



FOR IMMEDIATE RELEASE  
September 2, 2010

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## In Case You Missed It

### King Shouldn't Defend NM Driver's License Policy

*"[E]mails, employee time sheets, investigation documents and written statements by Vildasol do suggest Herrera's employees were paid with state money to work on her campaign events."*

#### Secretary Of State E-Mails Reveal Seedy Activities

By Joe Crawford

*Rio Grande Sun*

September 2, 2010

Read this online at:

<http://www.riograndesun.com/articles/2010/09/02/news/doc4c7e903ddbd07443807233.txt>

A New Mexico Secretary of State's Office administrator scrutinized fellow employees for campaigning on state time and complained of apparent political favoritism before he turned over information to federal investigators last month, according to documents obtained by the SUN.

Office email shows **Administrator Manny Vildasol caught resistance from other staff in April as he verified Office employees were on the clock while they prepared for Secretary of State Mary Herrera's past campaign events.** He also complained in later emails that the Office's formal inquiries into election law violations were handled out of order, giving the appearance that certain cases were given priority for political reasons.

Almost 190 pages of documents provided anonymously to the SUN appear to back up some — though not all — of the claims made in recent weeks by Vildasol's attorney, Española-based Rudy Martin.

“Manny went to the (Federal Bureau of Investigation) and reported what he perceived to be criminal conduct in the office of the Secretary of State,” Martin said Monday. “I think it ranges from contracts — pay-to-play type of contracts — to possible kickbacks. It also deals with violations of the federal election laws. **I know that it also involved sending out state employees to campaign for Mary Herrera on state time and paying their salaries with state funds.**”

Former Office elections bureau director AJ Salazar, who now shares a law office with Martin, made some similar allegations Feb. 26 in a scathing resignation letter.

None of the 189 pages of documents indicate a pay-to-play scheme or overt violations of federal election law, although they do call into question the integrity of the Office’s election-related investigations. **But emails, employee time sheets, investigation documents and written statements by Vildasol do suggest Herrera’s employees were paid with state money to work on her campaign events.**

**A string of emails obtained by the SUN earlier this year also support some possible pay-to-play allegations.** In the email Salazar claims private companies that contracted with the Office were asked to help pay for a training event for county clerks, an arrangement Salazar believed to be illegal.

Herrera put Vildasol on paid administrative leave earlier this month after he spoke publicly about turning over information to the FBI. James Flores, the spokesman for the Office, also talked to the FBI and was put on leave Aug. 25, Martin said.

Herrera and Deputy Secretary of State Don Francisco Trujillo did not return calls for comment.

Martin, who ran unsuccessfully for Rio Arriba County commissioner in the June 1 primary election, is representing Flores, Vildasol and Salazar. He has repeatedly said his clients were retaliated against for trying to expose corruption within the Office, and he has denied the timing of the allegations is politically motivated.

Herrera is up for re-election Nov. 2. Her opponent, Republican candidate Diana Duran, said she has never met or spoken with Martin, Vildasol or Flores. Of those involved in the allegations, she said Salazar was the only one who she thought had voiced any support for her campaign.

“I know that after (Salazar) left the Office he might have contacted someone from my campaign,” Duran said.

Salazar declined to comment for this story except through Martin, who said Salazar had a chance meeting with Duran in Santa Fe in which he said he would support her. Salazar would support Duran by default because Herrera is corrupt, Martin said.

FBI spokesman Frank Fisher said he could not confirm or deny whether the organization was investigating the case.

### **Time Sheets**

Included in the documents obtained by the SUN are dozens of e-mails between Herrera and Vildasol, several of which reference Vildasol's attempts to inspect time sheets of other Office employees.

Herrera, while not stating outright she knew what Vildasol was seeking in the time sheets, warned him April 21 he wasn't operating under the radar.

"Everything you (sic) been looking at and asking about has gotten back to me," Herrera wrote to the administrator.

E-mails between Vildasol and Office Human Resources Administrator Deanna Fresquez show Vildasol asked her to see printouts of the time sheets. But Fresquez, who received a message from Herrera on April 26 directing her not to release any information without first checking with Herrera, did not immediately comply.

"The whole conflict with Deanna Fresquez came about because she apparently met with Don Francisco and Mary and they figured Manny was up to something," Martin said. "(Vildasol) was accused of trying to get information in an unauthorized way."

Reached at work, Fresquez referred all questions to Trujillo, who did not return calls for comment.

Vildasol eventually got his hands on the time sheets he wanted, the documents show. And, if Vildasol's written statements are to be believed, **the documents indicate at least three Office staff members were paid with state money for helping set up Herrera's campaign events.**

In the written statements, which Martin confirmed were actual accounts from Vildasol, the administrator wrote about two campaign fund raisers and a matanza in Belen at which Herrera had a campaign table.

### **The Fund Raisers**

The first fund raiser mentioned was held at the Bernalillo home of current Office Election Bureau Administrator Kelli Baca on Aug. 29, 2009, a Saturday. Vildasol states he discovered on the day before the event that four Office employees, including Baca, were spending the day setting up for the campaign party. Of those four, only Baca took a full day of annual leave for the preparation, according to time sheets.

“I cautioned (Office temporary employee Maria Baca) to be careful about doing such events on state time and that they needed to document their time appropriately,” Vildasol wrote.

Maria Baca reported a half hour of annual leave that day, although Vildasol stated the employees were “gone all day.” Neither of the other two employees involved — administrative assistant Paula Templeton and Human Resources Director Dianne Brown — took any time off that day, according to the time sheets.

