



Bernalillo County Compliance Office

Robert Kidd, Compliance Officer

Bernalillo County Annex, 415 Tijeras NW, First Floor, Albuquerque, NM 87102
(505) 468-1382 Compliance@bernco.gov

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SEP 19 2016
BY: Compliance Office

Code of Conduct Complaint 2016-001

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(Information detailed in this Report will be shared with the Respondent and is a Public Record)

DATE: 8/08/2016 NAME OF COMPLAINANT: Debbie Swenerton

MAILING ADDRESS: 564 Juan Tomas Rd CITY: Tijeras STATE: NM ZIP: 87059

EMAIL: dswenert2003@yahoo.com DAYTIME PHONE: 505-281-2045 ALTERNATE PHONE: —

FULL NAME OF RESPONDENT: Juanita Garcia DATE OF INCIDENT: June 09, 2016

SECTIONS OF CODE OF CONDUCT POTENTIALLY VIOLATED: Sec. 2-126 - Authority August 03, 2016

Sec. 2-127 - Declaration of Policy, Sec 2-128 Responsibility of Public Office.

DESCRIPTION OF MISCONDUCT OR WRONG DOING WITNESSED: On June 09, 2016 I applied to renew my 'Conditional Use permit' One Neighbor 'Kathy Mohr' 568 Juan Tomas Rd opposed and submitted many false allegation (dog attack, violation of permits, dogs roaming, fence less than 5') Ms. Garcia closed the floor not allowing me to respond. She approved the permit with irrational conditions based on false allegations not requiring proof only hearsay and innuendo. I appealed and won. This should not have been necessary, IPRR does prove no dog attacks, permit violation, dog roaming, fence compliant.

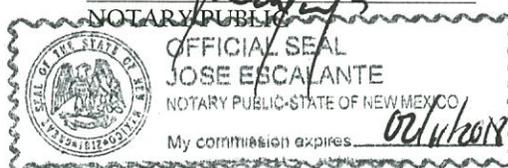
CHECK HERE IF CONTINUED ON SEPARATE SHEET

I, Debra Swenerton, do depose on oath or affirmation and say that the information disclosed herein is true and accurate to the best of my knowledge on this 6 day of September, 2015.

Debra Swenerton
Signature of Complainant

SUBSCRIBED AND SWORN TO before me this 06th day of September, 2016, by Debra L. Swenerton

My Commission Expires 02/11/2018



August 21, 2016

Bernalillo County Compliance Office
Attention: Robert Kidd, Compliance Officer
Bernalillo County Annex
415 Tijeras, NW, 1st floor
Albuquerque, NM 87102

Dear Mr. Kidd I am submitting many documents to support my defense against false allegations and innuendo from my neighbor of 20 years Kathleen Mohar.

Ms. Mohar lives at 568 Juan Tomas Rd/Tijeras, NM 87059. 20 years ago Ms. Mohar constructed an easement through our property to access her property which is 10 acres according to her. The only access Ms. Mohar has to our property is via the easement road she has traveled for 20 years to and from her home. We never became familiar, nor have we visited her property in 20 years. When Ms. Mohar originally arrived she requested that we pay 50% or the cost for her road (we declined as we were not in need of access), she also requested we pay 50% of her electrical poles (we declined as she was not expected to pay 50% of our poles).

Needless to say this was the beginning of 20 years of "Bad relations between us" Six years ago we chose to obtain the proper permits (Multiple Animal and Conditional Use) in order to properly manage our own 'Dog Sanctuary' The need for a facility to house abandoned, abused and neglected animals is huge in rural communities like our in Tijeras NM. Since 2010 to present we have been approved for both permits in spite of opposition from Ms. Mohar.

In 2014 and again in 2016 Ms. Mohar submitted many allegations but no proof. She alleges 'Dog attacks' yet has yet to present records of her reports to animal care services. She has yet to present medical treatment for alleged dog attacks. She has written two letters one dated June 08, 2016 and the other July 21, 2016. I have number points with discrepancies.

June 08, 2016

#2 – Attack : She states 'Willow' attacked her on Easter 2012 after "Jumping the five foot fence"

July 21, 2016

#2 – Attack: She states, 'Willow attacked her on Easter 2012 after "Didn't jump but crawled over the NE corner, ladder stepping the fence wire" Not possible for any dog to "Ladder step horse fencing"

Attack #1 Mohar alleges she was attacked by Teddy and Buster on her driveway. she has not provided records that she reported the alleged attack to BCSD or BCACS. She has not provided medical records of treatment following an attack by two dogs. An attack never happened.

