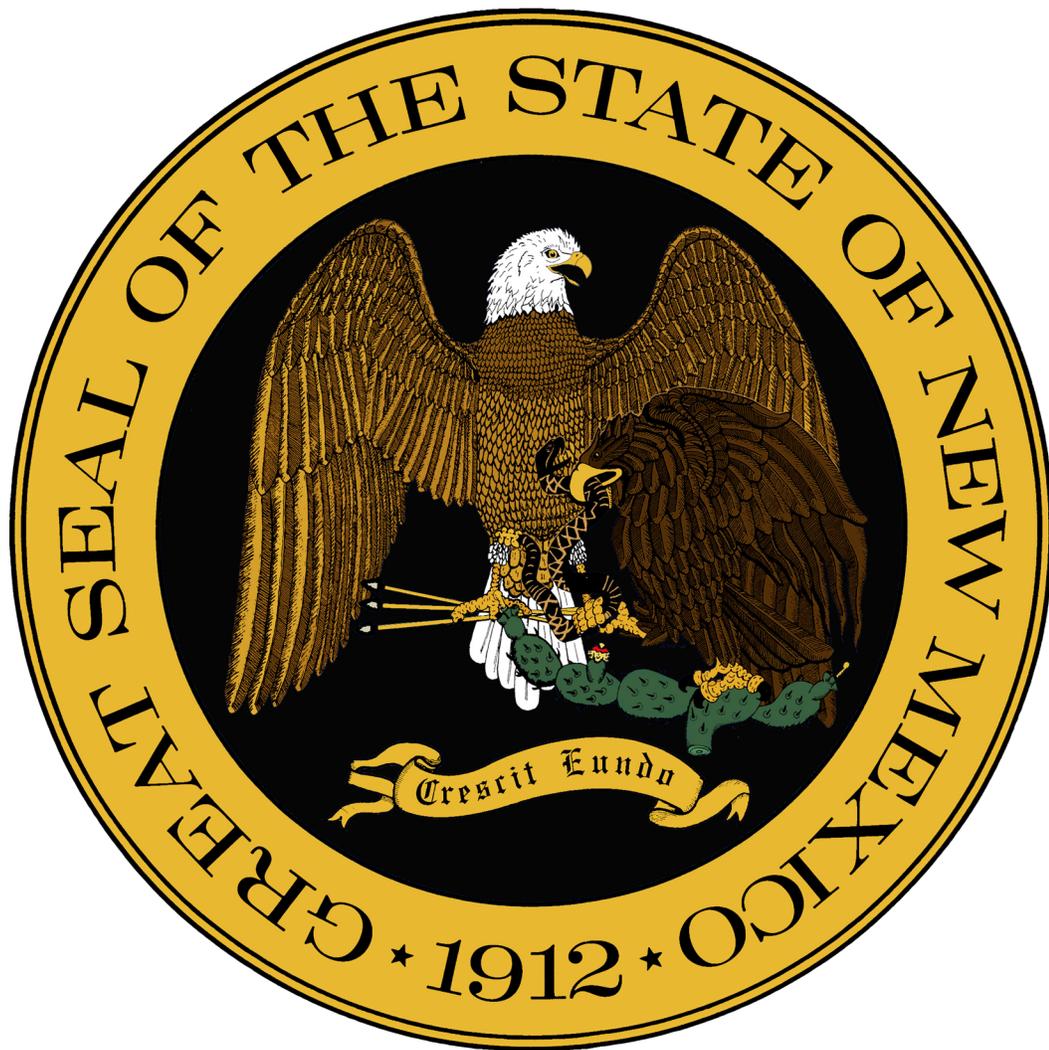


# HOUSE SPECIAL INVESTIGATORY COMMITTEE



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**HOUSE OF REPRESENTATIVES  
FIFTY-SECOND LEGISLATURE, FIRST SESSION**

**FINAL REPORT  
OF THE  
HOUSE SPECIAL INVESTIGATORY COMMITTEE**

**Introduction**

The House Special Investigatory Committee (the committee) was appointed on September 9, 2015 to investigate and recommend to the House of Representatives whether the house should consider impeachment of Secretary of State Dianna J. Duran. This report summarizes the work of the committee.

The committee drew greatly from and relied upon the experiences of the impeachment proceedings concerning a public regulation commissioner in 2011 and the state treasurer in 2005. The procedural conclusions and recommendations in those reports will not be repeated here, and those reports are attached to this report so that any successor committee may similarly rely on that work.

The committee met shortly after its appointment, authorized the co-chairs to retain and direct special counsel in an investigation and was preparing to meet a second time when the secretary of state resigned from office. The secretary of state's resignation eliminated the need for the committee to meet as scheduled, and the committee held its second and final meeting on January 28, 2016.

**I. House Special Investigatory Committee's Appointment, Charge and Funding**

Speaker of the House Don L. Tripp appointed the committee on September 9, 2015. The speaker appointed 10 members, evenly divided between the majority and minority in the house, including co-chairs from the majority and minority. A copy of the appointment letter is attached to this report.

The charge to the committee was "to investigate and recommend to the New Mexico House of Representatives whether the house should consider impeachment of the secretary of state for alleged crimes, misdemeanors or malfeasance in office".

The New Mexico Legislative Council on September 15, 2015 approved the expenditure of up to \$250,000 for the expenses of the committee. The Legislative Council Service staffed the committee.

## **II. Background to the Impeachment Investigation**

The Attorney General's Office on August 28, 2015 filed a criminal information in the First Judicial District of New Mexico alleging numerous violations of law by Secretary of State Dianna J. Duran. An amended complaint was filed on September 18. Both complaints are attached to this report.

The criminal information included allegations that the secretary of state converted campaign funds to personal use and filed false campaign reports.

The committee was careful to draw a distinction between the constitutional authority to impeach a state officer and any criminal proceedings against a state officer, noting that neither process was dependent upon the other.

## **III. Constitutional Basis for Impeachment**

The power of impeachment is firmly established in the Constitution of New Mexico. Article 4, Section 35 of the constitution vests the power of impeachment in the House of Representatives, with impeachments to be tried by the Senate. Article 4, Section 36 of the constitution delineates the state officers that are subject to impeachment and states that impeachment shall be "for crimes, misdemeanors and malfeasance in office". Section 36 also outlines the extent of the impeachment power and notes, "No officer shall exercise any power or duties of his office after notice of his impeachment is served upon him until he is acquitted."

## **IV. Statutory Authority**

There is no statutory guidance for conducting impeachment proceedings. The statutory authority most discussed by the committee was Section 2-1-10 NMSA 1978, which grants the legislature subpoena power. The legislature's subpoena power will be discussed further below.

## **V. Rules and Procedures Adopted by the Committee**

The committee did not adopt rules and procedures before the secretary of state resigned. The committee, however, noted that the rules and procedures adopted by the subcommittee in 2011 provided a strong foundation for any rules and procedures it would adopt. As in the past, the overriding concerns of the committee were that the process be as transparent and fair as possible.

## **VI. Progress of the Investigation Prior to the Secretary of State's Resignation**

The committee authorized the co-chairs of the committee, Representatives Zachary J. Cook and Gail Chasey, to retain special counsel and direct special counsel to begin an investigation. The co-chairs retained Robert J. Gorence of Gorence and Oliveros, P.C. Mr. Gorence served as special counsel to the subcommittee in 2011.

Mr. Gorence focused his investigation on three areas: (1) the alleged conversion of campaign funds to personal use by the secretary of state; (2) the alleged falsification of campaign finance reports by the secretary of state by falsely stating the name of the campaign treasurer; and

(3) the alleged abuse of office by referring a complaint to the attorney general for possible prosecution before exhausting administrative remedies. The last area of investigation was not among the allegations made by the attorney general.

As the investigation progressed, Mr. Gorence reported that he would require a subpoena to obtain documents from various banks and casinos regarding his investigation into the allegations that the secretary of state converted campaign funds to personal use. There is no mechanism for a legislative subpoena to be issued when the legislature is not in session. Section 2-1-10 NMSA 1978 provides that a subpoena may be issued by either house of the legislature at the request of a standing committee and upon the vote of a majority of the members elected to that chamber.

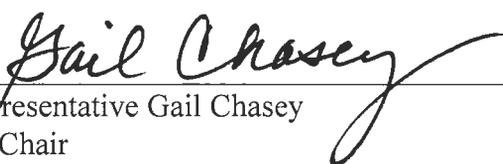
Mr. Gorence was prepared to request that the committee direct the Legislative Council Service to initiate the process of circulating petitions for legislators' signatures to convene the legislature in extraordinary session pursuant to Article 4, Section 6 of the Constitution of New Mexico. Mr. Gorence was prepared to make that request at the committee's previously scheduled second meeting on October 27. The secretary of state resigned on October 22, however, and the committee postponed its meeting.

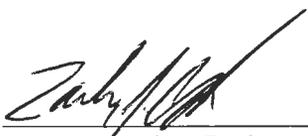
**Conclusion and Recommendation**

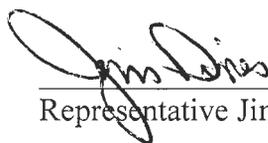
The secretary of state's resignation had the effect of suspending the committee's investigation and, therefore, no recommendation is made on the question of whether the secretary of state's actions warranted impeachment.

The committee does, however, note that the restrictions on the legislature's ability to subpoena witnesses and documents when the legislature is not in session was raised in both the 2005 and 2011 proceedings and recommends that the legislature study the question of whether the legislative subpoena power should be expanded to allow future impeachment committees to issue subpoenas without the need to convene the legislature in extraordinary session.

Respectfully submitted,

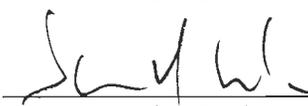
  
\_\_\_\_\_  
Representative Gail Chasey  
Co-Chair

  
\_\_\_\_\_  
Representative Zachary J. Cook  
Co-Chair

  
\_\_\_\_\_  
Representative Jim Dines

  
\_\_\_\_\_  
Representative Kelly K. Fajardo

  
\_\_\_\_\_  
Representative Sarah Maestas Barnes

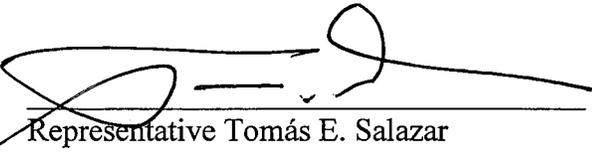
  
\_\_\_\_\_  
Representative Javier Martinez



Representative William "Bill" R. Rehm



Representative Patricio Ruiloba



Representative Tomás E. Salazar



Representative Jeff Steinborn

DATE: February 16, 2016

## **LETTER OF APPOINTMENT**





State of New Mexico  
House of Representatives  
Santa Fé

**DON TRIPP**  
**Speaker of the House**  
R - Catron, Socorro & Valencia  
District 49

Box 1369  
Socorro, NM 87801  
Office Phone: (575) 986-4782  
Home Phone: (575) 835-0766  
E-mail: [trippsdon@netscape.net](mailto:trippsdon@netscape.net)

September 9, 2015

**COMMITTEES:**  
Health  
Rules & Order of Business  
Safety & Civil Affairs

The Honorable Gail Chasey  
State Representative, District 18

The Honorable Zachary J. Cook  
State Representative, District 56

The Honorable Jim Dines  
State Representative, District 20

The Honorable Kelly K. Fajardo  
State Representative, District 7

The Honorable Sarah Maestas Barnes  
State Representative, District 15

The Honorable Javier Martinez  
State Representative, District 11

The Honorable William "Bill" R. Rehm  
State Representative, District 31

The Honorable Patricio Ruiloba  
State Representative, District 12

The Honorable Tomás E. Salazar  
State Representative, District 70

The Honorable Jeff Steinborn  
State Representative, District 35

Dear Representatives Chasey, Cook, Dines, Fajardo, Maestas Barnes, Martinez, Rehm, Ruiloba, Salazar and Steinborn:

I am appointing each of you to a special committee to investigate and recommend to the New Mexico House of Representatives whether the house should consider impeachment of the secretary of state for alleged crimes, misdemeanors or malfeasance in office.

Representatives Cook and Chasey will serve as co-chairs of the committee. They will contact you soon about beginning your work.

I trust that each of you will carry out this important duty diligently, fairly and impartially, keeping the public interest paramount. You are authorized and will have available to you the resources necessary to conduct a comprehensive inquiry.

Representatives Chasey, Cook, Dines, Fajardo,  
Maestas Barnes, Martinez, Rehm, Ruiloba,  
Salazar and Steinborn  
September 9, 2015  
Page 2

Thank you for your service in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Don L. Tripp". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

DON L. TRIPP

DLT:clm

cc: House Majority Floor Leader Nate Gentry  
House Minority Floor Leader Brian Egolf

## **AGENDA AND MINUTES**



**MINUTES  
of the  
FIRST MEETING  
of the  
HOUSE SPECIAL INVESTIGATORY COMMITTEE**

**September 28, 2015  
Room 307, State Capitol  
Santa Fe**

The first meeting of the House Special Investigatory Committee (HSIC) was called to order by Representative Zachary J. Cook, co-chair, on September 28, 2015 at 9:35 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Gail Chasey, Co-Chair  
Rep. Zachary J. Cook, Co-Chair  
Rep. Jim Dines  
Rep. Kelly K. Fajardo  
Rep. Sarah Maestas Barnes  
Rep. Javier Martinez  
Rep. William "Bill" R. Rehm  
Rep. Patricio Ruiloba  
Rep. Tomás E. Salazar  
Rep. Jeff Steinborn

**Absent**

**Staff**

Raúl E. Burciaga, Director, Legislative Council Service (LCS)  
John Yaeger, Assistant Director for Legislative Affairs, LCS  
Amy Chavez-Romero, Assistant Director for Drafting Services, LCS  
Douglas Carver, Staff Attorney, LCS  
Nancy I. Martinez, Intern, LCS  
Andrew M. Vallejos, Minority Analyst

*These minutes are not a verbatim record of the meeting.*

**Monday, September 28**

Co-Chair Cook opened the meeting with a statement that noted the solemnity of the task being undertaken and the importance that the process be free from the influence of politics. He noted that the power to impeach is vested by the Constitution of New Mexico with the New Mexico House of Representatives and that the consequences are stark: the impeached official may not exercise any powers or duties of office unless subsequently acquitted by the New Mexico Senate. It is imperative, he concluded, that the House impeach an official only when the

failure to do so carries even graver consequences. Co-Chair Chasey made a statement noting that the impeachment process is not a judicial process and that the criminal case being prosecuted against the Secretary of State and the House proceedings have no bearing on each other. The duty of the committee, she stated, is to proceed in the best interests of the people of the state. The committee is committed to fairness, justice and transparency, she continued, and would adopt rules of procedure that embody those principles.

Co-Chair Chasey then asked members of the committee and the LCS staff members assisting the committee to introduce themselves. She also introduced the analyst for the minority, and she noted that the majority would also be retaining an analyst.

Members of the committee echoed the sentiments expressed by the co-chairs.

Co-Chair Cook recited the charge given to the HSIC by the Speaker of the House: "to investigate and recommend to the House of Representatives whether the House should consider impeachment of the secretary of state for alleged crimes, misdemeanors or malfeasance in office". He noted that the committee has the experience of the investigations in 2005 and 2011 for guidance. He then asked Mr. Burciaga to brief the committee on the impeachment process and how the House had proceeded in the past.

Mr. Burciaga discussed that in both 2005 and 2011, the House was in special session for matters not related to impeachment when subcommittees of the House Rules and Order of Business Committee were formed to investigate the possible impeachment of a state official. In 2005, the investigation concerned the State Treasurer, Robert Vigil; in 2011, the investigation concerned the Public Regulation Commissioner from District 3, Jerome Block, Jr. As the House is not in session at this time, the Speaker exercised his authority to create the HSIC, which, as in 2005 and 2011, is evenly divided between the majority and minority and is co-chaired by a member of each party. He noted that shortly after the appointment of members to the committee, the New Mexico Legislative Council, on September 15, authorized the committee to hire special counsel to assist the committee in its investigation. He reiterated the committee's charge, noted that impeachment is the sole responsibility of the House and analogized the impeachment process to that of a case presented to a grand jury for indictment. An impeachment, like an indictment, is a formal charge of wrongdoing that must be proven in another venue, in this case, a trial before the Senate.

He further noted that in the two previous impeachment investigations, the proceedings in the House proceeded concurrently with the respective criminal cases against the public officials being investigated. In 2005, the subcommittee held several meetings in one month's time, considering the evidence gathered by special counsel and beginning deliberations on Articles of Impeachment before being informed that the State Treasurer had resigned from office. In 2011, the subcommittee met six times over the course of two months and concluded its work upon the resignation of the Public Regulation Commissioner. It is impossible to predict, Mr. Burciaga stated, how much time might be required for the present investigation.

Mr. Burciaga stated that the Secretary of State will be facing various charges at a preliminary hearing in the First Judicial District that has been set to begin on October 30. At the preliminary hearing, a judge will determine whether there is sufficient evidence to bind the Secretary over for trial. He noted that a motion has been filed to postpone the October 30 hearing. Mr. Burciaga reiterated that impeachment proceedings have no bearing on any civil or criminal case that might be pending, and judicial proceedings have no bearing on impeachment proceedings. He repeated to the committee the consequences of impeachment and added that the consequence of conviction by the Senate is removal from office and disqualification to hold any office or to vote.

Mr. Burciaga then discussed that the subcommittee in 2005 spent a great deal of time considering and developing rules of procedure and that the 2011 subcommittee benefited greatly from that work, modifying the rules only somewhat for its proceedings. He also noted that in 2005 and 2011, the subcommittees hired special counsel to assist the committee and that special counsel worked closely with and under the direction of the subcommittees, and especially, of the co-chairs. In both cases, the subcommittee authorized the co-chairs to select the special counsel, and those selections were made quickly.

