

Bernalillo County Compliance Office

Robert Kidd, Compliance Officer

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(505) 468-1382 Compliance@bernco.gov

RECEIVED
SEP 11 2017
Compliance Office

Code of Conduct Complaint 2017-007

PRINT, COMPLETE AND HAVE NOTARIZED PRIOR TO FILING

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

DATE: 9/11/17 NAME OF COMPLAINANT: TERRY BRUNNER

MAILING ADDRESS: 601 LUNA BLVD, NW CITY: ABA STATE: NM ZIP: 87102

EMAIL: brunner_2000@yahoo.com DAYTIME PHONE: 818-9163 ALTERNATE PHONE:

FULL NAME OF RESPONDENT WAYNE JOHNSON DATE OF INCIDENT: MULTIPLE, SEE ATTACHED

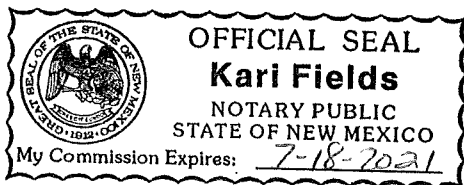
SECTIONS OF CODE OF CONDUCT POTENTIALLY VIOLATED: SEC. 2-130(h)(2)

DESCRIPTION OF MISCONDUCT OR WRONG DOING WITNESSED: BETWEEN 2/6/17 AND 8/10/17 COMMISSIONER WAYNE JOHNSON RECEIVED CONTRIBUTIONS TO HIS 2017 ALBUQUERQUE MAYORAL CAMPAIGN FROM RESTRICTED DONORS THAT DO BUSINESS OR SEEK TO DO BUSINESS WITH THE BOARD OF COUNTY COMMISSIONERS AND BERNALILLO COUNTY. FURTHER INFORMATION ATTACHED.

✓ CHECK HERE IF CONTINUED ON SEPARATE SHEET

I, Terry Brunner, 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 11 day of September, 2017.

[Signature of Terry Brunner]
Signature of Complainant



SUBSCRIBED AND SWORN TO before me this 11 day of Sept, 2017 by Kari Fields

[Signature of Kari Fields]
NOTARY PUBLIC

My Commission Expires 7-18-2021

ELECTRONIC COMPLAINT FILING AGAINST COMMISSIONER WAYNE JOHNSON

Complaint to Bernalillo County: <http://www.bernco.gov/compliance-office/report-an-ethics-violation.aspx>

Name of individual alleged to have violated the ordinance: County Commissioner Wayne Johnson

Section(s) of the ordinance that you believe was violated: Sec. 2-130 (h)(2):

No candidate or elected official shall accept a campaign contribution from an individual or group of individuals when the candidate or elected official knows, or has reason to believe, that the original source of the campaign contribution was a restricted donor.

Date(s) on which the alleged violations occurred:

- February 16, 2017: A \$5,000.00 contribution from D. McCall to Wayne Johnson for Mayor
- February 16, 2017: A \$5,000.00 contribution from to Kyla McCall to Wayne Johnson for Mayor
- February 16, 2017: A \$5,000.00 contribution from Tony Pisto to Wayne Johnson for Mayor
- March 7, 2017: A \$5,193.00 contribution from Dale Armstrong to Wayne Johnson for Mayor
- March 22, 2017: A \$500.00 contribution from Sandia Peak Tram Company to Wayne Johnson for Mayor
- April 17, 2017: A \$2,500.00 contribution from Ted Martinez to Wayne Johnson for Mayor
- June 8, 2017: A \$2,000.00 contribution from Steve Maestas to Wayne Johnson for Mayor
- June 19, 2017: A \$3,000.00 contribution from Admiral Beverage Corporation to Wayne Johnson for Mayor
- June 19, 2017: A \$100.00 contribution from Admiral Beverage Corporation to Wayne Johnson for Mayor
- June 20, 2017: A \$5,000.00 contribution from Mosher Enterprises to Wayne Johnson for Mayor
- July 13, 2017: A \$2,693.00 contribution from Ted Martinez to Wayne Johnson for Mayor
- July 12, 2017: A \$1,000.00 contribution from Steve Maestas to Wayne Johnson for Mayor
- August 10, 2017: A \$1,000.00 contribution from Admiral Beverage Corporation to Wayne Johnson for Mayor
- August 10, 2017: A \$1,000.00 contribution from Sandia Peak Tram Company to

Wayne Johnson for Mayor

Describe as much detail as possible the facts and events that you believe constitute a violation of the ordinance:

In Section 2-129 of the Bernalillo County Code of Conduct, a “restricted donor” is defined as:

Restricted donor means any person or entity who:

(1) Is seeking official action (i) by an elected official or volunteer, or (ii) in the case of an employee by the employee or by an elected official, a county department or an employee’s supervisor. Such official actions shall include, but are not limited to, the decisions regarding legislation, employment decisions, contract approval, approval of permits or development plans or any other action or decision that is discretionary with an elected official or employee;

(2) Does business with or seeks to do business (i) with the board of county commissioners, the county, an elected official or volunteer, or (ii) in the case of an employee, with an employee or his/her department, elected office or an employee’s supervisor;

(3) Conducts activities regulated (i) by an elected official or volunteer, or (ii) in the case of an employee, with the employee or his/her department or the employee’s supervisor.

