

CASE # 2026-1

Complaint Form

(Please print or type)
(Additional pages may be added)

City of Santa Fe
Ethics & Campaign Review Board


Date: April 20, 2026

1. Name of person and/or group charged with alleged violation. Stephanie Benanato
2. Please explain briefly the nature of the alleged violation. Stephanie Benanato is operating an unregistered Political Action Committee PAC. Any and all ethics and complaints filed by her PAC need need to be suspended until this ethics complaint is resolved.
3. Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. Sec 9.2.6 in its entirety, Sec.9.2.7 in its entirety, 9.2.8 in its entirety, 9.2.9 in Sec 9.2.6 in its entirety, Sec.9.2.7 in its entirety, 9.2.8 in its entirety, 9.2.9 in its entirety. 9.2.10.(1), 9.2.10 (2), 9.2.10 (3), 9.2.10 (4), 9.2.10 D (4 Violations) 9.2.10 G (4 violations.)
All Violations with a potential fine of \$33,000.00.
4. Please state the facts you have regarding the violations, including:
 the date(s) From 1 May 2025 to the Present
 the time(s) _____
 the place(s) The City of Santa Fe, The Santa Fe City Clerk's office and the Ethics and Campaign Review Board
 people involved Stephanie Benanato
 other facts See Attached filings
5. Are there any witnesses to the violation who are willing to confirm your charge?
 Please list with addresses, phone numbers and what they know. The City Clerk Staff and Ethics and Campaign Review Board. Mr. Leroy Trujillo
6. Attach documentation of actual evidence you have to support your complaint, to this form.
7. What is your name? David Montoya
8. Address? 549 Agua Fria St. Zip Code 87501
9. Telephone Number? (303) 999-9201 Work: _____
10. Email Address? Davidmontoya470@gmail.com

Received on: April 20 20 26
 By: [Signature]
 City Clerk's Office

To the best of my knowledge, the above statements are true and complete.
[Signature]
 Signature

Subscribed and sworn to before me this 20th day of April 20 26

(Seal)  **XAVIER I VIGIL**
 Notary Public
 State of New Mexico
 Comm. # 1132968
 My Comm. Exp. Mar 25, 2029

[Signature]
 Notary Public

Stephanie Benanato has been operating an unregistered Political Action Committee throughout the 2025 City Election Cycle and has continued to operate her PAC post election. According to the Santa Fe City Election Code 9.2.3 Section Q as “Political Action Committee is any entity that

(1) formed for the principal purpose of:

(a) Raising or collecting, and expending or contributing money or anything of value for supporting the election or defeat of any identifiable candidate or candidates or for supporting the approval or defeat of ballot propositions; or

(b) Coordinating or cooperating in efforts to support the election or defeat of any identifiable candidates or of supporting the approval or defeat of any ballot proposition; and

(2) Expends five thousand dollars (\$5,000.00) or more in the aggregate for these principal purposes during a single election.

Ms. Benanato’s unregistered PAC has expended her time and effort (Something of Value) to engage in political activity designed to defeat and discourage Candidate David Montoya for the District 1 City Council Seat. Her efforts to do this include time spent attending campaign forums to confront the candidate, Political Activity to coordinate with an opponent of David Montoya. Her time researching, in the field, potential violations of the election code specifically of Mr. Montoya in City Council District 1 and the time she has spent leveling false accusations against Montoya and the compiling and filing of numerous ethics and campaign violation complaints represent an expenditure that exceeds the \$5,000.00 dollar threshold. Her activity far exceeds the actions of a concerned citizen and crosses into a participant in the city electoral process. She will continue to operate as an unregistered PAC until there are consequences for her actions. What follows is an outline of numerous direct violations of the city election code. These violations demonstrate a complete disregard for the campaign code and make a mockery of our municipal democracy and a sense of privilege that the rules simply do not apply to her.

1. Her unregistered PAC has failed to file a Statement of Political Organization with the City Clerk’s office in violation of the Santa Fe Election Code. 9.2.7

a. This constitutes 4 separate violations and a fine up to \$2,000.00

9-2.7 - Statement of political committee organization.

A. Every political committee shall file a statement of organization with the city clerk within ten (10) days of becoming a political committee as defined in paragraph P of subsection [9-2.3 SFCC 1987](#)

B. The statement of organization shall include but not be limited to the following:

(1) The name, street address, city, county, state, zip code and telephone number of the political committee;

(2) The names, addresses and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(3) The full names, addresses and telephone number (home and business) of its campaign treasurer and campaign depository;

2. Her unregistered PAC has also violated City Elections Code 9-2.8 by failing to appoint a treasurer withing two weeks of formation. Up to a \$500.00 fine for this violation.

9-2.8 - Appointment of campaign treasurer and designation of depository by candidate.

A. Each candidate, within two (2) weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the city clerk the names and addresses of:

(1) legally competent individual, who may be the candidate, to serve as campaign treasurer; and The campaign depository.

3. Her unregistered PAC has violated section 9.2.9 Treasurer Campaign Treasurer Duties in its entirety. This constitutes up to 10 separate violations totaling up to \$5,000.00 in potential fines.

4. Her unregistered PAC has failed to file any treasurer's reports in violation of section 9.2.10 Campaign Finance Statement Required. This constitutes 5 separate violations of the election code with fines up to \$2,500.00 plus the late filing penalties from the City Clerks office of \$500.00 for a total of \$3,000 dollars in potential fines

5. Her unregistered PAC has also violated section 9.2.11 Campaign Finance Statements; contents in its entirety as the Political Action Committee has failed to file any reports. This requires 8 separate components her failure to file the 5 reports represents a total of 40 violations with a potential fine of \$20,000.00 in total

6. Her unregistered PAC has violated section 9.2.12 Campaign Finance Statement; Signing in its entirety. Because the PAC has failed to file financial statements as required by the Santa Fe Election code, it is unknown how many total violations she may have incurred, however if she failed to file all required reports her fine 5 violations would total \$2,500.00 for this section of violations.