Co-Chair Chasey requested that Mr. Carver brief the committee on the rules and procedures used in the 2011 impeachment investigation. She recommended that the committee discuss the rules with the special counsel before adopting any of those rules for the present investigation.

Mr. Carver began by giving the committee an overview of the contents of the binders assembled for them by the LCS, and he noted that the materials would be available on the legislature's web site. He then turned to the rules and read to the committee a set of rules that mirror those used when Commissioner Block was investigated, noting that the only changes that had been made were ones to reflect the nature of the current investigation; for example, "Public Regulation Commissioner" was replaced with "Secretary of State". He also noted that the 2011 subcommittee had been a subcommittee of a standing committee of the New Mexico House of Representatives, unlike the present committee, and therefore the subcommittee in the prior investigation had to report through the House Rules and Order of Business Committee to the floor of the House. The rules before the committee had been changed to reflect that the HSIC would report directly to the House.

The draft rules read to the committee are as follows:

## DISCUSSION DRAFT

### Rules and Procedures for the House Special Investigatory Committee

1. The House Special Investigatory Committee (HSIC) shall give public notice of the date, time and place of its meetings as soon as practicable before the commencement of its meetings.

2. At the request of special counsel or a majority of the HSIC, the HSIC shall conduct appropriate proceedings in executive session. Staff members must sign confidentiality statements.
3. The task of gathering and presenting evidence to the HSIC shall be the responsibility of special counsel. In that regard:
  - a. all documentary evidence from public records, including affidavits of investigative authorities, shall be presented in open, public sessions;
  - b. as other evidence is gathered, and at the request of special counsel, the HSIC shall decide how that evidence is to be presented — i.e., through live witnesses, depositions or otherwise;
  - c. also at the request of special counsel, the HSIC will decide whether that evidence is to be presented in public sessions or whether respect for ongoing civil, criminal or administrative proceedings or questions of privilege requires that such evidence be presented in executive session;
  - d. testimony by witnesses, whether presented in public session or otherwise, shall be under oath, through direct questioning by special counsel. Members of the HSIC shall, however, retain the right to question any witness presented. Members of the HSIC may submit questions to the special counsel regarding testimony by deposition;
  - e. these proceedings are investigative and charging in nature and thus do not require an adversarial hearing. Nonetheless, the Secretary of State shall be apprised of the evidence submitted by special counsel, and the Secretary's response to that information shall be invited by way of:
    - (1) the Secretary's own testimony, under oath, provided through the questioning of special counsel; and
    - (2) through other means, under terms and conditions deemed appropriate by the HSIC, upon the recommendation of special counsel; and
  - f. special counsel is authorized to request the issuance of subpoenas on behalf of the HSIC.
4. After the presentation of the evidence, the HSIC, sitting in executive session, shall receive and consider the advice of special counsel with respect to any potential articles of impeachment.
5. The question presented to the HSIC and the House is, "Is there credible evidence to warrant impeachment?". The HSIC and the House will apply the following standard of proof:

There is credible evidence to warrant impeachment.
6. The HSIC shall make a report to the full House. If the report recommends articles of impeachment, the HSIC shall present the articles of impeachment to the whole House.
7. If and when articles of impeachment are presented to the House, all House members shall be given access to all the evidence considered by the HSIC.

After reading the rules, Mr. Carver invited committee members to ask questions, and he said that he could provide, if wished, a discussion of the changes between the rules used in 2011 and those used in 2005.

Representative Maestas Barnes asked about the committee's subpoena power and how Rule 3(f), authorizing special counsel to request a subpoena, would work absent subpoena power for the committee. Mr. Carver answered that the 2011 subcommittee had investigated this question thoroughly and determined that only the full House could issue a subpoena, which is why language from the 2005 rules concerning issuance of a subpoena utilizing the Legislative Finance Committee's subpoena power was removed from the rules in 2011. He noted that Rule 3(f) only authorized special counsel to request a subpoena through the committee. Co-Chair Chasey noted that the memorandum suggesting changes to the impeachment process that was written after the 2011 investigation had recommended that the Legislature change the law so that the Legislature not need to be in session for it to issue a subpoena, but no change was made. Upon further concerns being raised about how the issuance of a subpoena might happen, especially as the Legislature is not in session, Mr. Carver noted that the Taxation and Revenue Department and the State Auditor turned over their investigatory documents in 2011 without a subpoena and that only the Office of the Attorney General (OAG) required a subpoena — and that after that subpoena was issued, the OAG filed a Motion for a Protective Order raising various privileges. The issues surrounding that motion were unresolved at the time the 2011 matter was concluded.

Representative Dines asked why there was no provision in the rules for the taking and publishing of minutes, noting that comprehensive minutes were taken in 2011. Mr. Carver answered that in 2011, minutes were taken as a matter of course by LCS staff without a requirement under the rules, and minutes would be taken for the current proceedings. Representative Dines then asked about the publication of agendas for the HSIC meetings. Mr. Carver noted that meeting dates and locations for the HSIC would be posted as far in advance as possible and that notices of the meetings would be published in the LegisLetter. He also noted that any items that might be placed on an agenda would necessarily be of broad scope, such as, "discussion of matters relating to the investigation". Representative Dines noted that in 2011, the rules were discussed by number; he added that it might help to inform the public what would be discussed at each meeting.

Representative Dines then asked why the standard of proof was changed from "clear evidence" in 2005 to "credible evidence" in 2011, and he inquired about whether a definition was ever provided of "clear evidence" or "credible evidence". Mr. Carver directed the attention of the members of the committee to page 2 of the minutes of the third meeting of the 2011 committee and to page 2 of the minutes of the fifth meeting of the 2011 committee, and he read the accounts given of the discussion of the standard of proof. He noted that, in 2011, some members thought that the use of the term "credible" provided a firmer foundation for the subcommittee's work and that there was concern that the standard used by the subcommittee should be distinct from the standards used in civil or criminal cases. Mr. Burciaga added that, in 2005, there was a good bit of discussion about existing standards of proof, and the 2005 subcommittee was looking for a standard higher than "more likely than not" but different than "clear and convincing evidence" or "beyond a reasonable doubt".

Representative Steinborn noted the importance of webcasting the proceedings and asked whether the rules that the HSIC adopts will be posted online. Mr. Burciaga noted that the rules and all other materials will be made available online on the interim committee's page of the Legislature's web site and that the morning's materials already have been posted. Co-Chair Chasey noted that the minutes from each meeting will also be posted once the committee has approved the drafts.

**Motion:** Representative Maestas Barnes made a motion, seconded by Representative Martinez, that the co-chairs of the committee be authorized to select and retain special counsel and that the special counsel be authorized to begin work under the direction of the co-chairs and be asked to make a progress report to the committee at its next meeting. The motion was approved with no objections. In discussion of the motion, Representative Dines noted that, under the Open Meetings Act, Section 10-15-2(B) NMSA 1978, there is an exception to how the act applies to the Legislature for quasi-judicial or investigatory proceedings and that, while the HSIC likely falls under that exception, the committee should be commended for making its proceedings transparent to the public. He also asked the committee to consider making agendas for future meetings.

Co-Chair Cook noted that under Subsection C of that same section of the Open Meetings Act, the meetings of the HSIC might not even qualify as a meeting, but that it was important for the meetings to be open and transparent.

Co-Chair Cook asked that members of the HSIC inform one of the co-chairs if they had any suggestions for possible special counsel.

Co-Chair Cook then asked the committee to consider a date for the committee's next meeting. Ms. Chavez-Romero detailed the dates members had indicated to her that might work. The committee selected October 27, 2015 at 10:00 a.m. in Room 307 of the State Capitol for its next meeting.

Representative Rehm mentioned that it might be useful to the committee for the LCS to make a chart of each of the charges against the Secretary of State and the evidence used to support each charge. Co-Chair Chasey noted that this would be a task for special counsel. Representative Rehm asked that campaign laws be included in the committee members' notebooks. He noted that he had learned that there were no rules published yet for the conduct of elections and that it appears possible that it may not be a criminal violation for someone to borrow money from the account of one's campaign. He requested that the LCS research the matter and open a file to amend the law if changes are necessary. Representative Rehm later requested research concerning how amounts borrowed from a campaign account would be reported on someone's campaign finance report.

Representative Steinborn asked what the committee might expect at its next meeting. Mr. Burciaga stated that, first, the co-chairs would have to decide who they want to hire as special

counsel. Next, the special counsel would consult with the co-chairs and the LCS concerning the information that was available at present, what information might be needed and what the next steps would be for the investigation. Mr. Burciaga added that questions surrounding the publication of an agenda would also be addressed.

Representative Martinez noted that it was a sad occasion, but he could not think of a better group with whom to undertake this task.

Representative Salazar noted that on page 3 of the report from the 2005 investigation there was a projected schedule for the completion of the work, and he wondered what is the projected schedule for this investigation. Mr. Carver noted that the committee would be able to have a better sense of the timetable for the committee's work at its next meeting, after the special counsel is able to review all of the information and determine what the scope of the investigation might entail.

Co-Chair Cook expressed his gratitude to the staff and to the members serving on the committee.

The committee adjourned at 10:34 a.m.



Revised: January 27, 2016

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
HOUSE SPECIAL INVESTIGATORY COMMITTEE**

**January 28, 2016  
Room 309, State Capitol**

**Thursday, January 28**

11:00 a.m.    **Call to Order**  
—Representative Gail Chasey, Co-Chair  
—Representative Zachary J. Cook, Co-Chair

**Approval of Minutes**

**Report from Special Counsel to the Committee**  
—Robert Gorence, Gorence & Oliveros, P.C.

**Report to the House of Representatives**

**Adjourn**



**MINUTES  
of the  
SECOND MEETING  
of the  
HOUSE SPECIAL INVESTIGATORY COMMITTEE**

**January 28, 2016  
Room 309, State Capitol  
Santa Fe**

The second meeting of the House Special Investigatory Committee (HSIC) was called to order by Representative Zachary J. Cook, co-chair, on January 28, 2016 at 11:22 a.m. in Room 309 of the State Capitol in Santa Fe.

**Present**

Rep. Gail Chasey, Co-Chair  
Rep. Zachary J. Cook, Co-Chair  
Rep. Jim Dines  
Rep. Kelly K. Fajardo  
Rep. Sarah Maestas Barnes  
Rep. Javier Martinez  
Rep. William "Bill" R. Rehm  
Rep. Patricio Ruiloba  
Rep. Tomás E. Salazar  
Rep. Jeff Steinborn

**Absent**

**Staff**

John Yaeger, Assistant Director for Legislative Affairs, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Nancy I. Martinez, Intern, LCS

**Minutes Approval**

Because the committee will not meet again, the minutes for this meeting have not been officially approved by the committee.

*These minutes are not a verbatim record of the meeting.*

**Thursday, January 28**

Co-Chair Cook opened the meeting giving an overview of the formation of the committee, the retention of Robert Gorence as special counsel for the committee and the resignation of the Secretary of State. Co-Chair Chasey noted that the intent of the committee's meeting on this day was to hear from Mr. Gorence concerning the actions he was prepared to

recommend to the committee and to get a sense from the committee of what procedural recommendations might be made in the event of a future impeachment investigation.

**Motion:** Co-Chair Cook made a motion, seconded by Representative Fajardo, that the minutes of the first meeting of the HSIC be approved. Representative Dines objected to the format of the minutes, recommending that they be revised to reflect the names of each individual member. Mr. Carver noted that while his notes likely permitted him to put names to comments, this was not the normal custom of LCS minutes as there was no verbatim record for meetings. Representative Fajardo recommended that disclaimer language be included on the minutes, indicating that there was not a verbatim record. Co-Chair Chasey noted her concerns that statements would be misattributed to someone or what someone said would not be properly reflected in the minutes. Representative Steinborn also commented that his concerns about webcasting were not reflected in the minutes.

At the conclusion of the discussion, the motion to approve the minutes was approved with no objections, on the condition that the minutes be amended to include names of speakers, a note on webcasting and a disclaimer about there being no verbatim record.

Mr. Gorence told the committee that he appreciated his selection as special counsel for the committee. He said that he would cover issues concerning the rules that he would have recommended to the committee as its work moved forward; would give a brief procedural history from the time of the filing of the criminal information against the Secretary of State to her plea to today; would cover what he was prepared to present at the canceled October 27, 2015 meeting of the committee, the meeting that was canceled due to the former Secretary of State's resignation, including a discussion of what might be considered a high crime or misdemeanor for the purposes of an impeachment proceeding; and would discuss impediments to his investigation, including positing certain issues for the committee to think about for the future.

Mr. Gorence noted that the rules that were proposed were largely based on those used in the 2005 proceeding concerning the impeachment of the State Treasurer, with the principal difference being the quantum of evidence to be used. Mr. Gorence explained to the committee that in an impeachment proceeding, the full House of Representatives sits, effectively, as a grand jury, and then, presuming Articles of Impeachment are forwarded, the Senate conducts a trial. The HSIC's role would have been to examine whether there was enough evidence to go forward with a full investigation. He noted that in 2005, the standard of proof was "clear evidence", so that there would not be confusion between the civil standard of "preponderance of the evidence" or the criminal standard of "beyond a reasonable doubt". Mr. Gorence stated that he did not see any significant difference between the 2005 "clear evidence" standard and the 2011 "credible evidence" standard. What was evident was that what the previous committees required was a substantial amount of evidence to be provided in order to move the investigation to the full House of Representatives. Mr. Gorence also made the distinction between the quantum of proof that would be required for the committee to recommend that the House take up an impeachment

matter and the quantum of proof the House would require before transmitting Articles of Impeachment to the Senate.

Mr. Gorence then briefly discussed the procedural history of the Dianna Duran case, noting that the criminal complaint was amended two times, both times expanding the charges against her. He informed the committee that he had close communication with the Assistant Attorney General conducting the Duran investigation, but that he had no access to the Attorney General's files as they were not a public record.

Mr. Gorence then gave the committee an overview of the three areas of inquiry he had intended to pursue. The first involved the conversion of campaign funds for personal use; the second involved violations of the Campaign Reporting Act, specifically documents created authorizing fictitious campaign expenses; and the third concerned the former Secretary of State's noncompliance with the enforcement requirements of the Campaign Reporting Act, specifically concerning a member of the House of Representatives. He noted that the second and third lines of inquiry would not have required a subpoena, as the documents that would be required to investigate these matters were all public, and other information could have been obtained through interviews. What would have been difficult, he continued, would have been to prove the conversion of campaign funds. The Attorney General would not release his files under the investigatory exception to the Inspection of Public Records Act due to concerns that the investigation would be jeopardized if the entire file was released. What Mr. Gorence would have needed in particular was former Secretary of State Duran's bank records. At the October 27, 2015 meeting, Mr. Gorence would have informed the committee that he required a subpoena, which would have necessitated the convening of the Legislature to issue a subpoena. It was expected that the Legislature would have convened itself into session at some point in November. Mr. Gorence had retained a forensic accountant to review the bank records that would have been produced. The plan was that Mr. Gorence would have been able to make a full presentation to the committee, possibly with the idea of creating a preliminary draft of Articles of Impeachment, by mid-December.

Mr. Gorence concluded his presentation by noting that it was necessary to begin the impeachment process when the committee did as the criminal process could have taken well over a year and there would have been a shadow over the Secretary of State as she supervised campaigns in an election year. He added that he believed that the criminal process may have gone on for longer than it did but for the impeachment committee process.

Representative Steinborn mentioned that one of the things that the committee was going to address was changing the requirements for issuance of a subpoena, and he asked Mr. Gorence about the records he had wished to access. Mr. Gorence indicated that he would have obtained the same records that the Attorney General had obtained from various financial institutions. In addition, he would have requested information from six Native American gambling casinos. He added that in the 2011 investigation of the former Public Regulation Commissioner Jerome

Block, Jr., the timing was such that the Legislature was already in session at the point when a subpoena was required.

Representative Dines asked two questions. The first concerned the documents that Mr. Gorence wanted to obtain through use of a subpoena. Mr. Gorence said that he would have preferred the entire file from the Attorney General, but what he really needed were the underlying financial documents. Representative Dines then asked Mr. Gorence what he would have recommended as the quantum of proof. Mr. Gorence started his answer by noting that he would have asked the committee for permission to proceed with his investigation, with the idea that he would not have conducted a full airing of the type of presentation he would have made to the full House to the committee, but rather he would have made a presentation laying out the evidence he had gathered. He said that he believed the 2011 standard of credible evidence of high crimes or misdemeanors was a good standard, but clarified that the quantum of proof the committee would have needed to advance the investigation to the House of Representatives was a different question than the standard required to advance Articles of Impeachment from the House to the Senate. Representative Dines noted that the committee had struggled with the ideas of "clear" versus "credible" evidence, and he asked why Mr. Gorence would have chosen "credible". Mr. Gorence explained that he saw the committee as performing a role similar to that of the screening committees used when he was a federal prosecutor, where the decision was made whether an investigation should move forward, whether there was a sense of confidence — whether clear or credible — that an investigation should progress. He noted that the HSIC's process was not a criminal, but a constitutional, proceeding. What he felt the committee would need to decide was whether the preliminary evidence was sufficiently compelling to expend the resources to conduct a full investigation. Mr. Gorence stated that he liked the term "credible", and simply using the Attorney General's charging documents was not sufficient, but after a fairly detailed investigation and presentation, using a forensic accountant, the committee could have decided whether to move forward. Representative Dines noted that he felt "sufficiently compelling" might work for the committee, although this was not the impeachment standard.

