



FOR IMMEDIATE RELEASE
August 26, 2010

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In Case You Missed It

Secretary of state puts whistle-blower on leave

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Second official in a week to see action; he says it's retaliation

By Steve Terrell | The New Mexican

Read this article online at: <http://www.santafenewmexican.com/Local%20News/State-Secretary-of-State-Herrera-puts-whistle-blower-on-leave>

The whistle-blower who secretly recorded state technicians trying to remove porn viruses from Secretary of State Mary Herrera's laptop computer was put on paid administrative leave Wednesday — an action his lawyer characterized as retaliation for his client talking to the FBI about alleged wrongdoing by Herrera and others in her office.

Lawyer Rudy Martin told a reporter Wednesday that his client, office administrator Manny Vildasol, had spoken to federal agents and the state Attorney General's Office about "issues dealing with contracts and possible pay-to-play and sending Secretary of State employees campaigning on state time."

Martin said he couldn't discuss specifics of the issues.

Deputy Secretary of State Francisco Trujillo, who has served as a spokesman for Herrera on controversial issues in recent months, didn't return a reporter's telephone calls Wednesday.

In a KOB TV report last week — in which Vildasol said he'd talked to the FBI about possible "criminal activity" — Herrera brushed off the statement as "politically

motivated."

Vildasol is the second official in Herrera's office in a week to be put on administrative leave. Last Wednesday, longtime public-information officer James Flores was put on leave.

Martin, who also represents Flores, said Flores also has been interviewed by the FBI recently.

Earlier this week, Trujillo said Flores was supposed to report to work Wednesday. Martin said Flores called Trujillo on Wednesday morning as instructed but never heard back from him.

In a letter to Herrera dated Wednesday, Martin wrote, "You are aware that Mr. Vildasol went to the FBI and provided a detailed interview for what he perceived to be criminal conduct and actions in the Office of the Secretary of State. Because he and other persons have been interviewed by the FBI regarding alleged criminal conduct in your office, Mr. James Flores was also interviewed in depth by the FBI. He also provided information to them for what he perceived as criminal conduct by your office. As you are aware, both gentlemen have a duty to report what they perceive as criminal actions or conduct and not to conclude that the reported matters are in fact criminal. This is the job of the investigating agency."

"I sincerely hope that because these gentlemen interviewed with the FBI, that your office does not engage in a campaign of retaliation against them for doing what is expected of them," Martin continued. "However, if you choose to retaliate against them, be assured that I have been directed to access the court system to rectify this wrong conduct. In addition, please be advised that if either of my clients are to be questioned or interviewed by anyone regarding any of the matters reported to any law enforcement agency, it must be done in my presence or not at all."

FBI spokesman Frank Fisher said Wednesday that the FBI prohibits him from verifying whether there is an investigation.

Martin said an interview of his clients by an investigator hired by the state Risk Management Division is scheduled today.

The revelations come during a time of turmoil at Herrera's office.

Last week, the office was the subject of television and newspaper stories about pornographic computer viruses infecting Herrera's personal computer, as well as a report in *The New Mexican* about Herrera filing public-information requests to get e-mails involving some of her own staff and some of her political critics. Flores was not on the list of employees whose e-mails Herrera sought.

In March, Herrera's elections director, A.J. Salazar, abruptly resigned, claiming Herrera was guilty of cronyism and possible violations of the state Governmental Conduct Act and elections laws. Herrera responded in a statement that said Salazar's allegations "are false and misleading."

Attorney General Gary King told reporters in March that his office was looking at Salazar's allegations, which he said were "serious."

Herrera, a Democrat, is seeking election in November to a second term. Her Republican opponent is state Sen. Dianna Duran of Tularosa.

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