

Independent Source PAC

Protecting Working Families by investigating and exposing the actions and hypocrisy of the Conservative Agenda

Press Release: For Immediate Release

Monday, July 2, 2012

Was McCleskey Working For The Downs?

Follow the emails

The Downs' lawyer and Gov. Susana Martinez's "top advisor" had some sharing to do on the billion-dollar Downs deal before it was gift wrapped and given to generous Martinez campaign donors. A new batch of emails released today by Independent Source PAC show more discussions of government business through private email addresses. The messages also raise an important question: Was SusanaPAC director Jay McCleskey working for the Downs?

Pat Rogers, the counsel for the Downs, emailed the governor's deputy chief of staff Ryan Cangliosi after a discussion between McCleskey and a reporter with the Albuquerque Journal named Charles Brunt. McCleskey spoke with Brunt and then, apparently, let Rogers know how that conversation went.

Which led to this note from Rogers to Cangliosi: "you should be informed of Mr. McCluskey's (sic) kissing Brunt's posterior and his continual participation in the erosion of the executive branches' authority and majesty."

Interesting terminology there. This message and others unveiled today by ISPAC (including one which appears to undermine Cangliosi's claim that he never received these correspondences) were all sent using private emails, and were not provided following a records request, submitted months ago, on the Downs deal. The emails also fell within the procurement period on the contract - after the bids were taken but before a winner was picked.

So a lawyer for the Downs is relaying messages about the contract from a Martinez advisor to a member of the administration, on private emails and at a prohibited period of time for such discussions to take place. The deeper we look into the Downs deal, the dirtier it gets.

SEE FULL STATEMENT BELOW

-30-

Further information may be acquired through ISPAC by contacting:

Michael Corwin

Independent Source Pac

www.independentsourcepac.org

Email: corwinrj@mac.com

Phone: (505) 250-0244

This is statement released today from Independent Source PAC

More Email Problems for Jay McCleskey and the Dirty Downs Deal

July 2, 2012

Additional emails regarding the dirty Downs deal raise concerns that Jay McCleskey, the shadow governor and key political and policy advisor to Susana Martinez, was employing his public relations skills on behalf of one of the two racino contract bidders, the Downs at Albuquerque.

Jay McCleskey has yet to explain his role in the racino contract award. He is copied on several emails originating from Downs at Albuquerque lawyer Pat Rogers to Martinez's deputy chief of staff Ryan Cangliosi during the contracting process.

In one email, dated 9/1/11 entitled "Jay retreats", which Rogers sent to McCleskey and Cangliosi, Rogers wrote, "you should be informed of Mr. McCluskey's (sic) kissing Brunt's posterior and his continual participation in the erosion of the executive branches' authority and majesty."

Rogers then closes the email with, "my position is that Hossie needs to run everything." Hossie refers to then state fair commission chairman David "Hossie" Sanchez.

This email is about the racino contract and the state fair commission. Clearly it is a public record and should have been released in response to our IPRA. It was not.

Brunt is Charles Brunt, the very capable Albuquerque Journal reporter who has done much of the reporting (when his editors let him) on the twists and turns of the racino contract award.

McCleskey obviously reported his conversation with Brunt to Rogers first and Rogers was updating Cangliosi about their discussion.

The date of the email is critical. 9/1/11 is after the Downs at Albuquerque and Laguna Development Corp. had submitted their responses to the RFP, but well before the evaluators ranked those responses. Thus, this communication occurred during the procurement process making it illegal.

There was also a state fair commission meeting that day in which the commissioners raised concerns over how the RFP process was being handled. The commissioners were also prevented from knowing the identity and experience of the evaluators handpicked by Martinez.

Reporting to Rogers first would indicate that Rogers, or the Downs owners, were McCleskey's media outreach clients.

This would not be the first time McCleskey used his media skills for officers of the Downs at Albuquerque. Traci Wolf, vice president of the Downs, is also president of the health club franchise, Defined Fitness. Paul Blanchard, a Downs owner whose role has been significantly scaled back, helped start Defined Fitness.

According to at least two different sources, McCleskey managed the media campaign for Defined Fitness in the company's attempt to prevent a strip club from opening next to one of its Albuquerque clubs.

Defined Fitness lost the battle, despite having Mickey Barnett's law firm handle its representation. Barnett also served as a lobbyist on behalf of the Downs.

A source tells ISPAC that McCleskey contacted at least two Albuquerque city councilors in an effort to gain their support of Defined Fitness's position.

The timeline for Defined Fitness's efforts to block the strip club began in April 2011 and continued through September 2011, encompassing much of the same time frame as the racino contract process.

McCleskey is the acknowledged political and policy advisor to Governor Martinez yet did not publicly disclose his professional services on behalf of Defined Fitness.

These same individuals are involved in the procurement process on behalf of the Downs.

In a fair and impartial bidding process, the other bidder, Laguna Corp, should have had this information.

Did McCleskey disclose his involvement? If so, it has never been publicly acknowledged. But is it possible he could be doing this public relations work for a client other than the Downs?

It is possible, but that would leave only the Martinez administration or SusanaPAC.

Working on behalf of Martinez would obviously be illegal in this situation since Martinez is the decision maker on the contract. Working for SusanaPAC would be equally troubling, not just because the PAC received tons of money from the Downs owners, but also because it is Susana's PAC.

Remember how Susana Martinez came to power using the message of "open government" and "never again to Pay-to-Play"?

The Attorney General, the FBI, the State Auditor, and the media need to demand that McCleskey, Rogers, the Downs owners, and members of the administration produce all their emails related to the racino contract, no matter what email addresses were used. They also should produce phone records.

ISPAC has also released several other emails today. All relate to the Downs and therefore all are public record, regardless that all are from private email accounts, including Dan Mourning the Martinez appointed manager of ExpoNM.

None of these emails were produced by the administration or the state fair in response to our IPRA.

These emails show the intentions of Pat Rogers and the others to retaliate against Charlotte Rode, the good government Republican appointed to the commission by Martinez.

Rode opposed the manner in which the contract was issued and has since filed a complaint with the state auditor's office.

Republican legislator Nate Gentry lead the attack on Rode, taking his smear campaign to the media. The question is, would he have done all of this on his own, without the Martinez administration's bidding and blessing?

Gentry is no stranger to Pat Rogers, as other emails ISPAC has received indicate. And Gentry worked for US Senator Pete Domenici for five years. Rogers is the lawyer who led the ugly and dis-credited effort to fire former US Attorney David Iglesias, a Republican. That scandal left a stain on the otherwise distinguished career of Domenici.

Another email has a high ranking member of the Department of Finance and Administration apologizing to Cangiolosi and the governor, because Tom Tinnin, another good government Republican, resigned from the administration.

Tinnin went public with threats from the governor for him keep quiet about his concerns over the contract award.

Finally, there is an email that seems to undercut the administration's claims that Cangiolosi never read the emails from Rogers.

Just a few days before the 9/1/11 commission meeting Rogers wrote to Cangiolosi with the subject "got it" with the content simply, "Call when you can, Pat" and includes his phone number.

Would a smart lawyer like Rogers continue sending emails to an address that Cangiolosi never read or responded to?

End of statement.