Representative Martinez asked that as the process for conducting an impeachment investigation was not written down, how the discussions on process for the Duran investigation would affect a future investigation, were one to occur. Co-Chair Chasey noted that the committee intended to discuss with Mr. Gorence procedural recommendations. Mr. Gorence stated that this case was different from the Jerome Block, Jr., proceeding in that Dianna Duran's criminal case would have gone to a preliminary hearing. He then clarified that there was one quantum of evidence to move forward with an investigation, versus a different quantum of evidence to vote to forward Articles of Impeachment to the Senate. Mr. Gorence reiterated that the standard of "credible evidence" would be what he recommended for use in the future, meaning that one has confidence in the evidence and witnesses. Co-Chair Chasey noted that, procedurally, the committee might recommend that the "credible" standard be adopted, meaning that the committee has to determine that there is credible evidence to recommend that an investigation go to the full House.

Mr. Gorence continued by stating that he recommended that the committee consider whether the Legislature should amend the statute concerning subpoenas to allow the issuance of subpoenas in cases of impeachment. Representative Fajardo mentioned that she was concerned that an amendment to the statute might take away the ability of a chamber of the Legislature to issue a subpoena while it was in session. She continued that this was a conversation that the Legislature needed to have, though perhaps not during a 30-day legislative session; she would like to hear what other members of the House have to say on the matter. Co-Chair Chasey mentioned the subpoena power granted to the Legislative Finance Committee (LFC) and raised the issue of members of the Senate being on the LFC. She noted that it would be of concern to have members of the trier of fact being involved in the issuance of a subpoena, and there would also be concerns surrounding the circumstances under which the Legislature would delegate its subpoena power.

Representative Steinborn asked whether the subpoena issued by the Legislature in the past had been broad or specific. Mr. Gorence answered that the subpoena was not like a federal grand jury, broad in scope to compel testimony, but was narrow and limited to documentary evidence. Representative Steinborn expressed concerns about how broad the subpoena power might be, where would it begin or where it would end. Mr. Gorence answered that what is interesting about the Legislature's subpoena power is that it is transparent, which is not the case with normal prosecutorial subpoenas; this transparency would help to minimize any chances of abuse. Representative Steinborn noted that there was nothing to prevent special counsel from expanding its authority. Representative Dines noted that proposed Rule 3(f) reads: "special counsel is authorized to request the issuance of subpoenas on behalf of the HSIC", which allows the committee to set the area of definition or scope of an investigation or a subpoena.

Representative Dines then noted that he remembered reading a recommendation concerning the subpoena power that seems to have gone into a black hole. Mr. Carver directed the attention of the committee to the appendix to the *Final Report of the Investigatory Subcommittee of the House Rules and Order of Business Committee*, the report issued at the conclusion of the Jerome Block, Jr., impeachment investigation. That memorandum listed a series of recommendations for future impeachment proceedings. At the request of the committee, Mr. Carver gave an overview of these recommendations, which included examining the type of committee to best handle impeachment; investigating the applicability of the Inspection of Public Records Act to impeachment proceedings; considering a change to the power to issue subpoenas; examining how the statute on the swearing of oaths to legislative committees would apply in impeachment proceedings; examining how the statutes on perjury and contempt would apply in impeachment proceedings; considering how the Open Meetings Act would apply to impeachment proceedings; considering the attendance of other members of the Legislature at committee meetings and the issue of *ex parte* communications; and researching what court challenges might be brought against impeachment proceedings. Representative Fajardo asked whether any of these recommendations had been taken up. Mr. Carver answered that they had not been taken up in any formal manner and nothing introduced on any of these issues had made it through the Legislature.

Co-Chair Chasey asked that the full committee and Mr. Gorence review the final report before it is published. Representative Fajardo asked that the committee recommend some action items. She requested follow-up on the recommendations from the Jerome Block, Jr., report, and she stated that she did not want just another report. Co-Chair Cook stated that the recommendations in the Jerome Block, Jr., report could be taken up in the interim by the Courts, Corrections and Justice Committee (CCJ) and that there would be follow-up this time. Co-Chair Chasey noted that although the committee's authority had now ended, the committee can recommend that the House of Representatives discuss these matters further. She added that it was a good idea to have the interim committee address them.

Representative Ruiloba noted that it was apparent that there was a need to have a structure, an ability to have an outline and some guidance for the future. He added that he would like to be part of the process in the interim, and he recommended that there be statutory language created around the impeachment process. Representative Fajardo noted that she was not part of the CCJ. Co-Chair Cook assured the members of the committee that all members would be invited to the CCJ meeting when the impeachment matter was discussed, and he noted that the interim committee was bicameral. Co-Chair Chasey noted that senators would want to weigh in on the process as well.

Co-Chair Cook asked Mr. Gorence for his thoughts. Mr. Gorence replied that while this committee's work was done, he thought it was a good idea to have another committee examine the various issues raised by the recent impeachment proceedings. Co-Chair Cook thanked Mr. Gorence for his time, his good work and for setting aside his busy practice to assist the Legislature in this matter.

**Motion:** Co-Chair Cook asked if there might be a motion by the committee to allow the co-chairs to work with the LCS on the committee's final report. Representative Salazar made that motion, which was seconded by Representative Ruiloba. The motion passed with no objections.

The committee adjourned at 12:13 p.m.

## INFORMATION MEMORANDUM



# Legislative Council Service

## Information Memorandum

DATE: September 23, 2015

TO: Members of the House Special Investigatory Committee

FROM: John Yaeger and Douglas H. M. Carver

SUBJECT: IMPEACHMENT PROCEDURES

This memorandum is intended to provide a high-level review of impeachment procedures.

The Constitution of New Mexico provides that elected state officers may be impeached for "crimes, misdemeanors and malfeasance in office". The sole power to impeach rests with the New Mexico House of Representatives. The "concurrence of a majority of all members elected" to the house is required to impeach. The Constitution of New Mexico, unlike many other state constitutions, provides that an officer who is impeached is immediately prohibited from exercising the powers and duties of office until and unless the officer is acquitted by the senate.

An officer who is impeached is tried by the senate. A vote of two-thirds of the members elected to the senate is necessary to convict.

Impeachment does not preclude a criminal prosecution or civil action; and the lack of a criminal conviction or civil judgment does not preclude impeachment.

As far as this office is able to determine, no New Mexico official has been impeached. There are no procedural requirements or guidance in the constitution, statute or the rules of the house on how to proceed when considering an impeachment, and thus the house may use any process it believes best suits its needs. The house has at least twice initiated impeachment proceedings — in 2005 against the state treasurer and in 2011 against a public regulation

commissioner. In both cases, a similar structure was used for the investigation. The 2011 investigation proceeded further than the 2005 investigation, but in both cases, the official being investigated for impeachment resigned prior to articles of impeachment being submitted to the house for a vote.

In both cases, a subcommittee of the House Rules and Order of Business Committee consisting of an equal number of members of the majority and minority was appointed to consider whether articles of impeachment were warranted. In each case, the subcommittee considered a variety of issues ranging from organizational matters to the standard of proof it would apply in its consideration of the evidence. Each subcommittee retained special counsel.

Under this model, the subcommittee would consider the evidence as presented by special counsel and, if it believed the evidence warranted, draft articles of impeachment for presentation to the house of representatives.

While the legislature was in special session (for reasons other than impeachment) when both the 2005 and 2011 impeachment proceedings were initiated, it is not necessary for the legislature to be in session for the house to initiate an investigation. The speaker of the house has the authority to create, appoint and charge a special committee to begin an investigation. Authority must be obtained, however, to expend the funds necessary to retain special counsel and reimburse committee members for per diem and mileage.

The legislature would have to be in session for the house to vote on impeaching an officer. Additionally, were a subpoena required, the legislature would have to be in session in order for the house to issue the subpoena. The Constitution of New Mexico provides for regular sessions, special sessions called by the governor and extraordinary sessions initiated by the legislature. This office believes the appropriate way to convene the legislature, if it is not already in session, is for the legislature to call itself into extraordinary session, since consideration of impeachment is solely a function of not just the legislature, but only one chamber of the legislature. Further, while a special session is limited to 30 days, an extraordinary session may exceed 30 days if an impeachment trial is pending.

**DISCUSSION DRAFT — RULES AND PROCEDURES**



## Rules and Procedures for the House Special Investigatory Committee

***Note:** These Rules and Procedures are those that were adopted by the Investigatory Subcommittee of the House Rules and Order of Business Committee in the 2011 impeachment investigation, revised where appropriate for the present investigation.*

1. The House Special Investigatory Committee (HSIC) shall give public notice of the date, time and place of its meetings as soon as practicable before the commencement of its meetings.
2. At the request of special counsel or a majority of the HSIC, the HSIC shall conduct appropriate proceedings in executive session. Staff members must sign confidentiality statements.
3. The task of gathering and presenting evidence to the HSIC shall be the responsibility of special counsel. In that regard:
  - a. all documentary evidence from public records, including affidavits of investigative authorities, shall be presented in open, public sessions;
  - b. as other evidence is gathered, and at the request of special counsel, the HSIC shall decide how that evidence is to be presented — i.e., through live witnesses, depositions or otherwise;
  - c. also at the request of special counsel, the HSIC will decide whether that evidence is to be presented in public sessions or whether respect for ongoing civil, criminal or administrative proceedings or questions of privilege requires that such evidence be presented in executive session;
  - d. testimony by witnesses, whether presented in public session or otherwise, shall be under oath, through direct questioning by special counsel. Members of the HSIC shall, however, retain the right to question any witness presented. Members of the HSIC may submit questions to the special counsel regarding testimony by deposition;
  - e. these proceedings are investigative and charging in nature and thus do not require an adversarial hearing. Nonetheless, the Secretary of State shall be apprised of the evidence submitted by special counsel, and the Secretary's response to that information shall be invited by way of:
    - (1) the Secretary's own testimony, under oath, provided through the questioning of special counsel; and
    - (2) through other means, under terms and conditions deemed appropriate by the HSIC,

upon the recommendation of special counsel; and

- f. special counsel is authorized to request the issuance of subpoenas on behalf of the HSIC.
4. After the presentation of the evidence, the HSIC, sitting in executive session, shall receive and consider the advice of special counsel with respect to any potential articles of impeachment.
5. The question presented to the HSIC and the House is, "Is there credible evidence to warrant impeachment?". The HSIC and the House will apply the following standard of proof:

There is credible evidence to warrant impeachment.

6. The HSIC shall make a report to the full House. If the report recommends articles of impeachment, the HSIC shall present the articles of impeachment to the whole House.\*
7. If and when articles of impeachment are presented to the House, all House members shall be given access to all the evidence considered by the HSIC.

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\*Note that Rules and Procedure No. 6 has been modified. In 2011, the investigatory subcommittee was a subcommittee of a standing committee of the House of Representatives, and thus the report of the subcommittee had to be transmitted through that committee. In 2011, the language was: "The subcommittee shall make a report to the full committee. If the report recommends articles of impeachment, the subcommittee shall present the articles of impeachment through the committee to the whole house."

**CERTAIN COURT DOCUMENTS FROM *STATE V. DURAN***



STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

ENDORSED  
First Judicial District Court

AUG 28 2015

(M)

Santa Fe Rio Arriba &  
Los Alamos Counties  
PO Box 2268  
Santa Fe, NM 87501-2268

2015-00478

v.

**Dianna J. Duran, Defendant.**

**CRIMINAL COMPLAINT AND REQUEST FOR SUMMONS**

**CRIMES:**

Ethical Principles of Public Service, Embezzlement (over \$250.00 but not more than \$500.00), Fraud (over \$250.00 but not more than \$500.00), Money Laundering, Embezzlement (over \$500.00 but not more than \$2,500.00), Fraud (over \$500.00 but not more than \$2,500.00), Embezzlement (over \$2,500.00 but not more than \$20,000.00), Fraud (over \$2,500.00 but not more than \$20,000.00), Computer access with the intent to defraud or embezzle, Conspiracy to commit embezzlement, Conspiracy to commit fraud, Embezzlement (under \$250.00), Violation of Campaign Practices Act, Campaign Funds Limitation on Expenditures, Tampering with public records, Theft of identity, Violation of Campaign Practices Act, Filing a False Campaign Report: separate bank account required, Violation of Campaign Practices Act, content of report violation

The undersigned, under penalty of perjury, complains and says that on or between the 22<sup>nd</sup> day of March, 2010 and 29<sup>th</sup> day of December, 2014, in the State of New Mexico, the above-named defendant(s) did:

**Investigation:**

In July 2014, the New Mexico Office of the Attorney General received a confidential tip regarding the personal bank account of Dianna J. Duran. The information in the tip advised that there were numerous cash deposits made into bank accounts of Dianna J. Duran. The cash deposits appeared to be incongruent when compared to known sources of income.

There has been a pattern of observed behavior demonstrated by Dianna J. Duran during the course of this investigation. The pattern appears to center around, among other things, deposits of large amounts of cash as well as campaign contributions into financial accounts, both personal and campaign, controlled by Dianna J. Duran. This behavior has been observed to often be followed by the subsequent transfer of funds between financial institutions including personal and campaign accounts controlled by Dianna J. Duran. This behavior often culminates in large debits for cash expenditures occurring at casinos throughout the State of New Mexico.

## **Identification of Bank Accounts Controlled by Dianna J. Duran:**

### **Wells Fargo Bank:**

Account # 2094526783 (hereinafter referred to as "2010 SOS campaign account"), opened March 8, 2010 by Dianna Duran as the sole signer; the account was opened as the campaign account for the 2010 Secretary of State election. In the July 2011 statement, Wells Fargo Bank notified Dianna J. Duran that effective September 12, 2011, the account would be designated as "Wells Fargo Personal Checking" account. The checks drawn against this account bear the name: "Dianna J. Duran for Secretary of State Campaign Account". The only authorized signer on this account is Dianna J. Duran.

### **First National Bank:**

First National Bank is a New Mexico company with locations in five New Mexico towns in the southern portion of the state, serving Otero, Lincoln and Eddy counties. If a transaction was conducted at a First National Bank branch location, it was conducted within the State of New Mexico.

Account# 0028028306 (hereinafter referred to as "joint personal checking"), opened August 9, 2007 by Dianna J. Duran and Rosaleo "Leo" N. Barraza; the account was opened as a "First Club 50", joint ownership, checking account.

Account# 0021225320 (hereinafter referred to as "joint personal savings"), opened September 2, 1992, by Rosaleo "Leo" N. Barraza; Dianna J. Duran is listed as a joint signer; the account is listed as a savings account.

Account# 0010162101 (hereinafter referred to "2014 SOS campaign account"), opened September 13, 2013 by Grace M. Gonzalez; the account is titled "Dianna J. Duran for Secretary of State" and is the registered campaign account for the 2014 Secretary of State election. Dianna J. Duran is also listed as a signer on the account; she signed the signature card on September 20, 2013. This account is the only registered account for the 2014 Secretary of State election.

## **Financial Analysis of Subpoenaed Material**

### **Known Sources of Income**

Examination of financial records, including bank statements and loan applications as well as joint tax returns revealed the known sources of income for Dianna J. Duran and her husband Rosaleo N. Barraza. The following table is representative of the examination:

<b>2010 Tax Year</b>	<b>Individual</b>	<b>Source</b>	<b>Reported Income</b>	<b>AGI Reported on 2010 Tax Return</b>
	Rosaleo Barraza	NM PERA	\$53,195.16	
	Dianna J. Duran	NM PERA	\$27,187.56	
	Rosaleo Barraza	Social Security	\$23,304.00	
	Dianna J. Duran	(Sch. C) State Senator	(\$6,554.00)	
	Barraza/Duran Joint	(Sch. E) Rental Income	(\$4,507.00)	
	Dianna J. Duran	Gambling Income	\$5,681.00	
				<b>\$93,526.00</b>
<b>2011 Tax Year</b>	<b>Source</b>	<b>Reported Income</b>	<b>AGI Reported on 2011 Tax Return</b>	
	Wages	\$53,848.00		
	Pensions	\$53,884.00		
	(Sch. E) Rental Income	(\$6,212.00)		
	Social Security Benefits	\$23,297.00		
	Gambling Income	\$719.00		
			<b>\$122,041.00</b>	
<b>2012 Tax Year</b>	<b>Source</b>	<b>Reported Income</b>	<b>AGI Reported on 2012 Tax Return</b>	
	Wages	\$50,643.00		
	Pensions	\$55,528.00		
	(Sch. E) Rental Income	(\$7,969.00)		
	Social Security Benefits	\$24,143.00		
	Gambling Income	\$0		
			<b>\$118,724.00</b>	
<b>2013 Tax Year</b>	<b>Source</b>	<b>Reported Income</b>	<b>AGI Reported on 2013 Tax Return</b>	

	Wages	\$55,352.00	
	Pensions	\$56,934.0	
	(Sch. E) Rental Income	\$0	
	Social Security Benefits	\$24,551.00	
	Gambling Income	\$4,513.00	
			<b>\$137,667.00</b>

### Expenses Observed

Further analysis of the financial accounts controlled by Dianna J. Duran revealed total expenditures per calendar year, which was compared to the known sources of income, as reported by Dianna J. Duran and her husband Rosaleo Barraza on their joint tax returns (2010 through 2013).

### Casino Cash Withdrawals

The following table represents electronic debits for cash from the accounts controlled by Dianna J. Duran at the following locations for the calendar years 2013 and 2014:

Casino	2013	2014
Buffalo Thunder Casino	\$600.00	\$6,300.00
Camel Rock Casino	\$28,000.00	\$34,300.00
Casino Apache	\$15,946.00	\$61,055.00
Inn of the Mountain Gods	\$800.00	\$15,875.00
Ohkay Casino	\$0	\$1,000.00
Ruidoso Downs	\$5,035.00	\$9,171.00
San Felipe Casino	\$1560.00	\$4,850.00
Sandia Casino	\$95,700.00	\$150,255.96
<b>TOTAL</b>	<b>\$147,641.00</b>	<b>\$282,806.96</b>

## **Reported Casino Activity**

On July 28, 2015, Special Agent S. Gloria obtained a Grand Jury Subpoena for multiple casinos where Dianna J. Duran withdrew cash

On August 18, 2015, Buffalo Thunder Casino responded to the subpoena by providing a summary of the gambling activity conducted by Dianna J. Duran. This summary included calendar years 2013 and 2014.