Between February 16, 2017 and August 10, 2017, Commissioner Johnson received contributions to his 2017 Albuquerque Mayoral campaign from the entities listed above. Each of the donors listed above are a “restricted donor” because each “does business with or seeks to do business (i) with the board of county commissioners...” Commissioner Johnson served on the Bernalillo County Commission during each of the following ongoing activities:

1. Ted Martinez is owner of MCT industries. In 2016, MCT Industries received an \$18M tax benefit from Bernalillo County, with Commissioner Johnson voting in favor of the tax benefit.
2. Sandia Peak Tram received a \$9M IRB in 2016 as part of a new mountain coaster and restaurant, with Commissioner Johnson voting in favor of it.
3. Admiral Beverage Corporation received a \$30MM IRB from Bernalillo County, with Commissioner Johnson voting in favor in 2012.

4. Dale Armstrong, owner of One Central, has sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the One Central project. Armstrong owns TLC Plumbing, a company who has ongoing county projects.

5. Mosher Enterprises are owners of One Central, which sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the project. This project is ongoing.

6. D. McCall, agent for One Central, who owns Midway Leasing, sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the One Central project.

7. Kayla McCall also works with D. McCall at Midway Leasing.

8. Steve Maestas, is the developer for Las Estancias retail project. In 2012, Commissioner Johnson voted to approve a \$1.5 million Local Economic Development Act (LEDA) grant.

Therefore, Commissioner Johnson accepted campaign contributions from individuals or groups of individuals, when Commissioner Johnson knew, or had reason to believe, that the original source of the campaign contribution was a restricted donor, in violation of Sec. 2-130 (h)(2).

Name(s) of any witnesses(s) or individual(s) with knowledge or information of the alleged violation:

- City Clerk of the City of Albuquerque
- Bernalillo County Clerk
- Mayling Armijo, Bernalillo County Economic Development Director
- Julie Ann Baca, Commission Administrator

Ethics Complaint supporting documents

Bernalillo County Code of Ethics:

<http://www.bernco.gov/uploads/FileLinks/1f82a51ff9174fc98406ab1f46e85db8/DIVISION 4. CODE OF CONDUCT 112916.pdf>

Wayne Johnson's campaign finance reports

<https://campaignfinance.cabq.gov/PublicSite/SearchPages/CandidateSearch.aspx>

“Restricted Donors”

1. Ted Martinez is owner of MCT industries. In 2016, MCT Industries received an \$18M tax benefit from Bernalillo County, with Commissioner Johnson voting in favor of the tax benefit.

Balloon Fiesta board shows support for IRB for industrial park near event MCT (8/24/16)

<https://www.bizjournals.com/albuquerque/news/2016/08/24/balloon-fiesta-board-shows-support-for-irb-for.html>

2. Sandia Peak Tram received a \$9M IRB in 2016 as part of a new mountain coaster and restaurant, with Commissioner Johnson voting in favor of it.

Sandia Peak mountain coaster project gets rolling with approval of county bonds (5/25/16)

<https://www.bizjournals.com/albuquerque/news/2016/05/25/sandia-peak-mountain-coaster-project-gets-rolling.html>

3. Admiral Beverage Corporation received a \$30MM IRB from Bernalillo County, with Commissioner Johnson voting in favor in 2012. The County holds the collateral to this project.

IRB for Admiral Beverage Corporation, 08/14/12 (Ordinance 2012-14 authorizing an Industrial Revenue Bond in an amount of up to \$30 million for Admiral Beverage Corporation.) <http://bit.ly/2wTyCcZ>

4. Dale Armstrong, owner of One Central, has sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the One Central project. Armstrong owns TLC Plumbing, a company who has ongoing county projects.

5. Mosher Enterprises are owners of One Central, which sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the project. This project is ongoing.

6. D. McCall, agent for One Central, who owns Midway Leasing, sought an Industrial Revenue Bond from Bernalillo County. In late 2016, Johnson voted in favor of tax benefits for the One Central project.

7. Kayla McCall also works with D. McCall at Midway Leasing.

One Central Parking Project IRB (IRB-1 up to \$17.5 Million)
<http://bit.ly/2wTSpuw>

One Central to break ground Downtown next Monday (11-14-16)
<https://www.bizjournals.com/albuquerque/news/2016/11/14/one-central-to-break-ground-downtownnext-monday.html>

Commissioner: Bernalillo County is miscalculating value of tax breaks (12/1/16)
<https://www.abqjournal.com/900020/commissioner-bernalillo-county-is-miscalculating-value-of-tax-breaks.html>

8. Steve Maestas, is the developer for Las Estancias retail project. In 2012, Commissioner Johnson voted to approve a \$1.5 million Local Economic Development Act (LEDA) grant.

Work under way for Las Estancias retail project (2-23-13)
<https://www.abqjournal.com/172230/work-under-way-for-las-estancias-retail-project.html>

Note: With all IRB projects the County holds the title to the project's collateral until the bonds are paid. Thus, the County is engaged in monitoring project development throughout and the County regularly reviews its financial agreements in the Comprehensive Annual Finance Report.