Her unregistered Political Action Committee's activity far exceeds the actions of an individual acting in the public interest. Her targeted political activity has made her a participant in the electoral process. Her activities and expenditures of in-kind time and material as well as her focused efforts in district one fit the definition of a Political Action Committee and as such are subject to the provisions of the Santa Fe Municipal Election Code. Her unregistered political action committee will continue to operate without regard for the election code until it has consequences. I ask the Campaign Review Board to provide this accountability. Further, I request any and all Ethics and Campaign Complaints be suspended and the processes of adjudication be held in place until such time that is determined whether or not she is indeed operating a unregistered political action committee. Further, I will be forwarding these violations to the Secretary of State's Office along with her collusion with another candidate's campaign for further adjudication at the state level which may potentially have additional civil and criminal consequences including fines and disbarment if she is a member of the New Mexico Bar. Her unregistered PAC's potential fines for violating the Santa Fe Election Code could potentially cost her up to \$33,000.00 in fines. I have attached her body of work and detailed filings which constitute in kind contributions as the time and effort to research, write and submit her numerous false and frivolous accusations represent Value that exceeds the \$5,000.00 threshold.

Her disrespect for the process disregard of it highlight an attitude of privilege that believes that rules and regulations do not apply to her and her unregistered PAC. This is demonstrated by her attempts to circumnavigate the Election Code via unregistered PAC and need to be enforced. It is my belief that she will continue to operate her unregistered political action committee as long as she is able and until there is enforcement and consequences. Her actions violate the spirit of free elections and undermine democracy itself in our city.

I ask the Ethics and Campaign Review Board to investigate these numerous violations thoroughly and immediately suspend any activity related to any filings her unregistered PAC may have made to this board until such time as her violations have been resolved and appropriate fines levied. If it is determined that she has been operating an unregistered political action committee, I ask that any and all complaints filed with your board filled by this illegally operating entity be immediately dismissed.

**VERIFIED AMENDED/CLARIFIED VERIFIED REPLY TO MONTOYA'S RESPONSE
TO ETHICS CAMPAIGN REVIEW BOARD Case #2025-4 David Montoya**
TO the Ethics Campaign Review Board 6 April 2026

Case #2025-4

Verified Modification/Clarification of Verified Reply to Trujillo's email

Beninato is modifying and clarifying the Verified Reply she submitted on 8 December 2025 to the city clerk's office while incorporating the substance of the original complaint and the initial reply.

Beninato states under penalty of perjury:

The hearing in front of the ECRB is a quasi-judicial hearing that is governed by rules of procedure. David Montoya failed to submit a sworn reply as required by Rules of Organization and Practice D Board Complaint Procedures 3 (a sworn response by the respondent must be filed with the city clerk within ten business days of completed service of the complaint by certified mail or personal service...). Mr. Montoya sent the clerk an email on 17 November 2025.

Mr. Montoya should have received Beninato's Verified Reply on or about 8 December 2025. After an informal meeting on 19 March 2026 with the ECRB chair, Montoya knew that the Reply existed, and it was incumbent on him to review that Reply. The chair of the ECRB gave the parties the opportunity to modify their Response/Complaint, and Montoya did not submit any indication within the deadline set by the chair (23 March 2026) that he intended to remedy the procedural defect concerning the need for a notarized response.

Montoya has failed to comply with the letter of the law which he insists is important. Failure to follow procedure is the first level of consideration in both judicial and quasi-judicial matters as to whether a party's submission should be considered. As of 6 April 2026, Montoya has not resubmitted his Response under oath (that is notarized). The ECRB should follow procedure and not consider the "grounds" in his response or allow him to testify without providing the documentation sought by Beninato through the ECRB's subpoena power. The documents are the best evidence—not unsupported testimony at a hearing even if sworn. If the ECRB considered Montoya's sworn testimony without previously submitted documentation, it would prejudice Beninato since she would not have adequate time to respond to newly created testimony.

Further Dr Beninato states under penalty of perjury:

1 Motion to Dismiss improper grounds because Mr Montoya could have appeared at the 13th November meeting and presented legal grounds why Dr Beninato's complaint that was supported by photos, emails and campaign reports did not state sufficient probable cause to go forward. Mr Montoya has misstate my name (repeatedly) and has also misdated the New Mexican article. It appeared on 14 November, not the day after the city clerk served him with the complaint. Exh 5

2 Harassment and Intimidation. Dr Beninato states these charges are not based in fact or law, are irrelevant to the content of the complaint and meant to distract from the substance of the ethics/campaign complaint.

4 Re Signs The signs violate 9-2.5A and D in that none display the treasurer's name and none have a contact phone number.

Sign Placement: Mr Montoya again is trying to deflect from his improper use of public property for his campaign signs. Mr Montoya's has not produced any documentation that his signs were stolen. His rationale that they were stolen and then put on public property just days before the election to make him look bad is laughable. He is required to have a liaison contact who is responsible for the lawful placement and location of political campaign signs and that person must be registered with the city clerk. Violates 9-2. 15B and C. Exh 26-31

Dr. Beninato's understanding is that Montoya was contacted by the city clerk's office after Beninato submitted a written complaint on 3 November to that office. He had 24 hours to remove the signs.9-2.15E See email and attachments that city clerk has been requested to produce by the chair and by Beninato's Motion for Production of Documents.. Additionally, Mr Montoya posted signs on commercial property including in the landscaping at the shopping center at Trader Joe's; the landscaping at Whole Foods; the shopping center on St Michael's where Smith's is located; and at DeVargas Mall on electric boxes just days before the election. Montoya is required to have permission to put these signs on private property even if it is commercial-9.2-15 D. Upon information and belief, Montoya lacked the permissions required.

His signs were still in place three weeks after the election. The ordinance requires removal within 5 days of the election (9-2.15H)—another violation of sign posting. NOTE Besides earlier sign purchases, Mr Montoya purchased campaign signs on 10/27, 10/29 and 10/31 (over \$1200) according to his financial reports. Exh 9

The city clerk notified him on 26 November of a complaint submitted by Katherine Rivera concerning the signs on 25 November 2025. Janet Eduardo in a comment online on 17 November noted Montoya's signs were still in place. Exh 5 and Exh 14. As of Sunday 30 November, Dr Beninato observed two of his signs on an electric box on the Paseo side of DeVargas Mall that were still in place; and Ms Rivera photographed a sign at Smith's on 30 Nov and two at DeVargas mall the evening of 1 December. Beninato on 2 December observed one sign still on an electric box on Paseo side of DeVargas mall and the sign at the entry of the shopping center on St Michael's Drive where Smith's is located on 4 Dec (Exh 15-22) So much for Mr Montoya's statement that he has "consistently acted promptly" when he was notified of improper placement.