On August 11, 2015, Sandia Casino responded to the subpoena by providing a summary of the gambling activity conducted by Dianna J. Duran and activity on her casino player's card (#1900164205). This summary included calendar years 2013 and 2014.

The subpoenaed materials revealed there was gambling activity associated with Dianna J. Duran on or about the dates of cash withdrawals observed in the financial accounts controlled by Dianna J. Duran.

## **Background of Dianna J. Duran**

Dianna J. Duran is the current Secretary of State of New Mexico. In the 2010 election, Dianna J. Duran ran for and won the election for Secretary of State. In 2014, Dianna J. Duran was re-elected as Secretary of State. During the 2014 campaign, Dianna J. Duran solicited contributions for her campaign from multiple New Mexico residents and businesses. The campaign reports of contributions and expenditures are governed by the New Mexico Campaign Practices Act (NMSA 1978, Sections 1-19-1 to -37). The reporting of campaign contributions and expenditures are overseen by the Office of the Secretary of State. Dianna J. Duran, as the New Mexico Secretary of State, assumes the role of state government ethics regulator.

During the course of this investigation, victims and/or contributors as well as the Campaigns to Elect Dianna J. Duran were identified. These victims and/or contributors were observed to be residents or located within the State of New Mexico. The Campaigns to Elect Dianna J. Duran were conducted in the State of New Mexico.

## **Specific Criminal Incidents:**

### **1. ETHICAL PRINCIPLES OF PUBLIC SERVICE**

On or between September 1, 2013 and August 28, 2015, Dianna J. Duran did use her powers and status as a public officer, employee and the office of the Secretary of State to obtain personal benefit or pursue private interests, or conducted herself in a manner that did not maintain the integrity, ethics, responsibilities of public service or failed to disclose real or potential conflicts of interests or requested or received money, a thing of value, and/or promise conditioned on performance of an official act. All political campaigns in the State of New Mexico are governed by the recording, reporting and

spending provisions of the Campaign Practices Act, of which the New Mexico Secretary of State's office is the governing body.

Dianna J. Duran did violate the ethical principles of public service by:  
committing embezzlement (over \$250.00 but not more than \$500.00) by converting intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico to her own use; committing fraud (over \$250.00 but not more than \$500.00) by misappropriating intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, with the intent to defraud the campaign or another; committed a violation of campaign funds limitation on expenditures by knowingly and willfully making an expenditure of campaign contributions for unauthorized purposes; committing money laundering by conducting, structuring, engaging in or participating in a financial transaction that she knew or believed to be proceeds of an unlawful activity; committing embezzlement (over \$500.00 but not more than \$2,500.00) by converting intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, to her own use; committing fraud (over \$500.00 but not more than \$2,500.00) by misappropriating intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, with the intent to defraud the campaign or another; committing embezzlement (over \$2,500.00 but not more than \$20,000.00) by converting intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, to her own use; committing fraud (over \$2,500.00 but not more than \$20,000.00) by misappropriating intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, with the intent to defraud the campaign or another; committing computer access fraud by knowingly, willfully accessed or caused to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything of value (over \$2,500.00 but not more than \$20,000.00); committing conspiracy to commit a felony by conspiring with another, through words or acts to commit the crime of embezzlement (over \$2,500.00 but not more than 20,000.00), intending to commit embezzlement (over \$2,500.00 but not more than \$20,000.00), committing conspiracy to commit a felony by conspiring with another, through words or acts to commit the crime of fraud (over \$2,500.00 but not more than 20,000.00), intending to commit fraud (over \$2,500.00 but not more than \$20,000.00); committing embezzlement (under \$250.00) by converting intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, to her own use; committing fraud (under \$250.00) by misappropriating intended campaign contributions for her candidacy for the office of Secretary of State of New Mexico, with the intent to defraud the campaign or another; committing tampering with public records by knowingly falsifying or falsely making any record or file, authorized or required to be kept by law; committing filing a false campaign report by a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditure and contribution that contained false or incomplete information; committing theft of identity by willfully obtaining, recording or transferring personal identifying information of another, without the authorization or consent of that person and with the intent to defraud that person or

another: committing a violation of the Campaign Practices Act, separate bank account required by a candidate for public office and making an expenditure and or solicited or accepted a contribution for a political purpose without establishing a single bank account, in which all receipts of money contributions were deposited and all expenditures were disbursed: committing a violation of the Campaign Practices Act, content of report violation by filing a campaign report that did not include the full name of an entity.

## **2. SHOATS and WEAKS, INCORPORATED**

On December 22, 2014, Shoats and Weaks, Incorporated issued a check to "CTE Diana Duran" (=3741, dated December 22, 2014, \$500.00, from their US Bank account). The check was endorsed "Dianna Duran 28028306": the endorsement appears to be the legal signature of Dianna J. Duran. The check was deposited into the First National Bank, joint personal checking (=8306), on December 29, 2014.

The check appears to be intended for the campaign of Dianna J. Duran: CTE is an acronym for "Campaign to Elect" or "Committee to Elect". It should be noted, the check is issued after the election date of November 3, 2014.

A thorough review of the personal bank account belonging to Dianna J. Duran and her husband, Leo Barraza showed the following information:

Balance as of December 23, 2014 was overdrawn by \$2,042.56. On December 24, 2014 there were five transactions totaling \$3,126.63 debited from the account, resulting in an overdrawn balance of \$5,169.19.

On December 26, 2014, a direct deposit from the State of New Mexico was made as well as three debits, resulting in an overdrawn balance of \$3,921.17.

On December 29, 2014, Dianna J. Duran made a deposit of \$4,660.00 into First National Bank, joint personal checking (=8306), this deposit contained \$4,160.00 in cash and the \$500.00 Shoats and Weaks, Incorporated check. This deposit paid the overdrawn balance and brought the balance to \$738.83. Subsequent debits from the account are as follows: \$2.68 to New Mexico Gross Receipt Tax; \$34.00 to Overdraft Fees, \$700.00 ACH (Automated Clearing House) transaction at 30 Rainbow Road NE, Albuquerque, New Mexico, the Sandia Resort and Casino, leaving the account balance on December 29, 2014 at \$2.15.

On August 13, 2015, Special Agent J. Weber requested and was granted a Grand Jury subpoena for material regarding Dianna J. Duran and her 2014 campaign for Secretary of State: the subpoena was issued to Shoats and Weaks, Incorporated. It was served on August 18, 2015 by Special Agent E. Griego.

On August 19, 2015, Ms. Shoats contacted Special Agent Weber regarding the subpoena. Ms. Shoats confirmed the check (=3741, dated December 22, 2014, \$500.00, issued to

"CIE Diana Duran") was issued as a contribution to the 2014 campaign for Secretary of State. She further confirmed the check was not intended as a gift or loan. Shoats and Weeks, Incorporated reported the contribution on their 2015 Lobbyist Reporting Form, Report of Expenditures, Form D, on December 15, 2014, indicating an expenditure of \$500.00 to Dianna J. Duran.

This campaign contribution is not documented in any campaign report for the 2014 campaign period, nor in any supplemental reports, nor in any amended reports, by Dianna J. Duran, as of August 27, 2015.

Dianna J. Duran did: embezzle or convert to her own use \$500.00, on or about December 29, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$500.00 belonging to the Campaign to Elect Dianna J. Duran or Shoats and Weeks, Incorporated or another by means of fraudulent conduct (NMSA 1978 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

### **3. CASH WITHDRAWAL, \$1,486.90**

On July 15, 2014 at 1243 hours, Dianna J. Duran personally withdrew from her First National Bank, 2014 SOS campaign account (=2101) \$1,486.90, which was subsequently deposited into her First National Bank, joint personal checking (=8306) on or about July 15, 2014 at 1243 hours. The signature that appears on the withdrawal slip appears consistent with the signature card on the First National Bank, 2014 SOS campaign account (=2101).

The events surrounding this transaction are as follows: On July 14, 2014, the First National Bank, joint personal checking (=8306), balance prior to this deposit indicated that the account was overdrawn in the amount of \$1,019.38. Subsequent review of the First National Bank, joint personal checking (=8306), showed the following information: the deposit of \$1,486.90 and a separate deposit of \$100.00 brought the account into a positive balance of \$567.52. Subsequent transactions on the account are as follows: fees and taxes totaled \$110.03; two withdrawals at Ohkay Casino totaling \$400.00 as well as two debit card purchases totaling \$45.31, resulting in an ending balance on July 15, 2014 of \$12.18, thus, making these transactions impossible to negotiate without the \$1,486.90 deposit which was withdrawn from her First National Bank, 2014 SOS campaign account (=2101).

It should be noted, on July 11, 2014, the First National Bank, joint personal checking (=8306), balance was overdrawn by \$1,305.09 at the start of the business day. The following deposits were made on July 11, 2014: direct deposit from the State of New Mexico of \$1,486.05 (payroll), returned fees and taxes totaling \$36.68 and an in-person deposit of \$210.00 in cash and a \$10.00 check (from Penny Evans, who is unrelated to this

investigation). On July 14, 2014, the following withdrawals were made against the account: \$40.00 (made on 07-12-14 and posted 07-14-14); \$30.00 as an ACH transaction at Sandia Resort and Casino (listed as "Redepeek"); \$400.00 at Sandia Resort and Casino (with the address of 30 Rainbow Road NE, Albuquerque, New Mexico); \$800.00 at Casino Apache; \$43.10 at Sav-o-Mat and \$48.92 at Ohkay Express Mart in Espanola, New Mexico. There was a total of \$1,362.02 withdrawn from the account on July 14, 2014, the account was overdrawn by \$1,019.38 at the end of the business day.

Examination of the campaign reporting expenditures for the 2014 SOS campaign did not show an expenditure of \$1,486.90 in any of the submitted reports.

Dianna J. Duran did: embezzle or convert to her own use \$1,486.90, on or about July 15, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$1,486.90, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

#### **4. CAMPAIGN TRANSFER, \$2,550.00**

On September 24, 2013, Dianna J. Duran did electronically transfer a financial instrument (via wire transfer, authorizing the transaction between two financial institutions for a fee of \$30.00) funds from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) to her First National Bank, joint personal checking (=8306), totaling \$2,550.00, thus converting it to her own personal use.

According to the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form C (filed and dated October 15, 2013) on September 25, 2013, Dianna J. Duran transferred funds (\$2,865.12) from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783), into her First National Bank, 2014 SOS campaign account (=2101), with a description of "Transfer of campaign funds to 2014 SOS campaign".

After reviewing associated bank statements, a corresponding transaction of \$2,550.00 was wire transferred from her Wells Fargo Bank, personal account as of September 12, 2011 (=6783) and located in her First National Bank, joint personal checking (=8306). No transaction totaling \$2,865.12 was found in the Wells Fargo Bank, personal account as of September 12, 2011 (=6783), for this time frame.

The First National Bank, joint personal checking (=8306) balance prior to this transfer indicated that the account was overdrawn in the amount of \$1,808.63. Subsequent review of the First National Bank, joint personal checking (=8306) showed the following information: the transfer brought the account into a positive balance of \$741.37. Subsequent transactions on the account are as follows: fees and taxes totaled \$146.37; two

withdrawals at Casino Apache totaling \$500.00 resulting an ending balance on September 24, 2013 of \$95.00, thus, making these transactions impossible to negotiate without the \$2,550.00 transfer from her Wells Fargo Bank, personal account as of September 12, 2011 (=6783).

It should be noted that the amount of \$2,865.12 was the last reported balance of the 2010 election campaign, as reported August 30, 2011; the balance of the Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) has fluctuated above and below \$2,865.12, since the 2010 election.

These events detail the \$2,550.00 wire transfer from Dianna J. Duran's Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) to her First National Bank, joint personal checking (=8306). The diversion of the funds for her campaign account by a transfer to her personal account converted the funds to personal use by Dianna J. Duran; this was done with the intent to defraud her campaign account of the funds.

Dianna J. Duran did: embezzle or convert to her own use \$2,550.00, on or about September 24, 2013 and September 25, 2013 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$2,550.00, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1978 1-19-29.1); conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 1978 30-51-4); and knowingly, willfully accessed or caused to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything of value of \$2,550.00 (NMSA 1978 1978 30-45-3).

## **5. SEAN DAVIS**

On March 22, 2010, Dianna J. Duran issued check # 1066 from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) to Sean Davis in the amount of \$600.00. The check was signed by Dianna J. Duran. The check was endorsed with a signature that appears to be Sean Davis and endorsed a second time as "Dianna J. Duran 28028306" and subsequently deposited toward her First National Bank, joint personal checking (=8306), also on March 22, 2010.

This check is listed on the 2010 Campaign Reporting Act, Report of Expenditures and Contributions, Form C (submitted April 12, 2010 at 10:40:14 AM). The report lists the date of March 22, 2010 and "Sean Davis-216 Sierra Blanca, Tularosa, NM 88352", with the description: "Equipment & work on campaign".

On August 23, 2015, Special Agent S. Gloria and Special Agent J. Weber attempted to contact Sean Davis at his listed residence in Tularosa, New Mexico. Mr. Davis was not

home, however, his contact information was provided to agents by his mother. A business card was left with his mother.

On August 24, 2015, Special Agent J. Weber conducted an interview with Mr. Davis. Special Agent J. Weber asked Mr. Davis what type of work he did with the Dianna J. Duran 2010 campaign; Mr. Davis advised he did not work with or for the 2010 campaign. Mr. Davis advised the only "campaigning" he participated in was walking in a parade in Alamogordo, New Mexico, sometime in 2010. Mr. Davis indicated he did not receive compensation or checks from the 2010 campaign. Mr. Davis was shown a copy of the check issued to his name (=1066, \$600.00, from Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783)) and confirmed he did not receive the funds from the check and he did not endorse the check.

Dianna J. Duran did tamper with a public record by knowingly falsifying or falsely making any record or file, authorized or required to be kept by law (NMSA 1978 30-26-1); knowingly and willfully filed a statement or report of expenditure and contribution that contained false or incomplete information (NMSA 1978 1-19-29.1); did commit theft of identity by willfully obtaining, recording or transferring personal identifying information of another, without the authorization or consent of that person and with the intent to defraud that person or another (NMSA 1978 30-16-24.1)

**6. ROSALEO N. BARRAZA ("LEO BARRAZA"), \$2,850.00 and \$328.00**

On November 20, 2014, check #229, was issued payable to Leo Barraza in the amount of \$2,850.00 from the First National Bank, 2014 SOS campaign account (=2101) entitled Dianna J. Duran for Secretary of State. The memo line on this check reflected "reimbursement", it was endorsed by Barraza and deposited into the First National Bank, joint personal checking (=8306) entitled Dianna J. Duran or Rosaleo N. Barraza, on November 20, 2014. On the Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on December 4, 2014, at 5:12:09 pm, an expenditure was reported on November 20, 2014 indicating that Leo Barraza was paid a "Travel Reimbursement" of \$986.58. The amount of the check (=229) that was actually written to Leo Barraza and deposited into the First National Bank, joint personal checking (=8306) in the amount of \$2,850.00 was not reported on November 20, 2014 nor was it located on any other campaign expenditure report.

On November 19, 2014, the First National Bank, joint personal checking (=8306) had a balance of \$1,096.50. On November 20, 2014, the combined deposit, totaling \$3,850.00, including the \$2,850.00 check #229, issued and signed by Dianna J. Duran and written to Leo Barraza from the First National Bank, 2014 SOS campaign account (=2101) was posted to the account. On November 20, 2014 at 1340 hours, a withdrawal of \$4,500.00 was debited from the account at Sandia Casino. At the end of the business day on November 20, 2014, the account balance was \$446.50. Without the deposit of \$2,850.00, the withdrawal at Sandia Casino could not have been realized without overdrawing the account. Analysis of subpoenaed material from Sandia Casino indicated the existence of gambling activity associated with the player's club card belonging to Dianna J. Duran

within close proximity of the \$4,500.00 withdrawal.

On October 3, 2014, check #211 payable to Leo Barraza in the amount of \$328.00 from the First National Bank, 2014 SOS campaign account (=2101) titled Dianna J. Duran for Secretary of State, dated October 3, 2014, with the memo line reflecting, "reimbursement" was deposited into the personal bank account at First National Bank, joint personal checking (=8306) titled Dianna J. Duran or Rosaleo N. Barraza, on October 3, 2014. This expense was not reported as a campaign expense on any of the Campaign Reporting Act Report of Expenditures and Contributions Form C Expenditures.

On October 2, 2014, the First National Bank, joint personal checking (=8306) had a balance of \$231.82. On October 3, 2014, two deposits were credited into the account, totaling \$1,816.05, which included a State of New Mexico direct deposit of \$1,488.05 and the \$328.00 check #211, issued and signed by Dianna J. Duran and written to Leo Barraza from the First National Bank, 2014 SOS campaign account (=2101). On October 3, 2014, \$561.10 was debited from the account in personal expenses. Also observed were two separate debits to the account, both on October 3, 2014, one for \$1,200.00 and one for \$200.00; both of these debits were at Sandia Casino. Analysis of subpoenaed material from Sandia Casino indicated the existence of gambling activity associated with the player's club card belonging to Dianna J. Duran within close proximity of the \$1,200.00 and \$200.00 withdrawals. At the end of business day on October 3, 2014, the account balance was overdrawn by \$13.23. Without the deposit of \$1,816.05, including the First National Bank, 2014 SOS campaign account (=2101) check #211 of \$328.00 written to Leo Barraza, issued and signed by Dianna J. Duran, the withdrawals at Sandia Casino could not have been realized.

