in the upcoming city election as a resident of Council District 4.

On June 6, Ms. Emilio signed Bassan's nominating petition for office and contributed \$5 to her publicly financed campaign, swearing she lives at Ms. Bassan's address.

Her voter registration cards show that she has kept her mailing address on the Westside, but only changed her voter registration.

I am concerned that Councilor Bassan is using her position as a City Councilor and direct supervisor of Emillio to encourage and consent for Emillio to change her voter registration and vote for Bassan in the upcoming election.

I am concerned that Bassan broke additional city laws regarding public financing. Part 8: Petitions (2023 Regulations of the Albuquerque City Clerk for the Election Code and the Open and Ethical Election Code) deals with fraudulent Qualifying Contributions for Public financing and petition signatures. This section says, "Candidates may be held responsible for violations of these rules by either paid or unpaid (volunteer) circulators".

"Section C. **Submitted any fraudulent Qualifying Contributions** or Qualifying Contributions that were not made by the named contributor, and the **Participating Candidate knew or should have known of the fraudulence:**
d. Misrepresented to a contributor the purpose of the Qualifying Contribution or obtaining the contributor's signature on the receipt and acknowledgement form

and the Participating Candidate knew or should have known of the misrepresentation;

f. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under the OEEC, EC or the City Clerk's Rules and Regulations; or

Although outside the purview of the Board of Ethics, for context, it seems that state election laws have also been broken (New Mexico Election Code ARTICLE 20 Offenses and Penalties). Whoever commits any of these violations is guilty of a fourth degree felony.

1-20-8. False voting.

False voting consists of:

- A. voting or offering to vote with the knowledge of not being a qualified elector;
- E. inducing, abetting or procuring or attempting to induce, abet or procure a person known to not be a qualified elector to vote; or

1-20-3. Registration offenses.

Registration offenses consist of performing any of the following acts willfully and with knowledge and intent to deceive any registration officer or to subvert the registration requirements of the law or rights of any qualified elector:

- A. signing or offering to sign a certificate of registration when not a qualified elector;
- B. falsifying any information on the certificate of registration;

1-20-8.1. Conduct of election; fraudulent and double voting.

Every person not entitled to vote who fraudulently votes, and every person who votes or offers to vote more than once at any one election.

1-20-9. Falsifying election documents.

Falsifying election documents consists of performing any of the following acts willfully and with knowledge and intent to deceive or mislead any voter, precinct board [election board], canvassing board or other election official:

- D. suppressing any certificate of nomination, registration record or election return required by or prepared and issued pursuant to the Election Code;
- E. preparing or submitting any false certificate of nomination, registration record or election return; or
- F. knowingly falsifying any information on a nominating petition.

1-20-10. False swearing.

False swearing consists of taking any oath required by the Election Code [Chapter 1 NMSA 1978] with the knowledge that the thing or matter sworn to is not a true and correct statement.

1-20-15. Conspiracy to violate Election Code.

Conspiracy to violate the Election Code [Chapter 1 NMSA 1978] consists of knowingly combining, uniting or agreeing with any other person to omit any duty or commit any act, the omission of which duty, or combination of such act, would by the provisions of the Election Code constitute a fourth degree felony.

10-16-3.1. Prohibited political activities.

A public officer or employee is prohibited from:

- A. directly or indirectly coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose;
- B. threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities; or
- C. violating the officer's or employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes.