4 Campaign Expenses and Treasurer's Role The Montoya campaign stated that Victor Vigil was the treasurer (Website). However It is unclear whether the treasurer submitted any of the financial statements as required under 9.2.9 since there is no requirement of a printed name and the notarization does not state who was in front of the notary at the time the document was signed. The signature for the treasurer varies from report to report with the one for October seeming to be that of David Montoya. See Exh 8 (Exh 6.7. 9) (9-2.8D and E) Additionally there are many expenses paid for by Montoya's personal credit card or by personal check which seems to violate 9-2.3D and 9-2.8 C (No contribution and no expenditure shall be accepted or made by or on behalf of a candidate or political committee unless there is a

depository and a campaign treasurer in office) and 9-2.9H1 which prohibits commingling of campaign funds with other funds. See Exh 6-9)

Research On "For A Political Purpose":

As the ECRB knows, when an issue is one of first impression, judicial and quasi-judicial bodies look to other jurisdictions to see how the issue was interpreted or applied.

An AI generated summary states: Across various jurisdictions, "political purpose" typically includes: **Influencing Voting:** Any act, done with intent or in a way that tends to influence, directly or indirectly, a person to vote for or against a candidate in an election or primary.

Aiding Campaigns: Providing aid or assistance to a candidate, political party, political committee, or organization in support of their election.

Express Advocacy: Activities that explicitly advocate for the election or defeat of an identified candidate, often using phrases like "vote for," "oppose," "support," or the functional equivalent thereof. The legal scope of this is often debated and has been subject to court cases that have narrowed its application to avoid vagueness or overbreadth in certain contexts.

Influencing Ballot Measures: Attempting to influence the action of voters for or against any measure, initiative, referendum, or constitutional amendment submitted to the voters.

Campaign Expenditures: Any payment, loan, or gift made for the purposes listed above, including general public communications (broadcast, mass mailings, etc.) intended for a political purpose. See Exh 1 NM Attorney General LT Rep D Rodella 2008

As defined in the state's election code (Campaign Practices) 1-19-26 W, "political purpose" means for the purpose of supporting or opposing a ballot question or the nomination or election of a candidate. *NOTE The state code does not apply to municipal elections but is cited so as to inform the Board's discussion since the city code does not include definitions.

The state campaign code's definition of "contribution" 1-19-26 I "(4) does not include the value of the incidental use of the candidate's personal property, home or business office for campaign purposes". Beninato contends by extension the incidental use of personal property, therefore, is not for a political purpose and is not a properly claimed expense.

The city ordinance indicates that a tangible asset with an estimated resale value greater than two hundred dollars (\$200.00) that was purchased with such contributions and remain in the possession of the **campaign** at the conclusion of an election shall be distributed in one of four ways. 9-2.9H2 This section does not allow the candidate to make the item his/her/their personal property nor does it allow the candidate to resell it and keep the money.

To summarize, it seems that "for a political purpose: involves actions or activities that advocate for or against a candidate or issue. If a candidate uses an item in the campaign to qualify "for a political purpose", that item must include a message that advocates for that candidate. Giving away items, including food, no matter how trivial the value, to induce the person to vote or refrain from voting may violate 1-20-11A concerning bribery—much depends on the timing and location of the distribution. See attached NM AG letter to Rep Rodella attached.

TRUCK Expenses for the Mr Montoya's truck's repair and registration are clearly incidental since it is his personal property; the registration was paid for by his personal credit card and these items do not advocate for his candidacy.(7/1/8/7. 8/8 (\$434). Additionally Montoya sold the truck and did not distribute the sales money as required by 9-2.9H2. Contributions may not be used for the candidate's personal living expenses or compensation to the candidate 9-2.9H1a

COOLER Purchased on 5/22 for parades (\$106). This cooler is now Mr Montoya's personal property and was used at most twice and clearly incidental to any political purpose.(Gay Pride Parade and Fiestas parade)

New SOUND SYSTEM (9/8 approx \$250) MICROPHONE AND MICROPHONE ADAPTER CABLE (7/31 and 8/01 for approx. \$89): Mr Montoya stated he used the sound system for parades and rallies. His expense report shows an ATM withdrawal the day after Fiestas (9/8)—there were no other parades after 7 Sept 2025 that Montoya claimed to join. His reply claims he used the sound system at forums and for rallies in his reply...However whatever organization(s) sponsored the forum provided the sound system including microphones. There are no rallies listed on Mr Montoya's webpage or facebook page in which he participated and that meet the definition in the code. It is clear that the microphone, adapter cable and sound system are now and were intended to be the personal property of Mr Montoya and are incidental in his advocacy to solicit votes on perhaps one occasion and thus not for a political purpose. 9-2.9H1a and 9-2.9H2 Had Mr Montoya rented a sound system, that expense might be a legitimate political expenditure because it would have been limited to a parade that includes political candidates advocating for votes.

IPHONE GIMBEL STABILIZER AND TRIPOD (8/27 for \$196) Mr Montoya said he decided to make his own videos. However his expenditures show a total of \$650 (\$500 on 8/26 and 10/07 \$150) for videography. Mr Montoya has 5 video segments totaling approximately 3 min 40 sec of time—three are on his webpage and five (two duplicates from webpage; 2 others with same script) are on this Facebook page. The facebook page indicates someone was there helping create the videos and there was definitely splicing of photos into the video. Any cost to have a self-created video broadcast as an advertisement on TV or other commercial media or its audio played as part of an ad on radio would be a legitimate campaign expense. It is clear that the stabilizer and tripod are now and were intended to be the personal property of Mr Montoya and are incidental in his advocacy to solicit votes and thus not for a political purpose. 9-2.9H1a and 9-2.9H2

Additionally Joseph Casados was paid \$1000 for field work on 8/26 with no explanation of what that entails. Exh 6

In terms of whether Mr Montoya's expenditure concerning BBQS AND CAMPAIGN BREAKFASTS are legitimate campaign expenses, the most helpful opinion Dr Beninato found was a letter to Rep Debbie Rodella from the AG in 2008. Below are relevant parts with the full letter attached. Exh 1 9-2.9H states that campaign contributions shall be used only "to pay expenses incurred in the furtherance of the candidate's campaign"... "A plain reading of the Campaign Reporting Act is that any expenditure made for the purpose of electing a person to office is a legitimate campaign expenditure.... The provisions of the Campaign Reporting Act must be read against the backdrop of Section 1-20-11(A) of the