Examination of financial records revealed that between September 3, 2014 and November 3, 2014, Dianna J. Duran issued and signed multiple checks to Rosaleo N. Barraza, her husband. A signature bearing the name "Leo Barraza" appears as endorsement on these checks. All of these checks were deposited into the joint personal checking account First National Bank, joint personal checking (=8306). Analysis was conducted of First National Bank, joint personal checking (=8306) where no matches to the dollar amounts of the reimbursement expenditures to Leo Barraza were found.

Examples of the incidents of checks issued to Leo Barraza include:

On September 3, 2014, check #192, payable to Leo Barraza in the amount of \$387.95 from the First National Bank, 2014 SOS campaign account (=2101) titled Dianna J. Duran for Secretary of State, dated September 3, 2014, with the memo line reflecting, "reimbursement for supplies" was deposited into the personal bank account at First National Bank, joint personal checking (=8306) titled Dianna J. Duran or Rosaleo N. Barraza, on September 3, 2014. The Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on October 14, 2014, at 3:07:17 pm, reflects that on September 3, 2014, "Reimbursement for Parade sign supplies" was listed as an expense for Leo Barraza in the amount of \$387.95.

On September 15, 2014, check #201, payable to Leo Barraza in the amount of \$462.27

from the First National Bank, 2014 SOS campaign account (=2101) titled Dianna J. Duran for Secretary of State, dated September 15, 2014, with the memo line reflecting, "reimbursement" was deposited into the personal bank account at First National Bank, joint personal checking (=8306) titled Dianna J. Duran or Rosaleo N. Barraza, on September 15, 2014. The Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on October 14, 2014, at 3:07:17 pm, reflects that on September 15, 2014, "Reimbursement for Travel" was listed as an expense for Leo Barraza in the amount of \$462.27.

On October 16, 2014, check #217 payable to Leo Barraza in the amount of \$665.47 from the First National Bank, 2014 SOS campaign account (=2101) titled Dianna J. Duran for Secretary of State, dated October 16, 2014, with the memo line reflecting, "reimbursement" was deposited into the First National Bank, joint personal checking (=8306) titled Dianna J. Duran or Rosaleo N. Barraza, on October 16, 2014. The Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on October 30, 2014, at 1:54:49 pm, reflects that on October 16, 2014, "reimbursement for travel" was listed as an expense for Leo Barraza in the amount of \$665.47.

On October 24, 2014, check #219, payable to "Leo Barraza" in the amount of \$300.00 from the First National Bank, 2014 SOS campaign account (=2101) titled Dianna J. Duran for Secretary of State, dated October 24, 2014, with the memo line reflecting, "reimbursement" was deposited into the First National Bank, joint personal checking (=8306) titled Dianna J. Duran or Rosaleo N. Barraza, on October 24, 2014. The Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on October 30, 2014, at 1:54:49 pm, reflects that on October 24, 2014, "reimbursement for travel" was listed as an expense for Leo Barraza in the amount of \$300.00.

On November 3, 2014, check #223 payable to Leo Barraza in the amount of \$375.00 from the First National Bank, 2014 SOS campaign account (=2101) entitled Dianna J. Duran for Secretary of State, dated November 3, 2014, with the memo line reflecting, "reimbursement" was deposited into the First National Bank, joint personal checking (=8306) entitled Dianna J. Duran or Rosaleo N. Barraza, on November 3, 2014. The Secretary of State Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on December 4, 2014, at 5:12:09 pm, reflects that on November 3, 2014, "Reimbursement for Campaign Expenses" was listed as an expense for Leo Barraza in the amount of \$375.00.

Dianna J. Duran did: embezzle or convert to her own use \$2,850.00, on or about November 20, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$2,850.00, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 30-16-6); embezzle or convert to her own use \$328.00, on or about October 3, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$328.00, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA

1978 30-16-6) conspire to commit a felony by conspiring with another, through words or acts to commit the crime of embezzlement (over \$2,500.00 but not more than \$20,000.00); intending to commit embezzlement (over \$2,500.00 but not more than \$20,000.00); conspire to commit a felony by conspiring with another, through words or acts to commit the crime of fraud (over \$2,500.00 but not more than \$20,000.00); intending to commit fraud (over \$2,500.00 but not more than \$20,000.00); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29 1); conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

#### **7. DIANNA J. DURAN, \$511.21**

On November 21, 2014, check# 230 payable to Dianna J. Duran in the amount of \$511.21 from the First National Bank, 2014 SOS campaign account (=2101), dated November 21, 2014, was deposited into First National Bank, joint personal checking (=8306) on November 21, 2014. This expense was not reported as a campaign expense on any of the Campaign Reporting Act Report of Expenditures and Contributions Form C Expenditures for Dianna J. Duran, however, there is an expenditure identified and reported as "PeerMart Outlet #68044 St NW, Los Ranchos NM 87107" for \$511.21 on September 30, 2014. This report was submitted October 14, 2014 at 3:07:17 pm. Dianna J. Duran did willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29 1)

#### **8. BILLIE JO CROUSE**

On July 17, 2012, Dianna J. Duran did deposit into her Wells Fargo Bank, personal account as of September 12, 2011 (=6783) a check from Billie Jo Crouse, Stephanie Aldridge, Republican Volunteer Lunch, check # 124, dated July 17, 2012 payable to Dianna Duran SOS in the amount of \$25.00. On the memo line "SOS needs" is handwritten on the check.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran

During an interview with Ms. Crouse, she confirmed the check was a contribution to the Campaign to Elect Dianna J. Duran and was not a gift or loan to Dianna J. Duran personally. The check was given to Dianna J. Duran during a luncheon held by a Republican volunteer group which meets monthly.

Dianna J. Duran did tamper with a public record by knowingly falsifying or falsely making any record or file, authorized or required to be kept by law (NMSA 1978 30-26-1).

## 9 N. ROB OR MARIE SORENSEN:

On January 16, 2014, Dianna J. Duran deposited a check of \$150.00 into her Wells Fargo Bank personal account as of September 12, 2011 (=6783). The check number 10855, was issued to "Dianna Duran" from the checking account of N. Rob or Marie Sorensen, and signed by Marie Sorensen; the check was dated January 15, 2014.

While reviewing the various account materials obtained via subpoena, it was discovered that Mrs. Sorensen issued multiple checks to Dianna J. Duran; of the four checks issued, three of the items were deposited into the First National Bank, 2014 SOS campaign account (=2101). The following checks written by Mrs. Sorensen were deposited into the First National Bank, 2014 SOS campaign account (=2101): #11647, dated May 15, 2014, \$50.00, issued to "Dianna Duran for Secretary", "contribution" is written in the memo line; #11648, dated May 15, 2014, \$50.00, issued to "Dianna Duran for Secretary", "contribution" is written in the memo line; #11422, dated August 28, 2014, \$100.00, issued to "Dianna Duran for Secretary". All of the previously mentioned checks appear on the campaign contribution reports, however, the check issued on January 15, 2014, in the amount of \$150.00, does not.

Examination of the Wells Fargo Bank, personal account as of September 12, 2011 (=6783) revealed the \$150.00 check of Marie Sorensen deposited on January 16, 2014. On the same day, \$2,200.00 in cash was deposited into the account. On January 16, 2014, a wire transfer of \$2,200.00 was conducted; the recipient account was the First National Bank, joint personal checking (=8306). Analysis of the First National Bank, joint personal checking (=8306) on January 16, 2014, revealed a withdrawal of \$2,500.00 at Sandia Casino.

On August 13, 2015, Special Agent J. Weber requested and was granted a Grand Jury subpoena for material regarding Dianna J. Duran and her 2014 campaign for Secretary of State; the subpoena was issued to Marie Sorensen. It was served on August 14, 2015 by Special Agent in Charge C. Gibson.

On August 17, 2015, Special Agent S. Gloria and Special Agent J. Weber went to Mrs. Sorensen's residence to pick up documents regarding the subpoena. Mrs. Sorensen provided the following information: a typed statement and explanation of events regarding contributions to the campaign for Dianna J. Duran, copies of checks issued to Dianna J. Duran for her campaign and email invitations sent out for various events during which Dianna J. Duran spoke.

During the contact with Mrs. Sorensen, she confirmed that every check she issued to Dianna J. Duran was given with the intention of the funds being used for her 2014 campaign for Secretary of State. Mrs. Sorensen confirmed that none of the checks, including the check for \$150.00 on January 15, 2014, were given to Dianna J. Duran for personal use. Mrs. Sorensen further confirmed that she personally handed this check to Dianna J. Duran at a political event, which she identified as a luncheon held by the Zia

Federated Republican Women on or about January 16, 2014. The contributions given to the Campaign to Elect Dianna J. Duran by Mrs. Sorensen were given while in Albuquerque, New Mexico.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran.

Dianna J. Duran did: tamper with public records by not reporting this campaign expenditure (NMSA 1978 30-26-1); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); knowingly and willfully filed a statement or report of expenditure and contribution that contained false or incomplete information (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30- 51-4).

#### **10. BRAD OR DEBBIE HUNTON**

On September 26, 2014, Dianna Duran did deposit into her Wells Fargo Bank, personal account as of September 12, 2011 (=6783), a check from Brad or Debbie Hunton, check #6047, dated September 18, 2014, payable to Dianna Duran in the amount of \$100.00. On the memo line, "donation" is handwritten on the check. On August 19, 2015, Brad Hunton was interviewed by special agents of the New Mexico Office of the Attorney General during which he stated that check #6047 was intended as a campaign contribution for the 2014 Secretary of State campaign for Dianna J. Duran. Mr. Hunton stated this check was handed to Senator Stuart Engle prior to a fund raising event held at Senator Engle's residence (located in Portales, New Mexico) for Dianna J. Duran.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran.

Examination of the financial accounts controlled by Dianna J. Duran revealed numerous transactions clearing the Wells Fargo Bank, personal account as of September 12, 2011 (=6783), which would not have been possible without the deposit of \$375.00 including the aforementioned check. Further analysis of the First National Bank, joint personal checking (=8306) revealed that at the end of business day on September 26, 2014, this account had an overdrawn balance of \$3,092.69. Also observed on September 26, 2014, were two debits to the account, \$1,500.00 at Casino Apache and \$1,300.00 at Sandia Casino. The debit for Sandia Casino was corroborated by the subpoenaed material supplied by Sandia Casino.

Dianna J. Duran did: embezzle or convert to her own use \$100.00, on or about September 26, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$100.00, belonging to the Campaign to Elect Dianna J. Duran or

another by means of fraudulent conduct (NMSA 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

## **11. JOHN M. PUGH**

On September 26, 2014, Dianna Duran did deposit into her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) a check from John M. Pugh, check #1591, dated September 18, 2014, payable to Dianna Duran in the amount of \$50.00. On the memo line "Donation" is handwritten on the check.

On August 19, 2015, John Pugh was interviewed by special agents of the New Mexico Office of the Attorney General where he stated that this check was provided as a campaign contribution. Larry N. Smith, Roosevelt County Republican Party Chairman was present during the interview.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran

Examination of the financial accounts controlled by Dianna J. Duran revealed numerous transactions clearing the Wells Fargo Bank, personal account as of September 12, 2011 (=6783) which would not have been possible without the deposit of \$375.00 including the aforementioned check. Further analysis of the First National Bank, joint personal checking (=8306) revealed that at the end of business day on September 26, 2014, this account had an overdrawn balance of \$3,092.69. Also observed on September 26, 2014, were two debits to the account, \$1,500.00 at Casino Apache and \$1,300.00 at Sandia Casino. The debit for Sandia Casino was corroborated by the subpoenaed material supplied by Sandia Casino.

Dianna J. Duran did; embezzle or convert to her own use \$50.00, on or about September 26, 2014, (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$100.00, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

## **12. DIANE KINDERWATER**

On September 26, 2014, Dianna J. Duran did deposit into her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) a check from Diane Kinderwater, check #3888, dated September 6, 2014, payable to Dianna Duran in the amount of \$100.00, with a memo line that reads "Good Luck Thank you!".

On August 23, 2015, Ms. Kinderwater was interviewed by special agents of the New Mexico Office of the Attorney General, during which she confirmed that she did issue and sign this check. Initially, Ms. Kinderwater advised the check was intended for the Campaign to Re-Elect Dianna J. Duran for Secretary of State of New Mexico. Ms. Kinderwater indicated that she remembered participating in what she described as a campaign rally on or near the Santa Fe Plaza (Santa Fe, New Mexico) where she remembered holding a supportive re-election sign for Dianna J. Duran. She indicated that this rally occurred on or near "Fiesta's" time in Santa Fe, New Mexico. The check was issued on September 6, 2014, two months prior to the Secretary of State election. Ms. Kinderwater indicated that she handed the check to Dianna J. Duran during this time. Later in the interview, Ms. Kinderwater indicated that she could not specifically recall the purpose of the check that she wrote to Dianna J. Duran. Ms. Kinderwater indicated that the check was not to repay a debt or as a loan to Dianna J. Duran.

Examination of the financial accounts controlled by Dianna J. Duran revealed numerous transactions clearing the Wells Fargo Bank personal account as of September 12, 2014 (=6783) which would not have been possible without the deposit of \$375.00 including the aforementioned check. Further analysis of the First National Bank, joint personal checking (=8306) revealed that at the end of business day on September 26, 2014, this account had an overdrawn balance of \$3,092.69. Also observed on September 26, 2014, were two debits to the account, \$1,500.00 at Casino Apache and \$1,300.00 at Sandia Casino. The debit for Sandia Casino was corroborated by the subpoenaed material supplied by Sandia Casino.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B-1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran.

Dianna J. Duran did: embezzle or convert to her own use \$100.00, on or about September 26, 2014, (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$100.00, belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 30-16-6) willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

### **13. ANNA C. HERSEY**

On September 26, 2014, Dianna J. Duran did deposit into her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2014 (=6783) a check from Anna C. Hersey, check #241, dated September 14, 2014, payable to Dianna Duran in the amount of \$25.00.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of

Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran.

Examination of the financial accounts controlled by Dianna J. Duran revealed numerous transactions clearing the Wells Fargo Bank, personal account as of September 12, 2011 (=6783) which would not have been possible without the deposit of \$375.00 including the aforementioned check. Further analysis of the First National Bank, joint personal checking (=8306) revealed that at the end of business day on September 26, 2014, this account had an overdrawn balance of \$3,092.69. Also observed on September 26, 2014, were two debits to the account, \$1,500.00 at Casino Apache and \$1,300.00 at Sandia Casino. The debit for Sandia Casino was corroborated by the subpoenaed material supplied by Sandia Casino.

Dianna J. Duran did embezzle or convert to her own use \$25.00, on or about September 26, 2014 (NMSA 1978 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$100.00 belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 1978 30-51-4).

#### **14. MOUNTAIN VIEW PROPERTIES OR DIANE ARNETT STEARLEY**

On September 26, 2014, Dianna J. Duran did deposit into her Wells Fargo Bank, personal account as of September 12, 2011 (=6783) a check from Mountain View Properties, Diane Arnett Stearley, check #2885, dated September 18, 2014, payable to Dianna Duran in the amount of \$100.00. On August 19, 2015, Diane Stearley was interviewed by special agents of the New Mexico Office of the Attorney General where she stated that the intent for this check was for a campaign contribution.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No record of this contribution was filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran.

Examination of the financial accounts controlled by Dianna J. Duran revealed numerous transactions clearing the Wells Fargo Bank, personal account as of September 12, 2011, (=6783) which would not have been possible without the deposit of \$375.00 including the aforementioned check. Further analysis of the First National Bank, joint personal checking (=8306) revealed that at the end of business day on September 26, 2014, this account had an overdrawn balance of \$3,092.69. Also observed on September 26, 2014, were two debits to the account, \$1,500.00 at Casino Apache and \$1,300.00 at Sandia Casino. The debit for Sandia Casino was corroborated by the subpoenaed material supplied by Sandia Casino.

Dianna J. Duran did: embezzle or convert to her own use \$100.00, on or about September 26, 2014 (NMSA 1978 30-16-8); intentionally misappropriate or take campaign contributions valued at \$100.00 belonging to the Campaign to Elect Dianna J. Duran or another by means of fraudulent conduct (NMSA 1978 30-16-6); willfully made an expenditure of campaign contributions for unauthorized purposes (NMSA 1978 1-19-29.1); and conduct, structure, engage in or participate in a financial transaction that she knew or believed to be proceeds of an unlawful activity (NMSA 1978 30-51-4).

## 15 MACK ENERGY CORPORATION

On August 22, 2014, Mack Energy Corporation issued one check to "Diana Duran" (#17906, dated August 22, 2014, \$5,200.00). This check was not endorsed. It was deposited into the First National Bank, 2014 SOS campaign account (#2101) on September 4, 2014. The campaign report filed by or on behalf of Dianna J. Duran showed one entry for a contribution to Dianna J. Duran for Secretary of State, 2014 election, for Mack Energy Corporation on August 22, 2014. The amount of reported contribution was \$2,900.00. A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted for this contribution. No other records of this contribution were filed on any of the primary, amended or supplemental reports submitted on behalf of or by Dianna J. Duran. There is a difference of \$2,300.00 from the amount of the actual contribution to the reported contribution.

Examination of the spreadsheet provided by Grace Gonzalez revealed that on August 22, 2014 Mack Energy Corporation contributed \$5,200.00 toward the 2014 campaign.

