

Bernalillo County Compliance Office

Robert Kidd, Compliance Officer

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Code of Conduct Complaint 2013-SC001

PRINT, COMPLETE AND HAVE NOTARIZED PRIOR TO FILING

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

DATE: 8/19/13 NAME OF COMPLAINANT: Kristopher Schafer

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FULL NAME OF ACCUSED: George Castillo, Chronm CPC DATE OF INCIDENT: 8/7/13

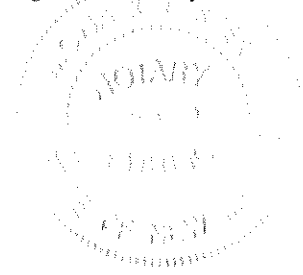
NAME OR DESCRIPTION OF MISCONDUCT OR WRONG DOING WITNESSED: Violation of Bernalillo County Code of Conduct, Section 2-130, paragraph (g).4.

DESCRIPTION OF FACTS THAT SUPPORT THE COMPLAINT: See Attached Statement

CHECK HERE IF CONTINUED ON SEPARATE SHEET

I, Kristopher Schafer, do depose on oath or affirmation and say that the information disclosed herein is true and accurate to the best of my knowledge.

[Signature]
Signature of Complainant



SUBSCRIBED AND SWORN TO before me this day of 19th, 2013 by KRISTOPHER SCHAFER,
State of New Mexico
Bernalillo County
NOTARY PUBLIC -
My Commission Expires 14 Nov 2013

Statement of Complaint by Kristopher Schafer

SUBJECT: County Planning Commission Meeting, August 7, 2013; Violation of Bernalillo Code of Conduct Section 2-130, Paragraph (g). 4.

I attended the County Planning Commission (CPC) meeting on August 7 in order to voice my opposition to two agenda items, SPR-20130003 and CZ-20130004. SPR-20130003 is a request to amend the Paseo Del Norte/North Albuquerque Acres Sector Plan in order to allow a zoning change, and CZ-20130004 was the request for the zoning change itself. The applicant of record is Consensus Planning, who is serving as agent to Daniel and Dorothy Rice, the owners of the property for which the zoning change is being requested. A third party to this application is Mr. Scott B. Clark, of Double Eagle Realty. Mr. Clark, who was present and spoke at the hearing on behalf of the applicants, is under contract to sell the property involved. Mr. Clark has also identified himself as the "developer" of the property should the zoning change be approved, and has proposed sub-dividing the property and building multiple single-family homes.

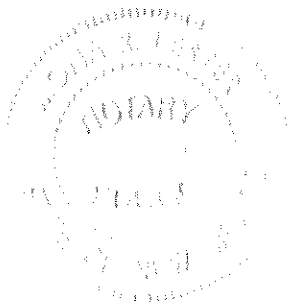
When the time came for these agenda items to be heard by the CPC, Chairman Castillo opened the discussion by saying that he knew, and had once been a business partner with Mr. Clark. He indicated that he had been Mr. Clark's banker, but no longer had a business relationship with him. He asked Mr. Clark: "Scott, how long have we known one another? About thirty years right?" I believe that the transcript of the meeting will verify these remarks. What cannot be depicted by the transcript are the friendly and congenial facial expressions that were exchanged between Chairman Castillo and Mr. Clark.

At this point I fully expected Chairman Castillo to recuse himself from voting on the case based on his personal relationship with Mr. Clark. However, Chairman Castillo simply said that he wanted everyone to know of the relationship prior to hearing the case. When it came time for the CPC to vote, Chairman Castillo voted in favor of the zoning change, i.e. in favor of Consensus Planning, Daniel and Dorothy Rice, and in favor of Mr. Clark and his development plans.

The vote ended up being three Commissioners "for", and three Commissioners "against" the Sector Plan Amendment and zoning change (Commissioner Sanchez was not in attendance).

In my mind, the statements made by Chairman Castillo raise the question of his ability to be impartial in this matter. His statements, followed by his vote, certainly create the appearance or perception of a potential conflict. If Chairman Castillo's intent was to "disclose" a former financial relationship, then I am appreciative of that gesture. However, he should have further explained why he considered himself qualified and impartial for participating in the vote. By not providing such clarifying information, I believe Chairman Castillo cast suspicion as to his impartiality. To me, this was a situation whereby the Chairman, in order to completely avoid any misperceptions, should have disqualified himself from the vote, per the Bernalillo County Code of Conduct, Section 2-130, Paragraph (g).4. I, along with others who were in attendance, were left to believe that Chairman Castillo may very well have a conflict of interest with regard to this case. At the very least, he demonstrated poor judgment and a lack of

professionalism by first calling attention to the fact that he and Mr. Clark had been long-time friends, and then voting in Mr. Clarks' favor. These actions reflect poorly on CPC processes, and on Bernalillo County as a whole. Equally troubling is the fact that Mr. Clark has, on several occasions, told those of us opposing the zoning change that it was "a done deal", and a waste of our time to oppose it. This leads one to believe that there may be, in fact, inappropriate alliances between the applicant and the CPC.



Kristopher Schafer

Kristopher Schafer

Subscribed and sworn to before me this day of:

19 Aug, 2013, by KRISTOPHER SCHAFER

John R. Hester State of New Mexico
NOTARY PUBLIC Bernalillo County
My Commission Expires 1/1/14 2013