Election Code, relating to offering bribes... Neither statute places a minimum value or exempts objects of nominal value. Hence, if there is any value attributable to a thing, no matter how trivial, the distribution of the thing to influence a vote may violate Section 1-20-11(A), even if it appears to be a permissible expenditure under Section 1-19-26(J)... There are several factors, however, that suggest whether a distribution is procuring votes or campaigning. These include the value of the object being distributed and the timing and location of the distribution. For example, distributing refrigerator magnets or other campaign event trinkets with a ten-dollar value and inscribed with "Vote for Candidate X" is more likely to be viewed as campaigning than procuring votes. The distribution of cash, on the other hand, is more likely to be viewed as evidence of intent to buy votes than intent to campaign. See *id.* We emphasize again that in any event *there should be no understanding that voters should vote in a certain manner or for a certain candidate in exchange for the gifts.*

DEMOCRATIC PARTY BBQ expenses: The city ordinance prohibits campaign funds from being donated to a political party 9-2.9H1b)

This event (9/1/25) according to Mr Montoya's description on Facebook was to honor workers and his role was to cut up brisket for the barbeque. His posting of a sign does not convert his "donation" to the Democratic Party into a campaign expense especially since the Democratic Party does not openly endorse candidates in city elections. Volunteering to cut up brisket at a picnic honoring workers does not comport with the definition of "for a political purpose." Additionally his expense statement shows purchase of brisket for Dem Picnic on 7/31/25 and on 9/2 for Labor Day picnic. *The only picnic was on 9/1/25 according to the Dem website.* (Total approx. was \$207.00) Exh 6 and Exh 10

BBQs. Mr Montoya claimed expenses for barbeques for meat or supplies on 5/11/25 (for volunteers); 5/11/25 for canvassing cookout; 5/23 soft drinks, water, brisket for campaign; 7/12 for BBQ; 8/02 for BBQ items (twice at Marketplace); 8/04 for campaign drinks ribs; 8/11 for BBQ supplies for an approximate total of \$616.00 (almost all paid for with personal CC violating the prohibition on mingling personal and campaign funds and by extension prohibiting a candidate from paying for campaign expenditures from his personal accounts)

The only BBQ advertised was on his Facebook page on 11 July for that Sunday in which he advertised that a person could come to the barbeque after canvassing for him. Beninato asserts that this expense seems to violate 9-2.9H1 since these events are not furthering his campaign but rewarding known supporters as well as 1-20-11A where the candidate is trying to procure votes of the canvassers in exchange for a meal. Exh 6, Exh 10 and Exh 11, Exh 13

He has also said that the barbeques were "for his supporters" in his response and for his volunteers at least once on his form—again this expenditure does not fit the definition of "for a political purpose" since he is not advocating for voters to support him but rather rewarding those who already do as a means of ensuring their loyalty and vote- what could be a violation of 1-20-11A as per AG LT Rodella and of 9-2.9H1 since these events are not furthering his campaign but rewarding known supporters.

Mr Montoya has an unexplained contribution in kind of food from Cathy Foreman on 10/4/25 for a meet and greet that is not advertised on his facebook page or webpage. Exh 7

He received food/drink as payment in kind from Elizabeth Montoya for frito pies on 6/ 29(\$200) and Joe Maestas for \$200 for drinks on 7/31--without the two donations being tied to any event. Exh 6

He has paid \$1000 by personal check for catering for a fundraiser on 10/8/25 and received about 8 contributions on that date. but his advertised fund raiser was at Casa Sena on 10/9/25 (facebook) and there are no expenses for food or space for that event and no contribution on that date. He did pay a jazz band seemingly for that event on 10/10/25 Exh 8

SUPPORTER BREAKFAST AT TORTILLA FLATS on 10/07 (\$57.00) and a Volunteer dinner on 11/2 (\$125)(paid for with personal cc) See objections re: securing votes/rewarding supporters as opposed to campaigning especially the volunteer dinner occurred 2 days before the election when that event is traditionally held the night of the election (all paid by personal check). Exh 9

CAMPAIGN BREAKFASTS (unclear what activity this involved—not advertised on facebook or webpage).Atrisco 10/30 \$75; Plaza Café South \$77 10/31; Tia Sophia's 11/03 \$38 (all paid for with personal CC) Exh 9

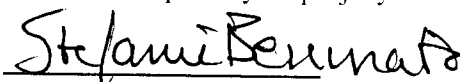
FINAL ACCOUNTING Additionally the rules require candidates to submit final accountings for their campaign expenditures within 30 days after the election. Beninato modifies her complaint to show that as of 6 April 2026, Mr Montoya had not submitted his final financial report due 4 December and that there is no record that he asked for an extension or paid the \$100 fine. See Exh 25 Screen Shot of city clerk's election website and 9-2.10A5 and 9-2.10G

I am requesting that Mr Montoya pay \$2000 in fines for his improperly posted signs and his failure to remove signs within 5 days of the election even when notified by the city clerk. Additionally, I am asking that Mr Montoya donate the costs of the truck equipment and registration and the costs of the cooler, sound system, microphone, microphone adapter, the ipad gimbel stabilizer and tripod and all BBQ expenses to a charitable organization of which he is not a member or volunteer. (\$1363)

Witness

Please note I will be calling Katherine Rivera as a witness. Contact info 505 603 4099 She will be testifying as her observations of the improper signs, her submittal of a complaint about these signs and Mr Montoya's response.

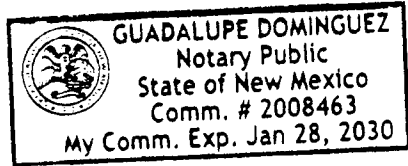
I do hereby affirm the above is true and correct to the best of my knowledge, information and belief under penalty of perjury.


Stefanie Beninato

Subscribed and sworn to before me on this 8th day of April 2026 ^{SB} in Santa Fe, New Mexico.


Notary Public

SEAL



Attachments 1-22 See original Reply filed on 8 December 2025
Attachment 23 is facebook link <https://www.facebook.com/davidmontoyaforsantafe/>

NEW Added Exh 24 Screen shot of financial reports submitted
and Exh 25 Photo of Montoya sign still up on 6 March 2026
Exh 26-31 Photos of Montoya signs on public property 3 Nov 2025

CITY OF SANTA FE

ETHICS AND CAMPAIGN REVIEW BOARD

ECRB CASE #2025-04

STEPHANIE BENINATO, complainant

v.