On April 3, 2014 Mack Energy Corporation issued one check to "Diana Duran" (#17740, dated April 3, 2014, \$7,500.00). This check was endorsed "For deposit only Dianna Duran for SOS 10162101". It was deposited into the First National Bank 2014 SOS campaign account (#2101) on April 7, 2014. A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions Form B 1, Monetary Contributions, filed on April 14, 2014, was conducted for this contribution. Upon reviewing the report, it was noted there are three submissions to the campaign reporting database maintained by the Secretary of State's office, identified as the Campaign Finance Information System (CFIS) for this reporting period. One report submission revealed the following information: On April 3, 2014, a contribution of \$7,500.00 is reported and the contributor is identified as "PAC- P.O. Box 960, Artesia NM 88211". The second and third reports reveal the following information: On April 3, 2014, a contribution of \$5,200.00 is reported and the contributor is identified as "Mack Energy Corporation-P.O. Box 960, Artesia NM 88211". Additionally, there is a second entry with the following information: On April 3, 2014, a contribution of \$2,300.00 is reported and the contributor is identified as "Mack Energy Corporation- P.O. Box 960, Artesia NM 88211".

The contribution identified as "PAC- P.O. Box 960, Artesia NM 88211" in the amount of \$7,500.00 does not adequately identify, by a full name, the contributor, as is required by statute. Mack Energy Corporation is identified as an independent energy company engaged in oil and gas exploration. Mack Energy Corporation is based in southeastern

New Mexico.

In addition, the reporting of the August 22, 2014 contribution of \$5,200.00 by Mack Energy Corporation as though it were only \$2,900.00 makes the total contribution amount made by Mack Energy Corporation to the Campaign to Elect Dianna J. Duran for Secretary of State 2014 appear to total \$10,400.00. In fact, the total contribution to the Campaign to Elect Dianna J. Duran for Secretary of State 2014 by Mack Energy Corporation was \$12,700.00.

Dianna J. Duran did: tamper with a public record by knowingly falsifying or falsely making any record or file, authorized or required to be kept by law (NMSA 1978 30-26-1); knowingly and willfully filed a statement or report of expenditure and or contribution that contained false or incomplete information (NMSA 1978 1-19-29.1); committing a violation of Campaign Practices Act, content of report violation by filing a campaign report that did not include the full name of an entity to wit: Mack Energy Corporation, or the amount of the contributions totaling \$12,700.00 (NMSA 1978 1-19-31).

#### 16. **KORE TECHNOLOGIES**

On the September 8, 2014 campaign expenditures report, there are two entries for Kore Technologies, both dated July 24, 2014 and both in the amount of \$1,827.04. Upon reviewing the First National Bank, 2014 SOS campaign account (=2101), only one expenditure in the form of a check (=121, signed by Grace Gonzalez) was found. Grace Gonzalez provided (via material provided in response to subpoena) a spreadsheet she created while working as the campaign treasurer; there is only one entry on the spreadsheet by Mrs. Gonzalez for Kore Technologies on July 24, 2014 indicating that Kore Technologies was paid \$1,827.04 with check #121, from the First National Bank, 2014 SOS campaign account (=2101).

Dianna J. Duran did: tamper with a public record by knowingly falsifying or falsely making any record or file, authorized or required to be kept by law (NMSA 1978 30-26-1); and knowingly and willfully filed a statement or report of expenditure and or contribution that contained false or incomplete information (NMSA 1978 1-19-29.1).

#### 17. **BLACK DUCK**

On July 3, 2014, an order consisting of multiple tee-shirts for the Dianna J. Duran for Secretary of State campaign was made by Brenna Kennedy from Albuquerque business, Black Duck. Black Duck was issued a Grand Jury subpoena for business records related to this transaction. The production of the subpoenaed materials revealed that Brenna Kennedy of Kore Technologies ordered and paid for \$1,006.60 in merchandise related to the 2014 Secretary of State campaign of Dianna J. Duran. Additionally, a copy of check #1076 drawn against Kore Technologies, LLC's Bank of America account in the amount of \$1,006.60 was provided by Black Duck.

A review of the Secretary of State Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions, Form B 1, Monetary Contributions, was conducted, and an expense of \$1,006.60 was reported paid to Black Duck, for "t-shirts" on July 24, 2014. No record of this expense was located in the First National Bank, 2014 SOS campaign account (=2101). In addition, no corresponding reimbursement is located in the First National Bank, 2014 SOS campaign account (=2010) or the campaign reports to Brenna Kennedy or Kore Technologies. Furthermore, the Black Duck merchandise purchased by Kore Technologies was not reported as an "in-kind" contribution on the campaign reports.

## 18. TAMPERING WITH PUBLIC RECORDS

On October 6, 2011, Dianna J. Duran did file the "Statement of No Activity" 2012 First Biannual for Dianna Duran, candidate for the office of Secretary of State. The information contained in the report does not reflect a cash withdrawal signed by Dianna J. Duran on September 7, 2011, for \$100.00, from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) titled Dianna Duran

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On April 9, 2012, Dianna J. Duran did file the "Statement of No Activity" 2012 First Biannual for Dianna Duran, candidate for the office of Secretary of State. The information contained in the report does not reflect cash withdrawals signed by Dianna J. Duran on January 11, 2012, for \$640.00, and January 23, 2012 for \$600.00 from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) titled Dianna Duran, on September 12, 2011.

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1) and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35)

On April 8, 2013, Dianna J. Duran did file the "Statement of No Activity" 2013 First Biannual for Dianna Duran, candidate for the office of Secretary of State dated April 5, 2013. The information contained in the report does not reflect a cash withdrawal signed by Dianna J. Duran on September 12, 2012, for \$1,000.00, from her Wells Fargo Bank, 2010 SOS campaign account personal account as of September 12, 2011 (=6783) titled Dianna Duran, on April 8, 2013

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35)

On October 15, 2013, Dianna J. Duran did submit the Second Biannual report for the First National Bank campaign account (2101) reflecting Total Contributions of \$6,150.00 and Total Expenditures of \$1,476.88 for the Dianna J. Duran, Secretary of State campaign. On that same date, October 15, 2013, Dianna J. Duran did submit the Finalized Second Biannual report for her Wells Fargo Bank 2010 SOS campaign account personal reflecting

Total Contributions of \$0.00 and Total Expenditures of \$2,865.12. The expenditures of \$2,865.12 on the 2010 SOS campaign October 15, 2013 Campaign Reporting Act Report of Expenditures and Contributions Form C Expenditures report a "Transfer of campaign funds to the 2014 campaign" on September 25, 2013. This transfer is not reported on the Second Biannual report for the First National Bank campaign account (2101).

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On April 3, 2014, Mack Energy Corporation issued a check to Dianna J. Duran drawn on the Bank of Texas bank account ending in #5141 for \$7,500.00. During the 2014 first primary - April 14, 2014, reporting period Dianna J. Duran filed three Campaign Reporting Act, Report of Expenditures and Contributions. All three Campaign Reporting Act, Report of Expenditures and Contributions show as being submitted on April 14, 2014 at 3:57:31 pm. Two of the April 14, 2014 Campaign Reporting Act, Report of Expenditures and Contributions are identified as amended and one as submitted. The initial April 14, 2014 Campaign Reporting Act, Report of Expenditures and Contributions show the Mack Energy Corporation contribution as one entry describing it as "PAC - P.O. Box 960, Artesia, New Mexico 88211" in the amount of \$7,500.00. The initial report was then amended to show the following entries: April 3, 2014, from "Mack Energy Corporation - PO box 960, Artesia, New Mexico 88211 for \$5200.00 and Mack Energy Corporation - PO Box 960 Artesia, New Mexico for \$2,300.00." In addition on April 7, 2014 Yvonne E. Boyle issued a check to "Dianna Duran for Sec. of State" drawn on First National Bank account -2506 for \$100.00. This contribution is not reported on any of the three Campaign Reporting Act, Report of Expenditures and Contributions filed by Dianna J. Duran during the first primary reporting period.

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1) and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On April 29, 2014, the Committee to Re-elect Senator Sue Wilson Belfort issued a check to the Committee to Elect Dianna Duran drawn on the Bank of the West bank account number ending in #6813 for \$250.00. Dianna J. Duran filed two Campaign Reporting Act, Report of Expenditures and Contributions 2014 during the second primary May 12, 2014 reporting period. The two Campaign Reporting Act, Report of Expenditures and Contributions show as being submitted on May 12, 2014 at 4:54:18 pm. The two Campaign Reporting Act, Report of Expenditures and Contributions reports are identified as amended and submitted. Neither of the two Campaign Reporting Act, Report of Expenditures and Contributions, Dianna J. Duran for SOS, list an April 29, 2014 \$250.00 contribution from the Committee to Re-elect Senator Sue Wilson Belfort.

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On May 29, 2014, Dianna J. Duran did file a Dianna J. Duran for SOS 2014 third primary period May 29, 2014 Campaign Reporting Act, Report of Expenditures and

Contributions. The report shows expenditures that differ from the expenditures reported on the Dianna J. Duran FNB campaign bank account (#2101). On May 15, 2014 the Dianna J. Duran, Campaign Reporting Act, Report of Expenditures and Contributions report a payment to the Academy Station Post Office for \$49.00. This expenditure is reported in the Dianna J. Duran for SOS FNB campaign bank account (#2101) as a check (#160) issued to Bernadette Granger on May 16, 2014, in the amount of \$49.00.

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On June 1, 2014, Dianna J. Duran did file a 2014 primary supplemental report on June 2, 2014, Campaign Reporting Act, Report of Expenditures and Contributions. The Dianna J. Duran for SOS, May 29, 2014 report Campaign Reporting Act, Report of Expenditures and Contributions shows a closing balance of \$106,061.32. The Dianna J. Duran for SOS, dated June 1, 2014 5:00:00 pm, Campaign Reporting Act, Report of Expenditures and Contributions reports an opening balance of \$0.00.

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On July 3, 2014 3:25:48 pm Dianna J. Duran did submit the Secretary of State, Dianna J. Duran Campaign Reporting Act Report of Expenditures and Contributions for First National Bank campaign account (#2101) reflecting Total Contributions of \$9,950.00 and Total Expenditures \$10,151.19 for Dianna J. Duran, Secretary of State. On that same date, July 3, 2014, Dianna J. Duran did submit two amended Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions reports. It was discovered that a contribution omission of a \$500.00 check from Anheuser-Busch Companies dated May 28, 2014, payable to Committee to Re-Elect Dianna Duran (2014 Primary). The check was deposited into her First National Bank, 2014 SOS campaign account (#2101).

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1) and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On September 8, 2014, - 40:46 pm Dianna J. Duran did submit the Secretary of State, Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions for First National Bank campaign account (#2101) reflecting Total Contributions of \$84,887.25 and Total Expenditures \$32,348.70 for Dianna J. Duran, Secretary of State. On that same date, July 3, 2014, Dianna J. Duran did submit two amended Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions reports. It was discovered that contribution omissions totaling \$300.00 consisting of check # 2008 from Cliff R. or Aysia Pirtle dated August 5, 2014, in the amount of \$250.00, payable to Dianna Duran Campaign, and check #1701 from Barry S. Birch, Mary Ann Birch dated August 10, 2014, in the amount of \$50.00, payable to Dianna Duran SOS. The checks were deposited into her First National Bank, 2014 SOS campaign account (#2101).

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the

Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35).

On October 14, 2014, 3:07:17 pm Dianna J. Duran did submit the Secretary of State, Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions for First National Bank campaign account (=2101) reflecting Total Contributions of \$51,95.00 and Total Expenditures \$9,389.46 for Dianna J. Duran, Secretary of State. It was discovered that contribution omissions totaling \$1,100.00 consisting of cashier's check #1314104 from David Stone dated September 17, 2014, in the amount of \$1,000.00, payable to Dianna Duran, and check #1726 from Zoe Richmond, dated September 11, 2014, in the amount of \$100.00, payable to Dianna Duran Secretary of State. The checks were deposited into her First National Bank, 2014 SOS campaign account (=2101).

Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1978 1-19-35)

On October 30, 2014, 1:54:49 pm Dianna J. Duran did submit the Secretary of State, Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions for First National Bank campaign account (= 2101) reflecting Total Contributions of \$80,307.50 and Total Expenditures \$260,355 for Dianna J. Duran, Secretary of State. It was discovered that contribution omissions totaling \$1,150.00 consisting of check #3243 from Dick Forrest dated October 15, 2014, in the amount of \$200.00, payable to Dianna Duran check #1417 from John or Ann Pawelek dated October 19, 2014, in the amount of \$250.00 payable to Dianna Duran for Secretary of State, check #9784 from John L. Thompson dated October 18, 2014, in the amount of \$200.00, payable to Dianna Duran for Sec State, and check #3472 from PNM Responsible Citizens Group, dated October 15, 2014, in the amount of \$500.00, payable to Dianna Duran for Secretary of State. The checks were deposited into her First National Bank, 2014 SOS campaign account (=2101).

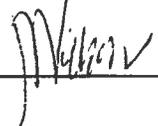
Dianna J. Duran did tamper with a public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1-19-35)

On December 4, 2014, 5:12:09 pm Dianna J. Duran did submit the Secretary of State, Dianna J. Duran, Campaign Reporting Act Report of Expenditures and Contributions for First National Bank campaign account (=2101) reflecting Total Contributions of \$8,025.00 and Total Expenditures \$34,136.47. It was discovered that the Secretary of State Dianna Duran Campaign Reporting Act Report of Expenditures and Contributions 2014, submitted on December 4, 2014, an expenditure was reported on November 20, 2014 indicating that Leo Barraza was paid a "Travel Reimbursement" of \$986.58. The amount of the check (= 229) that was actually written to Leo Barraza and deposited into the First National Bank, joint personal checking (= 8306) in the amount of \$2,850.00 was not reported on November 20, 2014 nor was it located on any other campaign expenditure report.

Dianna J. Duran did tamper with public record (NMSA 1978 30-26-1), and violated the Campaign Practices Act by filing a false campaign report (NMSA 1978 1978 1-19-35).

contrary to Sections(s) 10-16-3, 30-16-8, 30-16-6, 30-51-4, 30-16-8, 30-16-6, 30-16-8, 30-16-6,  
30-45-3, 30-16-8 & 30-28-2, 30-16-6 & 30-28-2, 30-16-8, 1-19-29.1, 30-26-1, 30-16-24.1, 1-19-35,  
1-19-34, 1-19-31 . NMSA 1978

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Jennifer Weber. 

Complainant

Special Agent, Badge #711

Title *(if any)*

Approved

\_\_\_\_\_  
Title

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

ENDORSED  
First Judicial District Court

AUG 28 2015

Santa Fe, Rio Arriba &  
Los Alamos Counties  
PO Box 2268  
Santa Fe, NM 87504-2268

AGO: 201407-00053

No. D101-CR-2015-00478

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN,

Defendant.

C R I M I N A L I N F O R M A T I O N

Clara Moran and Joseph Spindle, Assistant Attorneys General for the State of New Mexico, accuse Dianna J. Duran of the following: ETHICAL PRINCIPLES OF PUBLIC SERVICE, EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) OR IN THE ALTERNATIVE FRAUD (OVER \$250 BUT NOT MORE THAN \$500), CAMPAIGN FUNDS LIMITATION ON EXPENDITURES (11 Counts), MONEY LAUNDERING (11 Counts), EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) OR IN THE ALTERNATIVE FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500), EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (3 Counts), COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000), THEFT OF IDENTITY, CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE CONSPIRACY TO COMMIT FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000), EMBEZZLEMENT (UNDER \$250) OR IN THE ALTERNATIVE FRAUD (UNDER \$250) (5 Counts), TAMPERING WITH PUBLIC RECORDS (14 Counts), FILING A FALSE CAMPAIGN REPORT (10 Counts), CANDIDATES; SEPARATE BANK ACCOUNT REQUIRED, and CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION and charge:

COUNT 1: ETHICAL PRINCIPLES OF PUBLIC SERVICE

That on or between the 1st of September, 2013, and the 28th day of August, 2015, in New Mexico, the above-named defendant, a public officer or employee, did use the powers and resources of public office to obtain personal benefits or pursue private interests, OR conducted herself in a manner that did not maintain the integrity, ethics or responsibilities of public service OR failed to disclose real or potential conflicts of interests OR requested or received money, a thing of value, and/or promise conditioned on performance of an official act, a misdemeanor, contrary to NMSA 1978 § 10-16-3.

COUNT 2: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0606)

That on or about the 29th of December, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Shoats and Weaks, or another, which had a market value of \$500, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 2: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0557)

That on or between the 22nd and the 29th of December, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$500, belonging to the Campaign to Elect Dianna Duran, or Shoats and Weaks, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 3: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 29th of December, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 4: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 29th of December, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$500, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 5: EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) (4552)

That on or about the 15th of July, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$1,486.90, and with which defendant had been entrusted, with fraudulent intent

at the time of the conversion to deprive the owner of the property, a 4th degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 5: FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500) (4530)

That on or between 13th of September, 2013, and the 15th of July, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$1,486.90, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 4th degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 6: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 15th of July, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 7: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 15th of July, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$1,486.90, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 8: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,550, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 8: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th of September, 2013, and the 25th of

September, 2013, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,550, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 9: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 24th of September, 2013, and the 25th of September, 2013, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 10: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,550, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 11: COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0919)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in New Mexico, the above-named defendant did knowingly and willfully access or cause to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything with a value of \$2,550, a 3rd degree felony, contrary to NMSA 1978 § 30-45-3.

COUNT 12: THEFT OF IDENTITY (2559)

That on or between the 22nd of March, 2010, and the 12th of April, 2010, in New Mexico, the above-named defendant did willfully obtain, record or transfer the personal identifying information of another person, Sean Davis, without his authorization or consent, with the intent to defraud Sean Davis or another, a 4th degree felony, contrary to NMSA 1978 § 30-16-24.1.

COUNT 13: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or about the 20th of November, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,850, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 13: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th day of September, 2013 and the 20th of November, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,850, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0614)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in New Mexico, the above-named defendant did conspire with another, through words or acts, to commit embezzlement (over \$2,500 but not more than \$20,000), intending to commit embezzlement (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-8 and NMSA 1978 § 30-28-2.