Brook Bassan's 2023 Nominating Petition for her Re-Election Campaign

7-14 Bassan Petition Data XLSX

County N	Petition Type	Petition Title	Line N	Full Name	Address	City	State	Zip	Date	Voter I	Status	Reject	User A	User C
Bernalillo	Qualification as a Candidate	Brook Bassan PT	E 1	8 DAWN MARIE EMILIO	9000 MODESTO AVE NE	ALBUQUE NM	ALBUQUE NM	87122	6/6/23 0:00	2288696	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo
Bernalillo	Qualification as a Candidate	Brook Bassan PT	E 1	9 BROOK L BASSAN	9000 MODESTO AVE NE	ALBUQUE NM	ALBUQUE NM	87122	6/6/23 0:00	1555857	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo

Brook Bassan's 2023 \$5 Contribution for her Re-Election Campaign

7-14 Bassan QC Data XLSX

Count	Petition Type	Petition Title	Line N	Full Name	Address	City	State	Zip	Date	Voter I	Status	Reject	User A	User C
Bernalillo	Qualifying Candidate Contribution	Brook Bassan QC	E 4	6 DAWN MARIE EMILIO	9000 MODESTO AVE NE	ALBUQUE NM	ALBUQUE NM	87122	6/6/23 0:01	2288696	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo
Bernalillo	Qualifying Candidate Contribution	Brook Bassan QC	E 4	7 BROOK L BASSAN	9000 MODESTO AVE NE	ALBUQUE NM	ALBUQUE NM	87122	6/6/23 0:01	1555857	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo
Bernalillo	Qualifying Candidate Contribution	Brook Bassan QC	E 7	2 THOMAS HENRY WALMSLEY	18715 DESERT FINCH LN NE	ALBUQUE NM	ALBUQUE NM	87122	6/9/23 0:01	2539574	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo
Bernalillo	Qualifying Candidate Contribution	Brook Bassan QC	E 7	3 THOMAS HENRY WALMSLEY	18717 GLENDALE AVE NE	ALBUQUE NM	ALBUQUE NM	87122	6/9/23 0:01	1607967	Accepted		Ashley Sai Bernalillo	Ashley Sai Bernalillo

This information not to be copied. Social Security Number

PERSONAL INFORMATION

1 NAME Last First Middle Name or Initial Gender
EMILLIO DAWN MARIE F

Birth Date /1985

PHYSICAL STREET ADDRESS WHERE YOU LIVE NOW

2 Street Address Apartment, Unit, or Lot # City Zip
9000 MODESTO AVE NE ALBUQUERQUE 87122

ADDRESS WHERE YOU GET YOUR MAIL (if different from above)

3 Mailing Address City Zip SOS ONLINE
10344 MOGOLLON DR NW ALBUQUERQUE 87114

4 If you are changing your name on this application, under what full name were you previously registered? Last, First, Middle EMILLIO DAWN M 5 E-Mail Address (optional)

POLITICAL PARTY

6 NOTE: You must name a major political party to vote in primary elections. Party REP If you choose NO PARTY check this box

7 DAYTIME TELEPHONE NUMBER (optional) May the county clerk make this telephone number public YES X NO

POLL WORKER Would you like to serve as an election day precinct worker? YES

8 I hereby authorize you to cancel my previous registration in the following county and state. City or Township County State

9 Please answer the following questions: Are you a citizen of the United States? X Yes No Will you be at least eighteen years of age on or before the next general election? X Yes No

ATTESTATION OF QUALIFICATION I swear/affirm that I am a citizen of the United States and a resident of the state of New Mexico; that I have not been denied the right to vote by a court of law by reason of mental incapacity; that I am, or will be at the time of the next election, 18 years of age; and, if I have been convicted of a felony, I have completed all conditions of parole and supervised probation, served the entirety of a sentence or have been granted a pardon by the governor. I further swear/affirm that I am authorizing cancellation of any prior registration to vote in the jurisdiction of my prior residence; and that all the information I have provided is correct.

SIGN YOUR FULL NAME OR MARK ON THE YELLOW LINE BELOW: [Signature]

10 Name of person who assisted you in filling out this form: VOID #

DO NOT WRITE IN SHADDED AREAS - FOR OFFICIAL USE ONLY

Table with columns: PCT, MUN, PRC DIST, REP. DIST, SEN. DIST, SCHOOL, C.C. and rows for Date, County Clerk, Filing Clerk.