DAVID MONTOYA, respondent

and

ECRB CASE #2025-05

STEPHANIE BENINATO, complainant

v.

LEROY TRUJILLO, respondent

ORDER FOR PRETRIAL HEARING

The complaints in these matters having been duly filed by complainant Stephanie Beninato with this Board on November 4, 2025, and

Respondents Leroy Trujillo and David Montoya, having each filed responses to the complaints against them on November 17, 2025; and

Complainant having filed on December 5, 2025, subpoena requests for documents from both respondents; and

The Board, having ordered on December 11, 2025, that both complaints state allegations against the respondents that could, if proven, constitute violations of the City of Santa Fe Campaign Code; and

The Board having further, in its order dated December 11, 2025, directed respondents to respond or object to the subpoena requests filed by the complainant, neither of which has happened; and

The Board, having scheduled and postponed indefinitely a hearing on January 12, 2026, on the merits of this matter, which was postponed at the request of complainant due to her having been injured, as well as by respondent Montoya; and

The board chair, finding it necessary to ascertain the status of this matter to proceed to its disposition without further delay;

Now therefore, it is ordered that complainant Beninato and respondents Montoya and Trujillo appear before the Board chair at the City of Santa Fe building at 200 Lincoln Avenue, Santa Fe NM 87501, in **City Councilor Conference Room at City Hall**, for a joint pre-trial hearing at 10:00 a.m. on March 25, 2026, to ascertain:

1. Which facts alleged in each complaint are disputed and which are undisputed;
2. When each party can submit their respective lists of witnesses and evidence for any disputed issues that require an evidentiary hearing;
3. What evidence sought in complainant's interrogatories relates to undisputed issues and which evidence relates to issues that remain disputed;
4. What further proceedings are required in these matters, and on what schedule?

Any party who wishes to retain counsel should do so long enough before the date of this pretrial hearing to allow their attorney to enter their appearances and familiarize themselves with this matter. Any delays caused by a party's failure to timely retain counsel will not be grounds for further postponements.

Paul Biderman

Dated: March 11, 2026

PAUL BIDERMAN

Chair, ECRB

I hereby certify that this order was sent on March 11, 2026, by email to:

Stephanie Beninato

info@nmgo.com; info@nmmediate.com

Leroy Trujillo

riograndenorth@yahoo.com

David Montoya

david@montoyaforsantafe.com

Paul Biderman

Paul Biderman

ECRB Chair

All Attachments Double Sided

RECEIVED NOV 25 2025
CITY CLERK
CASE # 2025-4

Complaint Form

(Please print or type)
(Additional pages may be added)

City of Santa Fe
Ethics & Campaign Review Board

Date: 11/4/25

- Name of person and/or group charged with alleged violation. David Montoya
- Please explain briefly the nature of the alleged violation. 9-2.15B + improper campaign expenditures
Definition of expenditure "for political purpose"
- Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. Posting Campaign Signs on Public
Property 9-2.15B + definition of expenditure
Purchases NOT for political purpose
on private property w/o permission
- Please state the facts you have regarding the violations, including:
the date(s) _____
the time(s) see attached
the place(s) _____
people involved _____
other facts _____
- Are there any witnesses to the violation who are willing to confirm your charge? Please list with addresses, phone numbers and what they know. _____
- Attach documentation of actual evidence you have to support your complaint, to this form. Campaign Expenditure Report 9/5/25 Photos
email to
- What is your name? Stefanie Benitez
- Address? PO Box 1601 Santa Fe Zip Code 87504
- Telephone Number? 505 988 802 Work: _____
- Email Address? info@nmgo.com

Received on: November 4 20 25

Stefanie Benitez

To the best of my knowledge, the above statements are true and complete.

Stefanie Benitez
Signature

4 day of Nov 20 25

PB

City Clerk's Office
STATE OF NEW MEXICO
Subscribed and sworn to before me this _____ day of _____, 20____
NOTARY PUBLIC
DENISE DUPONT
COMMISSION # 1080796
(Seal) COMMISSION EXPIRES 08/29/2027

David Montoya

Posting of Campaign signs on Public Property

9-2.15 B Campaign signs may not be located on or overhang public property

I have seen David Montoya's on public property 2 on the rail trail facing Paseo de Peralta at Guadalupe; 2 on the bridge at St Francis Dr (east side) just south of Alameda; and on the fencing N and S of this intersection in part of the river park. I have also seen 3 signs in the landscaped part of the shopping complex at St Francis and Cordova where Trader Joe's is located (2 and 3 November 2025). I doubt Montoya has the owner's permission to post these signs since they were put up on Sunday and the owner is an out of state corporation. I have taken photos

----- Forwarded Message -----

Subject: david montoya signs

Date: Mon, 3 Nov 2025 12:09:17 -0700

From: STEFANIE BENINATO <stebeni@zianet.com>

Reply-To: info@nmmediate.com

To: asalazar@santafenm.gov, gfcardenas@santafenm.gov, mscott@santafenm.gov

I have seen David Montoya's on public property 2 on the rail trail facing Paseo de Peralta at Guadalupe; 2 on the bridge at St Francis Dr (east side) just south of Alameda; I have also seen 3 signs in the landscaped part of the shopping complex at St Francis and Cordova where Trader Joe's is located. I doubt Montoya has the owner's permission to post these signs since they were put up on Sunday. Please remove the signs on the public property ASAP. Tomorrow is election day--and he should not have an unfair advantage.

Additionally Leroy Trujillo littered Cordova Rd between Don Diego and St Francis with his signs (most have been removed) I also saw a big sign of his on the trail at Rodeo Rd and Galisteo on public property (someone had already dismantled it) and I saw another sign about 30 ft N on Galisteo St again between the trail and the vehicular part of the street--it too had been taken down

Did you actually give Mr Trujillo any written notice about his violation of 9.2-15B? If so he should be fined.

I would appreciate prompt attention to these scofflaws.

Stefanie Beninato

Second Part of Complaint Violation Of Using Campaign Funds For Personal Enrichment.

The code defines Ord 2023-13 defines expenditure as a payment, transfer, distribution, or obligation, or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign.

In David Montoya's expenditure report in Sept 2025, he used campaign funds for new tires, fuses, lights and reregistration of a non running truck that he owned. If he had claimed mileage, gas or expense of painting a political sign on the truck, I think that meets the understood

definition of “for a political purpose” This car is now available to him for personal use well after the election and getting a car currently owned by the candidate in a running condition does not qualify “for a political purpose” IMO. He did charge money for gas at least twice in his Sept report.