OR IN THE ALTERNATIVE TO COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0567)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in New Mexico, the above-named defendant did conspire with another, through words or acts, to commit fraud (over \$2,500 but not more than \$20,000), intending to commit fraud (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-6 and NMSA 1978 § 30-28-2.

COUNT 15: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 20th of November, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an

unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 16: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 20th of November, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,850, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 17: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0607)

That on or about the 3rd of October, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$328, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 17: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0558)

That on or between the 13th of September, 2013, and the 3rd of October, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$328, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 18: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 3rd of October, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 19: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 3rd of October, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,518.69, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the

commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 20: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 21st of November, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 21: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 16th of January, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 22: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 16th of January, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$150, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 23: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, which had a market value \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 23: FRAUD (UNDER \$250) (0555)

That on or between September 18th of 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, by means of fraudulent conduct, practices or representations, a petty

misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 24: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 25: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 26: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, which had a market value of \$50, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 26: FRAUD (UNDER \$250) (0555)

That on or between the 18th of September, 2014 and the 26th of September, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$50, belonging to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 27: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 28: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 29: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 29: FRAUD (UNDER \$250) (0555)

That on or between the 6th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 30: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 6th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 31: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 6th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 32: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, which had a market value of \$25, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 32: FRAUD (UNDER \$250) (0555).

That on or between the 14th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$25, belonging to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 33: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 34: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$25 she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 35: EMBEZZLEMENT (UNDER \$250) (4550)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the

owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 35: FRAUD (UNDER \$250) (0555)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 36: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 14th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1.

COUNT 37: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 38: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about 11th of April, 2011, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 39: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about 11th of October, 2011, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 40: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 9th of April, 2012, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 41: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 8th of October, 2012, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 42: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about 8th of April, 2013, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 43: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 15th of October, 2013, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 44: FILING A FALSE CAMPAIGN REPORT

That on or about the 15th of October, 2013, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 45: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 14th of April, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 46: FILING A FALSE CAMPAIGN REPORT

That on or about the 14th of April, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 47: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 12th of May, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 48: FILING A FALSE CAMPAIGN REPORT

That on or about the 12th of May, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 49: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 29th of May, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 50: FILING A FALSE CAMPAIGN REPORT

That on or about the 29th of May, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 51: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 1st of June, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of

Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 52: FILING A FALSE CAMPAIGN REPORT

That on or about the 1st of June, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 53: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 3rd of July, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 54: FILING A FALSE CAMPAIGN REPORT

That on or about the 3rd of July, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 55: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 8th of September, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 56: FILING A FALSE CAMPAIGN REPORT

That on or about the 8th of September, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 57: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 14th of October, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 58: FILING A FALSE CAMPAIGN REPORT

That on or between the 14th of October, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 59: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 30th of October, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 60: FILING A FALSE CAMPAIGN REPORT

That on or about the 30th of October, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 61: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 4th of December, 2014, in New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 62: FILING A FALSE CAMPAIGN REPORT

That on or about the 4th of December, 2014, in New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that

contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35.

COUNT 63: CAMPAIGN PRACTICES; SEPARATE BANK ACCOUNT REQUIRED

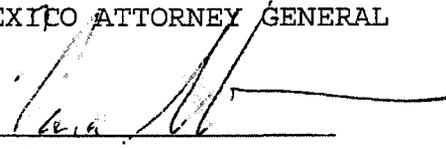
That on or between September 12, 2011, and December 29, 2014, in New Mexico, the above-named defendant, a candidate, did make an expenditure and/or solicited or accepted a contribution for a political purpose without establishing a single bank account, in which all receipts of money contributions were deposited and all expenditures were dispersed, a misdemeanor, contrary to NMSA 1978 § 1-19-34.

COUNT 64: CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION

That on or about April 14, 2014, in New Mexico, the above-named defendant, a candidate, filed a campaign report that did not include the full name of an entity to wit: Mack Energy Corporation, OR the amount of the contributions totaling \$12,700.00 a misdemeanor, contrary to NMSA 1978 § 1-19-31.

The names of the witnesses upon whose testimony this information is based are as follows: Benjamin Baker, Jennifer Weber, Stanley Gloria, Michelle Gallegos, Larry Ortega, Diana Telles, Marlene Shoats, Daniel Weaks, Robert Perea, Billie Jo Crouse, Marie Sorensen, Brad Hunton, Debbie Hunton, John Pugh, Connie Pugh, Diane Kinderwater, Anna Hersey, Diane Stearley, Mack Energy Corp. Records Custodian, Brenna Kennedy, Grace Gonzalez, Trish Winters, Doug Bird, Black Duck Records Custodian, Sean Davis, Melissa Barraza, Wells Fargo Records Custodian, First National Bank Records Custodian, San Felipe Casino Records Custodian, Inn of the Mountain Gods Records Custodian, Casino Apache Records Custodian, Sandia Casino Records Custodian, Camel Rock Records Custodian, Buffalo Thunder Records Custodian, Secretary of State of New Mexico Records Custodian, Tax and Revenue Department Records Custodian, Handwriting expert.

HECTOR H. BALDERAS  
NEW MEXICO ATTORNEY GENERAL

BY:   
CLARA MORAN  
ASSISTANT ATTORNEY GENERAL

BY:   
JOSEPH SPINDLE  
ASSISTANT ATTORNEY GENERAL

STATE OF NEW MEXICO )  
 )  
COUNTY OF SANTA FE )

VERIFICATION

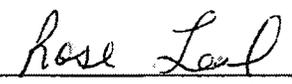
Clara Moran and Joseph Spindle, Assistant Attorneys General,  
being duly sworn, say that the facts stated in the foregoing  
Information are true according to the best of their information and  
belief.

  
\_\_\_\_\_  
Assistant Attorney General

  
\_\_\_\_\_  
Assistant Attorney General

Subscribed and sworn to before me

this 28 day of August 2015.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

October 25, 2017

OAG FILE#: 201407-00053  
MET.CT.#: N/A  
LEA/RPT#: N/A  
AAG: Clara Moran & Joseph Spindle



ADD: 909 8th St., Tularosa, NM 88352  
DEF.ATTY: Erlinda Johnson  
ARR.# & Date: N/A

FILED  
FIRST JUDICIAL  
DISTRICT COURT

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

2015 SEP 18 AM 11:02

AGO: 201407-00053  
No. D-101-CR-2015-00478

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN,

Defendant.

A M E N D E D  
C R I M I N A L I N F O R M A T I O N

Clara Moran and Joseph Spindle, Assistant Attorneys General for the State of New Mexico, accuse Dianna J. Duran of the following: ETHICAL PRINCIPLES OF PUBLIC SERVICE, EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) OR IN THE ALTERNATIVE FRAUD (OVER \$250 BUT NOT MORE THAN \$500), CAMPAIGN FUNDS LIMITATION ON EXPENDITURES (12 Counts), MONEY LAUNDERING (11 Counts), EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) OR IN THE ALTERNATIVE FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500), EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (3 Counts), COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000), THEFT OF IDENTITY, CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE CONSPIRACY TO COMMIT FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000), EMBEZZLEMENT (UNDER \$250) OR IN THE ALTERNATIVE FRAUD (UNDER \$250) (5 Counts), TAMPERING WITH PUBLIC RECORDS (14 Counts), FILING A FALSE CAMPAIGN REPORT (10 Counts), CANDIDATES; SEPARATE BANK ACCOUNT REQUIRED, and CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION and charge:

COUNT 1: ETHICAL PRINCIPLES OF PUBLIC SERVICE

That on or between the 1st of September, 2013, and the 28th day of August, 2015, in Santa Fe County, New Mexico, the above-named defendant, a public officer or employee, did use the powers and resources of public office to obtain personal benefits or pursue private interests, OR conducted herself in a manner that did not maintain the integrity, ethics or responsibilities of public service OR failed to disclose real or potential conflicts of interests OR requested or received money, a thing of value, and/or promise conditioned on performance of an official act, a misdemeanor, contrary to NMSA 1978 § 10-16-3 and NMSA 1978 § 10-16-17.

**COUNT 2: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0606)**

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Shoats and Weak, or another, which had a market value of \$500, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

**OR IN THE ALTERNATIVE COUNT 2: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0557)**

That on or between the 22nd and the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$500, belonging to the Campaign to Elect Dianna Duran, or Shoats and Weak, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 3: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 4: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$500, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 5: EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) (4552)**

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did

embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$1,486.90, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 4th degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 5: FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500) (4530)

That on or between 13th of September, 2013, and the 15th of July, 2014, in Santa Fe County and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$1,486.90, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 4th degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 6: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 7: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$1,486.90, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 8: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,550, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 8: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,550, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 9: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 10: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,550, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 11: COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0919)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did knowingly and willfully access or cause to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything with a value of \$2,550, a 3rd degree felony, contrary to NMSA 1978 § 30-45-3.

COUNT 12: THEFT OF IDENTITY (2559)

That on or about the 22nd of March, 2010, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did willfully obtain, record or transfer the personal identifying information of another person, Sean Davis, without his authorization or consent, with the intent to defraud Sean Davis or

another, a 4th degree felony, contrary to NMSA 1978 § 30-16-24.1.

COUNT 13: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or about the 20th of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,850, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 13: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th day of September, 2013 and the 20th of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,850, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0614)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conspire with another, through words or acts, to commit embezzlement (over \$2,500 but not more than \$20,000), intending to commit embezzlement (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-8 and NMSA 1978 § 30-28-2.

OR IN THE ALTERNATIVE TO COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0567)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conspire with another, through words or acts, to commit fraud (over \$2,500 but not more than \$20,000), intending to commit fraud (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-6 and NMSA 1978 § 30-28-2.

**COUNT 15: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 16: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,850, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 17: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0607)**

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$328, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

**OR IN THE ALTERNATIVE COUNT 17: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0558)**

That on or between the 13th of September, 2013, and the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$328, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 18: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 19: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,518.69, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 20: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 21st of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 21: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 16th of January, 2014, in Santa Fe County, and Bernalillo County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 22: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 16th of January, 2014, in Santa Fe County, and Bernalillo County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$150, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 23: EMBEZZLEMENT (UNDER \$250) (4550)**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, which had a market value \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 23: FRAUD (UNDER \$250) (0555)

That on or between September 18th of 2014, and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 24: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 25: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 26: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, which had a market value of \$50, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 26: FRAUD (UNDER \$250) (0555)

That on or between the 18th of September, 2014 and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$50, belonging to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, by means of fraudulent conduct,

practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 27: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 28: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 29: EMBEZZLEMENT (UNDER \$250) (4550)**

That on or about the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

**OR IN THE ALTERNATIVE TO COUNT 29: FRAUD (UNDER \$250) (0555)**

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 30: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an

unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 31: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 32: EMBEZZLEMENT (UNDER \$250) (4550)**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, which had a market value of \$25, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

**OR IN THE ALTERNATIVE TO COUNT 32: FRAUD (UNDER \$250) (0555)**

That on or between the 14th of September, 2014, and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$25, belonging to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 33: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 34: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial

transaction that involved property valued at \$25 she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 35: EMBEZZLEMENT (UNDER \$250) (4550)**

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

**OR IN THE ALTERNATIVE TO COUNT 35: FRAUD (UNDER \$250) (0555)**

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

**COUNT 36: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES**

That on or between the 14th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

**COUNT 37: MONEY LAUNDERING (UNDER \$10,000) (2586)**

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

**COUNT 38: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about 30th of August, 2011, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 39: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about 6th of October, 2011, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 40: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 9th of April, 2012, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 41: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 9th of October, 2012, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 42: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about 5th of April, 2013, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 43: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 15th of October, 2013, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 44: FILING A FALSE CAMPAIGN REPORT**

That on or about the 15th of October, 2013, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 45: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 14th of April, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 46: FILING A FALSE CAMPAIGN REPORT**

That on or about the 14th of April, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 47: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 12th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 48: FILING A FALSE CAMPAIGN REPORT**

That on or about the 12th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 49: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 29th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 50: FILING A FALSE CAMPAIGN REPORT**

That on or about the 29th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 51: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 1st of June, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 52: FILING A FALSE CAMPAIGN REPORT**

That on or about the 1st of June, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 53: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 3rd of July, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 54: FILING A FALSE CAMPAIGN REPORT**

That on or about the 3rd of July, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 55: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 8th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 56: FILING A FALSE CAMPAIGN REPORT**

That on or about the 8th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 57: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 14th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 58: FILING A FALSE CAMPAIGN REPORT**

That on or between the 14th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 59: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 30th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 60: FILING A FALSE CAMPAIGN REPORT**

That on or about the 30th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 61: TAMPERING WITH PUBLIC RECORDS (2054)**

That on or about the 4th of December, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

**COUNT 62: FILING A FALSE CAMPAIGN REPORT**

That on or about the 4th of December, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

**COUNT 63: CAMPAIGN PRACTICES; SEPARATE BANK ACCOUNT REQUIRED**

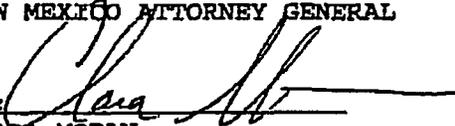
That on or between September 12, 2011, and December 29, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate, did make an expenditure and/or solicited or accepted a contribution for a political purpose without establishing a single bank account, in which all receipts of money contributions were deposited and all expenditures were dispersed, a misdemeanor, contrary to NMSA 1978 § 1-19-34 and NMSA 1978 § 1-19-36.

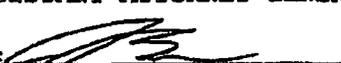
**COUNT 64: CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION**

That on or about April 14, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate, filed a campaign report that did not include the full name of an entity to wit: Mack Energy Corporation, OR the amount of the contributions totaling \$12,700.00 a misdemeanor, contrary to NMSA 1978 § 1-19-31 and NMSA 1978 § 1-19-36.

The names of the witnesses upon whose testimony this information is based are as follows: Benjamin Baker, Jennifer Weber, Stanley Gloria, Michelle Gallegos, Larry Ortega, Diana Telles, Marlene Shoats, Daniel Weaks, Robert Perea, Billie Jo Crouse, Marie Sorensen, Brad Hunton, Debbie Hunton, John Pugh, Connie Pugh, Diane Kinderwater, Anna Hersey, Diane Stearley, Mack Energy Corp. Records Custodian, Brenna Kennedy, Grace Gonzalez, Trish Winters, Doug Bird, Black Duck Records Custodian, Sean Davis, Melissa Barraza, Wells Fargo Records Custodian, First National Bank Records Custodian, San Felipe Casino Records Custodian, Inn of the Mountain Gods Records Custodian, Casino Apache Records Custodian, Sandia Casino Records Custodian, Camel Rock Records Custodian, Buffalo Thunder Records Custodian, Secretary of State of New Mexico Records Custodian, Tax and Revenue Department Records Custodian, Handwriting expert.

HECTOR H. BALDERAS  
NEW MEXICO ATTORNEY GENERAL

BY:   
CLARA MORAN  
ASSISTANT ATTORNEY GENERAL

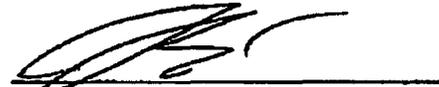
BY:   
JOSEPH SPINDLE  
ASSISTANT ATTORNEY GENERAL

STATE OF NEW MEXICO )  
 )  
COUNTY OF SANTA FE )

VERIFICATION

Clara Moran and Joseph Spindle, Assistant Attorneys General, being duly sworn, say that the facts stated in the foregoing Information are true according to the best of their information and belief.

  
Assistant Attorney General

  
Assistant Attorney General

Subscribed and sworn to before me  
this 18<sup>th</sup> day of September 2015.

  
Notary Public

My Commission Expires:

9/23/2016

OAG FILE#: 201407-00053  
 MET.CT.#: N/A  
 LEA/RPT#: N/A  
 AAG: Clara Moran & Joseph Spindle

ADD: 909 8th St., Tularosa, NM 88352  
 DEF.ATTY: Erlinda Johnson  
 ARR.# & Date: N/A

Counts 1, 2, 3, 4, 6, 7, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 30, 31, 33, 34, 36, 37, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 64: Misdemeanor: Basic sentence of less than one year in the county jail and not more than a \$1,000 fine.

Counts 5, 12, 14, 38, 39, 40, 41, 42, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61 : Fourth Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

Counts 8, 11, 13: Third Degree Felony: Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.

Counts 23, 26, 29, 32, 35: Petty Misdemeanor: Basic sentence of less than 6 months in the county jail and not more than a \$500 fine.

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4th Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.  
 3rd Degree Felony: Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.  
 2nd Degree Felony: Basic sentence of 9 years but not less than 6 years nor more than 12 years imprisonment and not more than \$10,000 fine.  
 1st Degree Felony: Basic sentence of 18 years but not less than 12 years nor more than 24 years imprisonment and not more than \$15,000 fine.  
 USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE): Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.  
 USE OF OLD AGE & HANDICAPPED ENHANCEMENT (OAE or HE): Basic sentence of imprisonment is increased by one (1) year, unless great bodily harm is inflicted, or a deadly weapon is used, then the basic sentence is increased by two (2) years.

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Special Penalty: (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.  
 Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.  
 Petty Misdemeanor: Not more than 6 months in the County Jail and/or not more than \$500 fine.

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Penalty for Driving While Under the Influence, Felony Offense  
 (4th Offense): A 4<sup>th</sup> degree, basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months. (5th Offense): A 4<sup>th</sup> degree, basic sentence of 2 years and not more than \$5,000 fine, including a mandatory jail term of not less than one year. (6th Offense) : A 3<sup>rd</sup> degree, basic sentence of 30 month, and not more than \$5,000 fine, including a mandatory jail term of not less than 18 months. (7th or subsequent): A third degree, basic sentence of 3 years and not more than \$5,000 fine, including a mandatory jail term of two years.  
 Penalty for Driving While Under the Influence - Misdemeanor: If 1st Offense, basic sentence is

maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 96 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

Penalty for Driving While License Suspended or A Misdemeanor, a basic sentence of 364, mandatory 7 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

Penalty for Traffic Code Misdemeanor: fine of not more than \$300 or imprisonment for not more than 90 days or both.