She states she was attacked while walking her dogs on her driveway. This is not true. She has walked her dogs on Avenida De Leona our property the road used as easement by Mohar for 20 years.

Same paragraph Ms Mohar alleges that my husband "Admitted that sometimes if Mrs. Swenerton forgot her medications , she would forget to close the gate" There is absolutely no way my husband would disclose personal information to a total stranger and more to the point the allegations is "Not true"

Via IPRA I requested records from June 2012 – June 2016 of any complaints or reports from Kathleen

Mohar regarding dog attacks or dogs roaming or barking. I have included those reports three in all. One from 10/16/2012 reported by Kathy Mohar refers to 'Dog roaming' There is no report or follow-up by Animal Care Services. Most importantly the date is 10/16/2012 not Easter Sunday 2012 yet another discrepancy.

Ms. Mohar alleges that BCACS "Required the Swenerton's to implement some form of a restraint to control their dogs after her dog, Willow jumped the five foot fence and attacked me and my dogs on Easter Sunday 2012. False.

Ms. Mohar refers to me as "Mrs. Swenerton and her pack of dogs" or "Mrs. Swenerton and her charging dogs" This is a huge concern to me because in six years our dogs have not "Charged" Ms. Mohar and her dog, but especially since 2014 we constructed a second perimeter fence that would make "Charging anyone impossible. In most of Ms. Mohar's statements she insists the easement is "Her driveway" It is in fact the "Easement" we were required to give her via our property contract, but an easement road is to be utilized for ingress and egress and if Ms. Mohar alleges she feels threatened in spite of two barriers perhaps she should walk her dogs on her 10 acre property instead.

All of Ms. Mohar's allegations or innuendo are so bizarre but her 3rd "Most urgent concern" is "Mrs. Swenerton's behavioral change and retaliatory actions towards me" Ms. Mohar and I literally do not know each other. Her statement regarding a personality change in me is absurd. Ms. Mohar alleges I have retaliated against her and harassed her. To date she has not presented incidents of this. No documents, no reports to authorities, no witnesses. Simply innuendo.

Ms. Mohar claims my report after 20 years of a dumping violations near our property lines of her construction debris is retaliation from 2014. This is simply 'Not true' the violation was notices by one inspector Trung Doan in 2014 while he was inspecting our property following our 'Conditional Use Permit' He asked me about it and I stated, "That's been there for 20 years" Mr. Doan stated, "Now that I've seen it I have to report it" I agreed. The issue was addressed but written off as "Dispute between neighbors" The case was closed. There is a violation and Mohar was cited and received a letter of compliance from Mr. Casaus. The case was dismissed and closed by a man named "Lucas"

It is obvious that Ms. Garcia has chosen to be influenced by allegations and innuendo instead of truth and facts. I have submitted proof that there were not dog attacks and no violations of our permits. There were no complaints or reports from Kathy Mohar to BCACS or BCSD in years. Ms. Garcia did not investigate or research as I did. She had resources and she had my documents (IPRA, photos of our property, our records and she ignored them. She chose to "Appease" Kathy Mohar instead in her own words (Refer to the audio of August 03, 2016 appeals hearing)

During my appeal hearing Jo Chavez, Chair Appeals Board suggested directly to Juanita Garcia, "You based your conditions of approval on hearsay?" "The woman isn't here" "A dog attack is a big deal but there are not records" I requested a CD of the audio and a transcript of August 03 2016 and I have included them in this packet.

Mr. Kidd the documents are many and I know you are a busy man. My hope is that I have submitted enough information to prove there are "Problems" with the way in which Ms. Garcia handled my case. I believe she showed a preference for Ms. Mohar's allegations without requiring proof which resulted in unfair "Conditions of approval" Ms. Garcia accepted allegations without proof of the many allegations or innuendos.

This is a clear violation of my right to due process according to Bernalillo County policy and procedures.

I am convinced Ms. Garcia used her position and the power associated with it to rule unfairly in Ms. Mohar's favor. She ruled in Ms. Mohar's favor in 2014 also accepting allegations without proof.

Sincerely, Debbie Swenerton
505-281-2045