In his first expenditure report (5 Sept 2025) he also claimed an expenditure for a “sound system” whose purpose was “for parades and rallies”. However the purchase was made the day after Fiestas weekend when any parades, Mr Montoya may have joined were already done. In response to a letter I wrote that was published in the New Mexican about what I perceived as his irregular expenditures, Montoya said he used the sound system at candidate forums. I believe this statement is untrue since the organizations sponsoring these forums provided the sound system (Unfortunately the New Mexican removed his comment because it was an unfounded personal attack against me) Again it seems he will use the sound system for his own personal enrichment well after the campaign ends. This report is available online at the City of Santa Fe’s Clerk’s webpage. See Attached

His first expenditure report notes money spent on a microphone and microphone adapter and an iPhone gimbal stabilizer and tripod...It seems like he is milking his contributors while retaining long lasting electronic and vehicular goods for himself and that they are not solely “for a political purpose” as would be apparel, pens, bags, buttons with his name or campaign logo on them or campaign signs. He also bought a cooler “for parades” and repeated large purchases for barbeques.

City of Santa Fe

CAMPAIGN FINANCE STATEMENT / EXPENDITURES

Name of Candidate David Montoya

Position Sought City Council District No. One

Reporting Period 5/5/2025 TO 9/5/2025

Total of Expenditures this Reporting Period: \$9,694.40

Cumulative Total of Expenditures to Date (Including this Report): \$9,694.40

Date Expended	Name of Individual or Business and Mailing Address Purpose of Expenditure	Method of Payment	Amount
05/07/25	Office Depot 542 Guadalupe St. Clipboards, Pens	Personal CC	\$32.45
05/11/25	Market Street Guadalupe St. BBQ Meat for Volunteers	Personal CC	\$89.77
05/20/25	Market Street 542 Guadalupe St. Burgers and Dogs for Canvassing cookout	Personal CC	\$60.53
05/22/25	Sierra 542 Guadalupe Cooler for Parades	Personal CC	\$106.05
05/23/25	Sams Club 4201 Rodeo Road Soft Drinks, Water, Brisket for campaign	Personal CC	\$166.29
06/04/25	Lowes Materials for Truck Signs	Personal CC	\$165.22
06/09/25	Office Depot 542 Guadalupe St. Labeling machine	Personal CC	\$60.48
06/22/25	Seventh Sector Web Design	Personal CC	\$200.00
07/01/25	Orale MVD Express St. Francis Drive Campaign truck re-registration	Personal CC	\$99.00
07/06/25	Seventh Sector Web Design and Admin Support	Personal CC	\$100.00

(ATTACH ADDITIONAL PAGES AS REQUIRED)

Page Total \$1,079.79

Page 1 of _____

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City of Santa Fe

CAMPAIGN FINANCE STATEMENT / EXPENDITURES

(Continued)

Date Expended	Name of Individual or Business and Mailing Address Purpose of Expenditure	Method of Payment	Amount
07/31/25	Best Buy Zafarano	Campaign CC	\$75.72
	Microphone		
07/31/25	Market Street 562 Guadalupe	Campaign CC	\$110.36
	Brisket for Dem Picnic		
08/01/25	The Candyman St. Michaels Drive	Campaign CC	\$14.05
	Microphone adapter cable		
08/08/25	Office Depot 562 Guadalupe	Campaign CC	\$80.22
	Office Supplies		
08/04/25	Sams Club 4201 Rodeo Road	Campaign CC	\$123.48
	Campaign Drinks Ribs		
08/07/25	Walmart Riverside Dr. Espanola	Campaign CC	\$249.65
	Campaign truck tires		
08/08/25	Walmart Riverside Dr. Espanola	Campaign CC	\$84.47
	Campaign Truck Lights Cleaning Supplies fuses		
08/11/25	Sams Club 4201 Rodeo Road	Campaign CC	\$80.03
	BBQ Supplies		
08/18/25	Office Depot 562 Guadalupe	Campaign CC	\$30.28
	Copy Paper		
08/20/25	David Montoya	Check	\$1,000.00
	Loan Payment		
08/26/25	Santa Fe Fiesta Council	Campaign CC	\$208.00
	Parade Registration		
08/26/25	Cassandra Rose LLC	Direct Payment Campaign	\$500.00
	Viedography		
08/26/25	Joseph Casados	Check 106	\$1,000.00
	Field support		

(ATTACH ADDITIONAL PAGES AS REQUIRED)

Page Total \$3,556.26

Page 4 of _____

Min parts on electronic


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**DAVID
MONTOYA**
State P. Ct. Candidate
District 1
A former
Attorney
and
Judge



**DAVID
MONTOYA**

11 03 2025

over

11 03

DAVID
MONTROYA

SONIA RA CIVIL RIGHTS
DISTRICT 1
COUNCIL MEMBER

DAVID MONTROYA
COUNCIL MEMBER
DISTRICT 1
COUNCIL MEMBER





DAVID MONTROYA



Santa Fe City Council
District 1
• Santa Fe Democrat
• Father
• Veteran
• Volunteer Firefighter