Penalty Assessment Misdemeanor: See Schedule in Traffic Code, Section 66-8-116.

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2nd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

3rd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

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**OPEN CHARGE OF MURDER**

Penalty for **FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY:** Death or Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony; Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

Penalty for **FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Death or Life Imprisonment

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STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

FILED  
FIRST JUDICIAL  
DISTRICT COURT  
2015 OCT -5 AM 10:50

AGO: 201407-00053  
No. D-101-CR-2015-00478

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN,

Defendant.

S E C O N D A M E N D E D  
C R I M I N A L I N F O R M A T I O N

Clara Moran and Joseph Spindle, Assistant Attorneys General for the State of New Mexico, accuse Dianna J. Duran of the following: ETHICAL PRINCIPLES OF PUBLIC SERVICE, EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) OR IN THE ALTERNATIVE FRAUD (OVER \$250 BUT NOT MORE THAN \$500), CAMPAIGN FUNDS LIMITATION ON EXPENDITURES (12 Counts), MONEY LAUNDERING (11 Counts), EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) OR IN THE ALTERNATIVE FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500), EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (3 Counts), COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000), THEFT OF IDENTITY (2 Counts), CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) OR IN THE ALTERNATIVE CONSPIRACY TO COMMIT FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000), EMBEZZLEMENT (UNDER \$250) OR IN THE ALTERNATIVE FRAUD (UNDER \$250) (5 Counts), TAMPERING WITH PUBLIC RECORDS (14 Counts), FILING A FALSE CAMPAIGN REPORT (10 Counts), CANDIDATES; SEPARATE BANK ACCOUNT REQUIRED, and CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION and charge:

COUNT 1: ETHICAL PRINCIPLES OF PUBLIC SERVICE

That on or between the 1st of September, 2013, and the 28th day of August, 2015, in Santa Fe County, New Mexico, the above-named defendant, a public officer or employee, did use the powers and resources of public office to obtain personal benefits or pursue private interests, OR conducted herself in a manner that did not maintain the integrity, ethics or responsibilities of public service OR failed to disclose real or potential conflicts of interests OR requested or received money, a thing of value, and/or promise conditioned on performance of an official act, a misdemeanor, contrary to NMSA 1978, § 10-16D and NMSA 1978 § 10-16-17.

COUNT 2: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0606)

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Shoats and Weak, or another, which had a market value of \$500, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 2: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0557)

That on or between the 22nd and the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$500, belonging to the Campaign to Elect Dianna Duran, or Shoats and Weak, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 3: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 4: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 29th of December, 2014, in Santa Fe County, Bernalillo County, Otero County and Lincoln County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$500, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 5: EMBEZZLEMENT (OVER \$500 BUT NOT MORE THAN \$2,500) (4552)

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did

embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$1,486.90, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 4th degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 5: FRAUD (OVER \$500 BUT NOT MORE THAN \$2,500) (4530)

That on or between 13th of September, 2013, and the 15th of July, 2014, in Santa Fe County and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$1,486.90, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 4th degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 6: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 7: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 15th of July, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$1,486.90, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 8: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,550, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 8: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,550, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 9: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 10: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,550, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 11: COMPUTER ACCESS WITH INTENT TO DEFRAUD OR EMBEZZLE (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0919)

That on or between the 24th of September, 2013, and the 25th of September, 2013, in Santa Fe County, New Mexico, the above-named defendant did knowingly and willfully access or cause to be accessed a computer, computer system, computer network or any part thereof with the intent to obtain, by means of embezzlement or false or fraudulent pretenses, representations or promises, money, property or anything with a value of \$2,550, a 3rd degree felony, contrary to NMSA 1978 § 30-45-3.

COUNT 12: THEFT OF IDENTITY (2559)

That on or about the 22nd of March, 2010, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did willfully obtain, record or transfer the personal identifying information of another person, Sean Davis, without his authorization or consent, with the intent to defraud Sean Davis or

another, a 4th degree felony, contrary to NMSA 1978 § 30-16-24.1.

COUNT 13: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0607)

That on or about the 20th of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$2,850, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a 3rd degree felony, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 13: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0558)

That on or between the 13th day of September, 2013 and the 20th of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$2,850, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a 3rd degree felony, contrary to NMSA 1978 § 30-16-6.

COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: EMBEZZLEMENT (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0614)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conspire with another, through words or acts, to commit embezzlement (over \$2,500 but not more than \$20,000), intending to commit embezzlement (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-8 and NMSA 1978 § 30-28-2.

OR IN THE ALTERNATIVE TO COUNT 14: CONSPIRACY TO COMMIT A FELONY, TO WIT: FRAUD (OVER \$2,500 BUT NOT MORE THAN \$20,000) (0567)

That on or between the 6th of December, 2010, and the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conspire with another, through words or acts, to commit fraud (over \$2,500 but not more than \$20,000), intending to commit fraud (over \$2,500 but not more than \$20,000), a 4th degree felony, contrary to NMSA 1978 § 30-16-6 and NMSA 1978 § 30-28-2.

COUNT 15: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 16: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 20th of November, 2014, in Santa Fe County, Otero County, and Lincoln County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,850, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 17: EMBEZZLEMENT (OVER \$250 BUT NOT MORE THAN \$500) (0607)

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or another, which had a market value of \$328, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 17: FRAUD (OVER \$250 BUT NOT MORE THAN \$500) (0558)

That on or between the 13th of September, 2013, and the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$328, belonging to the Campaign to Elect Dianna Duran, or another, by means of fraudulent conduct, practices or representations, a misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 18: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 19: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 3rd of October, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$2,518.69, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 20: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 21st of November, 2014, in Santa Fe County, and Otero County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 21: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 16th of January, 2014, in Santa Fe County, and Bernalillo County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 22: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 16th of January, 2014, in Santa Fe County, and Bernalillo County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$150, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 23: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, which had a market value \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE COUNT 23: FRAUD (UNDER \$250) (0555)

That on or between September 18th of 2014, and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Brad or Debbie Hunton, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 24: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 25: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 26: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, which had a market value of \$50, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 26: FRAUD (UNDER \$250) (0555)

That on or between the 18th of September, 2014 and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$50, belonging to the Campaign to Elect Dianna Duran, or John M. Pugh, or Connie S. Pugh, or another, by means of fraudulent conduct,

practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 27: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 28: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at less than \$10,000, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 29: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 29: FRAUD (UNDER \$250) (0555)

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Diane Kinderwater, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 30: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an

unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 31: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 6th of September, 2014, and the 26th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 32: EMBEZZLEMENT (UNDER \$250) (4550)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, which had a market value of \$25, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 32: FRAUD (UNDER \$250) (0555)

That on or between the 14th of September, 2014, and the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$25, belonging to the Campaign to Elect Dianna Duran, or Anna C. Hersey, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 33: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 34: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or about the 26th of September, 2014, in Santa Fe County, and Roosevelt County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial

transaction that involved property valued at \$25 she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 35: EMBEZZLEMENT (UNDER \$250) (4550)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did embezzle or convert to defendant's own purpose campaign funds, which belonged to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, which had a market value of \$100, and with which defendant had been entrusted, with fraudulent intent at the time of the conversion to deprive the owner of the property, a petty misdemeanor, contrary to NMSA 1978 § 30-16-8.

OR IN THE ALTERNATIVE TO COUNT 35: FRAUD (UNDER \$250) (0555)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did intentionally misappropriate or take campaign contributions which had a market value of \$100, belonging to the Campaign to Elect Dianna Duran, or Mountain View Properties, or Diane Arnett Stearley, or another, by means of fraudulent conduct, practices or representations, a petty misdemeanor, contrary to NMSA 1978 § 30-16-6.

COUNT 36: CAMPAIGN FUNDS LIMITATION ON EXPENDITURES

That on or between the 14th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully made an expenditure of contributions received for an unauthorized purpose, a misdemeanor, contrary to NMSA 1978 § 1-19-29.1 and NMSA 1978 § 1-19-36.

COUNT 37: MONEY LAUNDERING (UNDER \$10,000) (2586)

That on or between the 18th of September, 2014, and the 26th of September, 2014, in Bernalillo County, and Santa Fe County, New Mexico, the above-named defendant did conduct, structure, engage in or participate in a financial transaction that involved property valued at \$100, she knew or believed to be proceeds of an unlawful activity, for the purpose of committing or furthering the commission of any unlawful activity, a misdemeanor, contrary to NMSA 1978 § 30-51-4.

COUNT 38: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 11th of April, 2011, and the 30th of August, 2011, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 39: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 6th of October, 2011, and the 11th of October, 2011, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 40: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 9th of April, 2012, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 41: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 8th of October, 2012, and the 9th of October, 2012, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 42: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 5th of April, 2013, and the 8th of April, 2013, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Candidate Statement of No Activity, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 43: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 14th of October, 2013, and the 15th of October, 2013, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly

falsify or falsely make a Report of Expenditures and Contributions authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 44: FILING A FALSE CAMPAIGN REPORT

That on or between the 14th of October, 2013, and the 15th of October, 2013, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 45: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 14th of April, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 46: FILING A FALSE CAMPAIGN REPORT

That on or about the 14th of April, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 47: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 12th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 48: FILING A FALSE CAMPAIGN REPORT

That on or about the 12th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-

36.

COUNT 49: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 29th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 50: FILING A FALSE CAMPAIGN REPORT

That on or about the 29th of May, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 51: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 1st of June, 2014, and the 2nd of June, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 52: FILING A FALSE CAMPAIGN REPORT

That on or between the 1st of June, 2014, and the 2nd of June, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 53: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 3rd of July, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 54: FILING A FALSE CAMPAIGN REPORT

That on or about the 3rd of July, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 55: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 8th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 56: FILING A FALSE CAMPAIGN REPORT

That on or about the 8th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 57: TAMPERING WITH PUBLIC RECORDS (2054)

That on or between the 13th of October, 2014, and the 14th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 58: FILING A FALSE CAMPAIGN REPORT

That on or between the 13th of October, 2014, and the 14th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 59: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 30th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 60: FILING A FALSE CAMPAIGN REPORT

That on or about the 30th of October, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 61: TAMPERING WITH PUBLIC RECORDS (2054)

That on or about the 4th of December, 2014, in Santa Fe County, New Mexico, the above-named defendant, a public officer or public employee, did knowingly falsify or falsely make any record or file, a Report of Expenditures and Contributions, authorized or required to be kept by law, a 4th degree felony, contrary to NMSA 1978 § 30-26-1.

COUNT 62: FILING A FALSE CAMPAIGN REPORT

That on or about the 4th of December, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate or candidate's agent, knowingly and willfully filed a statement or report of expenditures and contributions, a Report of Expenditures and Contributions, that contained false or incomplete information, a misdemeanor, contrary to NMSA 1978 § 1-19-35 and NMSA 1978 § 1-19-36.

COUNT 63: CAMPAIGN PRACTICES; SEPARATE BANK ACCOUNT REQUIRED

That on or between September 12, 2011, and December 29, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate, did make an expenditure and/or solicited or accepted a contribution for a political purpose without establishing a single bank account, in which all receipts of money contributions were deposited and all expenditures were dispersed, a misdemeanor, contrary to NMSA 1978 § 1-19-34 and NMSA 1978 § 1-19-36.

COUNT 64: CAMPAIGN PRACTICES; CONTENT OF REPORT VIOLATION

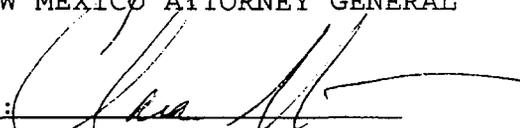
That on or between the 14th of April, 2014, and the 8th of September, 2014, in Santa Fe County, New Mexico, the above-named defendant, a candidate, filed a campaign report that did not include the full name of an entity to wit: Mack Energy Corporation, OR the amount of the contributions totaling \$12,700.00 a misdemeanor, contrary to NMSA 1978 § 1-19-31 and NMSA 1978 § 1-19-36.

COUNT 65: THEFT OF IDENTITY (2559)

That on or between the 12th day of April, 2010 and the 15th day of October, 2013, in Santa Fe County, New Mexico, the above-named defendant did willfully obtain, record or transfer the personal identifying information of another person, Don Kidd, without his authorization or consent, with the intent to defraud Don Kidd or another, a 4th degree felony, contrary to NMSA 1978 § 30-16-24.1.

The names of the witnesses upon whose testimony this information is based are as follows: Benjamin Baker, Jennifer Weber, Stanley Gloria, Michelle Gallegos, Larry Ortega, Diana Telles, Marlene Shoats, Daniel Weaks, Robert Perea, Billie Jo Crouse, Marie Sorensen, Brad Hunton, Debbie Hunton, John Pugh, Connie Pugh, Diane Kinderwater, Anna Hersey, Diane Stearley, Mack Energy Corp. Records Custodian, Brenna Kennedy, Grace Gonzalez, Trish Winters, Doug Bird, Black Duck Records Custodian, Sean Davis, Melissa Barraza, Wells Fargo Records Custodian, First National Bank Records Custodian, San Felipe Casino Records Custodian, Inn of the Mountain Gods Records Custodian, Casino Apache Records Custodian, Sandia Casino Records Custodian, Camel Rock Records Custodian, Buffalo Thunder Records Custodian, Secretary of State of New Mexico Records Custodian, Tax and Revenue Department Records Custodian, Handwriting expert, Donn Kidd.

HECTOR H. BALDERAS  
NEW MEXICO ATTORNEY GENERAL

BY:   
CLARA MORAN  
ASSISTANT ATTORNEY GENERAL

BY:   
JOSEPH SPINDLE  
ASSISTANT ATTORNEY GENERAL



OAG FILE#: 201407-00053  
MET.CT.#: N/A  
LEA/RPT#: N/A  
AAG: Clara Moran & Joseph Spindle

  
ADD: 909 8th St., Tularosa, NM 88352  
DEF.ATTY: Erlinda Johnson  
ARR.# & Date: N/A

Counts 1, 2, 3, 4, 6, 7, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 30, 31, 33, 34, 36, 37, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 64: Misdemeanor: Basic sentence of less than one year in the county jail and not more than a \$1,000 fine.

Counts 5, 12, 14, 38, 39, 40, 41, 42, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 65: Fourth Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

Counts 8, 11, 13: Third Degree Felony: Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.

Counts 23, 26, 29, 32, 35: Petty Misdemeanor: Basic sentence of less than 6 months in the county jail and not more than a \$500 fine.

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**4th Degree Felony:** Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years but not less than 2 years nor more than 4 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years but not less than 6 years nor more than 12 years imprisonment and not more than \$10,000 fine.

**1st Degree Felony:** Basic sentence of 18 years but not less than 12 years nor more than 24 years imprisonment and not more than \$15,000 fine.

**USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE):** Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.

**USE OF OLD AGE & HANDICAPPED ENHANCEMENT (OAE or HE):** Basic sentence of imprisonment is increased by one (1) year, unless great bodily harm is inflicted, or a deadly weapon is used, then the basic sentence is increased by two (2) years.

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**Special Penalty:** (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.

**Misdemeanor:** Less than 1 year in the County Jail and/or not more than \$1,000 fine.

**Petty Misdemeanor:** Not more than 6 months in the County Jail and/or not more than \$500 fine.

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**Penalty for Driving While Under the Influence, Felony Offense**

(4th Offense): A 4<sup>th</sup> degree, basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months. (5th Offense): A 4<sup>th</sup> degree, basic sentence of 2 years and not more than \$5,000 fine, including a mandatory jail term of not less than one year. (6th Offense) : A 3<sup>rd</sup> degree, basic sentence of 30 month, and not more than \$5,000 fine, including a mandatory jail term of not less than 18 months. (7th or subsequent): A third degree, basic sentence of 3 years and not more than \$5,000 fine, including a mandatory jail term of two years.

**Penalty for Driving While Under the Influence - Misdemeanor:** If 1st Offense, basic sentence is

maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 96 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

**Penalty for Driving While License Suspended or A Misdemeanor**, a basic sentence of 364, mandatory 7 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

**Penalty for Traffic Code Misdemeanor**: fine of not more than \$300 or imprisonment for not more than 90 days or both.

**Penalty Assessment Misdemeanor**: See Schedule in Traffic Code, Section 66-8-116.

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**2nd Degree Felony Resulting in the Death of a Human Being**: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony Resulting in the Death of a Human Being**: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

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**OPEN CHARGE OF MURDER**

**Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY**: Death or Life Imprisonment

**SECOND DEGREE MURDER**: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER**: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER**: 4th Degree Felony: Basic sentence of 18 months but not less than 1 year nor more than 2 years imprisonment and not more than \$5,000 fine.

**Penalty for FIRST DEGREE MURDER (Felony Murder)**:

**CAPITAL FELONY**: Death or Life Imprisonment

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**RESIGNATION LETTER OF SECRETARY OF STATE**





STATE OF NEW MEXICO  
**DIANNA J. DURAN**  
SECRETARY OF STATE

*October 22, 2015*

*Governor Susana Martinez  
State Capitol, Room 400  
Santa Fe, NM 87501*

*Governor Martinez:*

*With this letter, I hereby tender my resignation as Secretary of State of the State of New Mexico, effective upon delivery to your office, on the date above, October 22, 2015.*

*Although I may be leaving office, I shall always reflect upon the last 36 years of service, honored to work with you and others, serving the citizens of the State of New Mexico.*

*Sincerely,*

  
*Dianna J. Duran*