Kelli Baca said Monday that the other three employees wouldn’t have needed to take a day off because they didn’t help her set up the event.

“I set up that event by myself with my ex-husband,” she said, adding that Vildasol, Flores and Salazar all attended the fund raiser the next day.

Asked why Vildasol would lie about the event in a written statement, she said Vildasol was a disgruntled employee.

“I think Manny is a very, very unhappy man. He is disgruntled,” Kelli Baca said. “He has tried to create hostility and animosity within our staff.”

Baca was the only Office employee who returned calls for this story.

Herrera’s campaign finance report from that time period, which should include information about the fund raiser, was not available because the Secretary of State’s website is missing all reports prior to 2010.

Maria Baca also spent Jan. 29, a workday, at the Sheriff’s Posse Grounds in Belen meeting with organizers of the annual matanza there, according to Vildasol. She was there to secure a spot for a Herrera’s campaign table, which she would work at the next day, Vildasol stated.

According to his statement, Vildasol also attended the matanza so he could collect signatures for Herrera to get on the ballot for re-election. Like Salazar claimed in February, Vildasol states every exempt employee in the Office was required by Herrera to collect 1,000 signatures.

Vildasol states he talked with Baca at the event.

“I again, communicated to her that just because the Secretary had directed her to do campaign work on state time was not a reason to comply,” Vildasol wrote.

Jarod Colbert, who works for the Valencia County Hispano Chamber of Commerce that

runs the matanza, confirmed Herrera did have a table there.

The second fund raiser occurred Saturday, May 15 in Albuquerque, a couple weeks after it apparently became known within the Office that Vildasol was interested in the time sheets. The day before that event Maria Baca was not scheduled to work, Templeton called in sick and Kelli Baca used annual leave to take a day off, according to the time sheets.

### **Appearance of Conflict**

In an e-mail conversation over four days in May, Vildasol urged Herrera and Deputy Secretary of State Don Francisco Trujillo to change the protocol they used for investigating alleged election law violations “to avoid any potential appearance of a conflict of interest,” according to Office e-mail.

He stated the investigations were not being conducted in the order the Office received them, and one complaint brought by a friend of Herrera and Trujillo was given priority over others, Vildasol stated in a May 25 message.

That friend was Darren Cordova, the incumbent mayor of Taos who had one challenger in the March 2 municipal election. The challenger, Jeff Northrup, was investigated by the Office after a complaint was made that Northrup didn’t live within Taos city limits. Vildasol said he was instructed by Trujillo, who lives in Taos, to make that case a priority, which Vildasol said gave the appearance of favoritism.

“I am aware that you and Don Francisco are good friends with (Cordova), which is the reason why I have made the recommendations in order to avoid any potential appearance of a conflict of interest,” Vildasol wrote May 28 to Herrera.

In the correspondence Herrera states she was unaware of the policy Vildasol is referring to.

“Manny what is really going on here?” she wrote May 28. “Manny I live in Albuquerque and I need to do my job, I really do not understand what you are claiming here. I also know (Cordova) and I highly respect him; however, bottom line, we need to do our job regardless of who we know or where we live.”

While records indicate the case involving Northrup was handled out of order, it was still not completed until April 19, more than a month after the election and three months after the complaint was lodged.

Still, compared to a case against Rio Arriba County Clerk Moises Morales, that’s a quick turnaround. A complaint was filed against Morales June 2, 2008 for failing to report his campaign contributions is still not closed.

There were 23 active cases within the Office as of June 8, according to the documents.

### **AG Lax in Investigation**

Besides accusations against Herrera, Martin has also accused state Attorney General Gary King of neglecting to properly investigate allegations against Herrera, including those made by Salazar more than six months ago. Both King and Herrera are Democrats, and both are up for re-election this year.

Martin said Salazar was interviewed after he resigned by attorneys at the Attorney General's Office, but nothing had been communicated to Salazar since about the investigation. He did say Flores was contacted by King's office about the allegations, but not until Monday.

King confirmed Monday his office has indeed opened an investigation into Salazar's claims about wrongdoing in the Secretary of State's office. **But King was quick to emphasize that just because an investigation has begun does not mean Herrera has done anything illegal.**

**Instead, he said the investigation will proceed as normal, and there will be no time line imposed because of the November general election in which both King and Herrera are seeking re-election.**

**"If voters think I'm not pursuing this aggressively enough, they can vote for my opponent," King said. "That's how our system works."**

Rank-and-file lawyers and investigators in the Attorney General's office often aren't replaced with a change in administration, so the investigators working on the Herrera case won't be influenced by politics, according to King.

Even if investigators hand over to King what they say is a complete case file, it's not uncommon for King or other attorneys working on the case to raise further questions that require further investigation, King said.

"People watch 'CSI' on TV and think you can solve a case in one hour," King said. "That's just not the case."

In one of the only public comments Herrera has made about the issues, she said the accusations were completely false and politically motivated. At a press conference Aug. 25 she was reported in the Albuquerque Journal and the Santa Fe New Mexican as saying the allegations were "thrown at the press like red meat in an election year."

When asked if he was involved in any campaigning against Herrera or King, Martin

responded: “If reporting corruption of a government figure such as Mary and Don Francisco and raising hell about an Attorney General that has not done anything except conduct an investigation and nothing else — if that is campaigning for their opponents, then I guess we’ve done a lot of campaigning.

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