11 03

over

DAVID MONTOYA



San Jose City Council
District 1

- Surveys Director
- Father
- Veteran
- Volunteer Firefighter

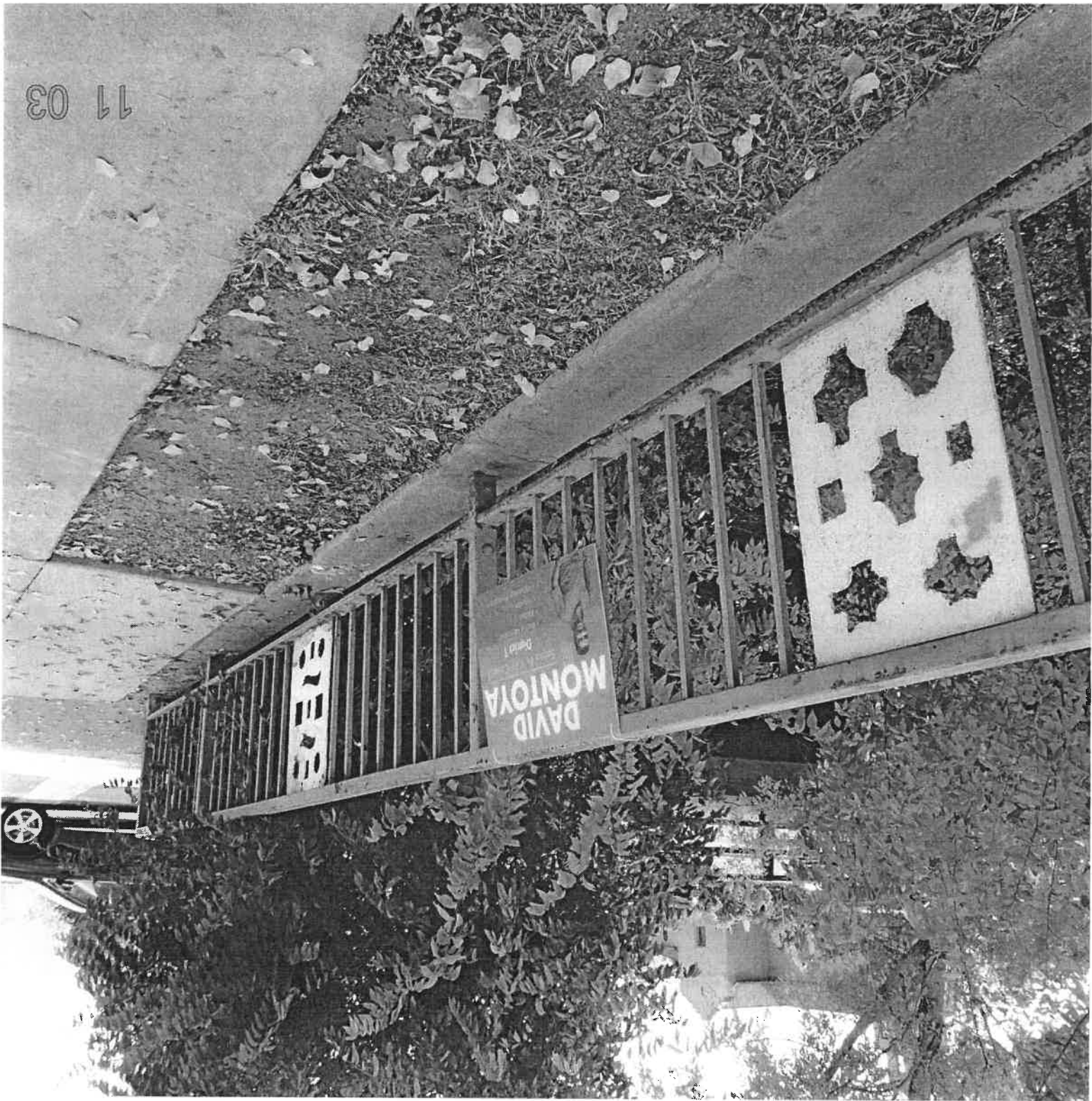
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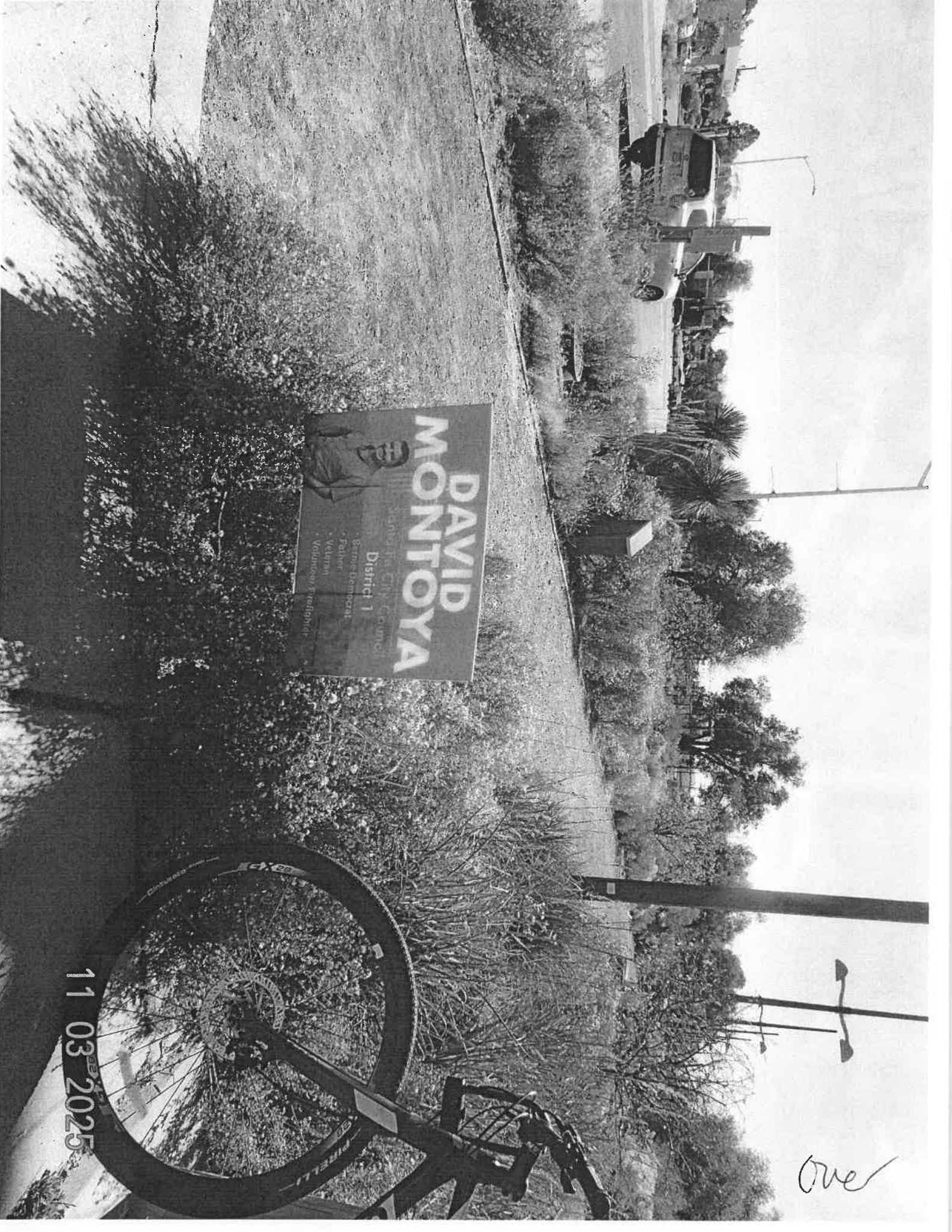