SP&C-1 (2015)



Neri Holguin <neriholguin@gmail.com>

[Document Released to Requester] City of Albuquerque public records request #23-6427

City of Albuquerque Public Records <cityclerk@cabq.gov>
Reply-To: cabq_23-6427-requester-notes@inbound.nextrequest.com
To: neriholguin@gmail.com

Mon, Jul 10, 2023 at 8:05 AM

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Albuquerque Public Records

**Documents have been released for
record request #23-6427 along with the
following message:**

Hello Ms. Holguin,

All responsive records have been provided via NextRequest. Below this email will be a link to view/download the responsive record(s).

If you have any issues, please contact the City Clerk's office at (505) 924-3650 for assistance in troubleshooting.

Respectfully,

Yvette Gurule

IPRA Specialist

- 7-7 Alonzo Petition Data.xlsx
- 7-7 Alonzo QC Data.xlsx
- 7-7 Baca Petition Data.xlsx
- 7-7 Baca QC Data.xlsx
- 7-7 Bassan Petition Data.xlsx
- 7-7 Bassan QC Data.xlsx
- 7-7 Champine Petition Data.xlsx
- 7-7 Champine QC Data.xlsx

- 7-7 Foster Petition Data.xlsx
- 7-7 Gonzalez Petition Data.xlsx
- 7-7 Gonzalez QC Data.xlsx
- 7-7 Greene Petition Data.xlsx
- 7-7 Greene QC Data.xlsx
- 7-7 Hoehn Petition Data.xlsx
- 7-7 Hoehn QC Data.xlsx
- 7-7 Lechuga-Tena Petition Data.xlsx
- 7-7 Lechuga-Tena QC Data.xlsx
- 7-7 Naranjo Lopez Petition Data.xlsx
- 7-7 Naranjo Lopez QC Data.xlsx
- 7-7 Otero Petition Data.xlsx
- 7-7 Otero QC Data.xlsx
- 7-7 Pitluck Petition Data.xlsx
- 7-7 Rogers Petition Data.xlsx
- 7-7 Rogers QC Data.xlsx

View Request 23-6427

<https://nextrequest.cabq.gov/requests/23-6427>

Document links are valid for one month. After August 10, you will need to sign in to view the document(s).



Questions about your request? Reply to this email or sign in to contact staff at City of Albuquerque.

Technical support: See our help page

Press Release

Contact: Neri Holguin, 505/217-8705

**City Councilor Brook Bassan's Voter Fraud Cover Up
Bassan's "no comment" and Emillio's strained and carefully-worded
response stinks of a cover-up**

ALBUQUERQUE, Monday, October 30, 2023—This morning, Dave Esdale, a District 4 resident will be filing an Ethics Complaint against Brook Bassan with the City of Albuquerque Board of Ethics alleging that Bassan has engaged in voter fraud to support her re-election campaign.

In the blog by [Joe Monahan](#) today, Monahan reported Bassan had "no comment" and instead had her assistant respond to the allegations, saying she temporarily moved in with Bassan "for personal reasons."

Follow up questions to Bassan may be:

- How long did Emillio live with Bassan?
- If the stay was permanent enough to go through the trouble of changing her voter registration (coinciding with her boss' reelection campaign and public financing process), why did Emillio keep her mailing address at her partner's house on the Westside?
- Emilio stated that she has since moved out of Bassan's house. Why didn't she change her registration when she moved out?
- Bassan has prided herself on being forthright with the voters. What role did Bassan play in this temporary change of registration?
- Did Bassan suggest that a public employee she supervises change her voter registration to benefit her campaign?
- Is this another "simple mistake" like lying about her education credentials?
- Emillio is at risk of facing serious state charges for voter fraud. Was she instructed to do so by her employer?

Engaging in voter fraud is reckless and fundamentally hurts the public trust in elections and democracy. With the election just eight days away, Bassan owes it to voters to respond truthfully and immediately to these allegations of voter fraud and a cover up.