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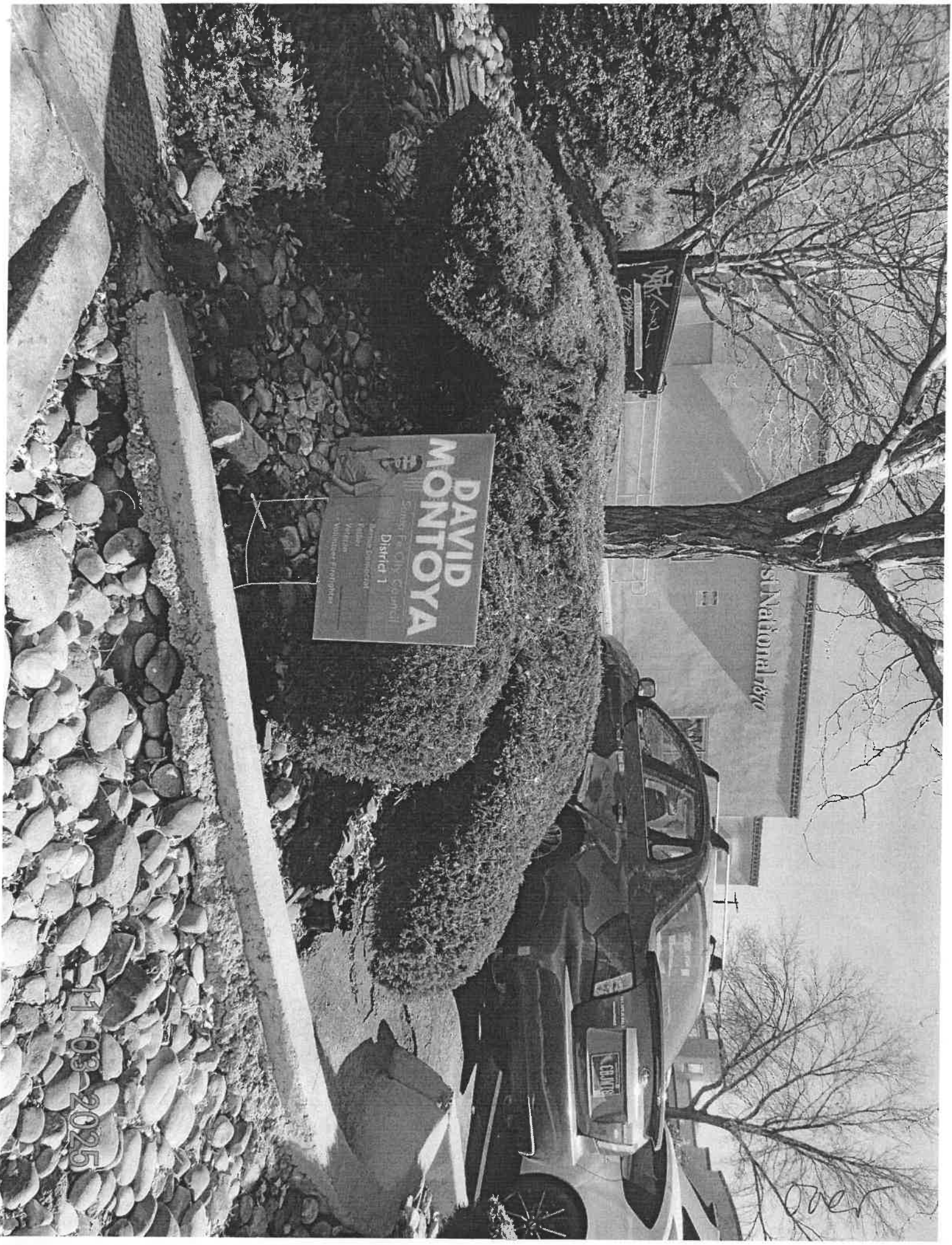

DAVID MONTOYA
 Sonoran City Council
 District 1
 Former Democrat
 Veteran
 Volunteer & Entrepreneur

Over

11 03^{EST} 2025



11 03 2025




DAVID MONTOYA
 Mayor of the City Council
 District 1
 Member of the Board of Directors
 Mayor
 Vice Mayor
 Municipal Commissioner

11-03-2025

over



**DAVID
MONTROYA**

Candidato a la City Council

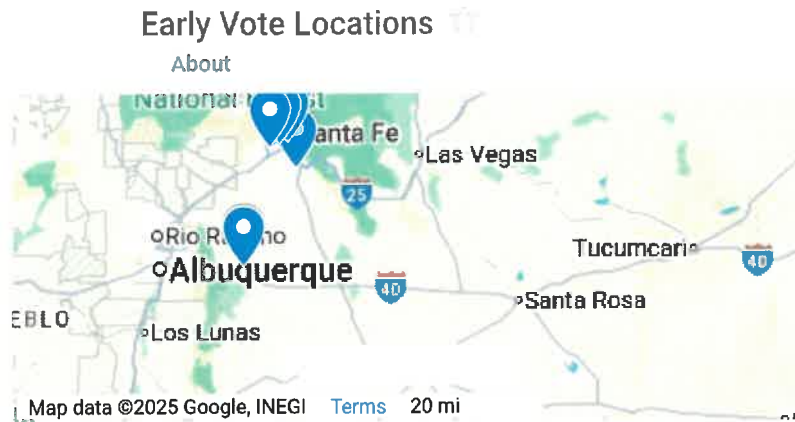
District 1

Democrat

Fidelidad
Verdad
Valimiento y Honestidad

11.03.2025

Below is the map for early polling locations. Only the Clerk's Office is open Oct 7; all other polling locations open Oct 18. Click to see [current wait times](#).



Election Day Polling Locations

Polls are open from 7am-7pm on Election Day. Click to see [current wait times](#).

Want to see an overview of Early and Election Day polling locations to choose the right one for you? [Click here](#).

Edgewood/Galisteo

Edgewood Fire Station #70
1 Municipal Way
Edgewood, NM 87015

Galisteo Community Center
35 Ave Vieja
Galisteo, NM 87540

Eldorado/Hondo/Glorieta

