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Inspector General

**OFFICE OF INSPECTOR GENERAL**  
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**DATE:** June 13, 2022

**SUBJECT:** ABQtodo Instagram Account Promoting Alcoholic Goods of a Private Business

**FILE NO:** 22-0100-C

**INVESTIGATOR:** JOC

*JOC*

**STATUS:** Complete

**Informative Case Synopsis**

The Office of Inspector General (OIG) received an anonymous complaint on May 18, 2022 through the OIG online Tip and Reporting Form. The complainant expressed concerns with City of Albuquerque (City) employees who oversee and post information on the ABQtodo Instagram account, as the complainant stated employees are using public resources to promote the “wares (alcohol) of a private company.”

The Complainant then stated: "From the state of New Mexico Anti-Donation Clause: Neither the state, nor any county, school district, or municipality ... shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association, or public or private corporation ..."

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

The complaint was anonymous, resulting in the OIG being unable to reach out to the complainant to obtain additional information. However, while conducting our fact-finding investigation, the OIG researched ABQtodo's social media account and looked at posts from January 1, 2022, through the present. The OIG found only two posts related to alcohol. One post was from April 18, 2022, from a local brewery promoting a special beer that was created to celebrate Albuquerque's 316<sup>th</sup> birthday. The second post was from April 20, 2022, from the same local brewery promoting the special beer that was created in celebration of Albuquerque's birthday. Both posts included photos of the special edition beer.

The OIG also reviewed the ABQtodo website which states: “ABQtodo is Albuquerque & Bernalillo County’s premier events calendar. A one-stop shop for everything arts, culture, sports, recreation, and dining.” The site also has a link that says “Submit Event” that takes individuals to a page where they complete an online form providing the details of the event and can upload a graphic or photo related to the event they want to promote.

While conducting our fact-finding investigation, the OIG spoke with the Director of the Art & Culture Department. The Director shared that ABQtodo has been in existence for approximately the past ten (10) years and was launched under the City’s previous administration. It is a free community calendar that is open to everyone. The Director explained that “the purpose of the ABQtodo website and social media is to promote events and community partners (even businesses). This website is intentionally separate from the City website in order to provide an accessible portal and free promotion to the community at large.” The Director stated that the City’s Department of Technology and Innovation (DTI) does not support the ABQtodo website. The host is outside of City servers and technical support has to be contracted out. In addition, the funding for the website comes from the Lodger’s Tax and not from the City’s General Fund.

With regard to the two posts on social media from the local brewery and the special addition beer, the Director stated that the brewery wanted to come up with something special to celebrate Albuquerque’s birthday. There were also other local businesses that created custom items in honor of Albuquerque’s birthday celebration. The City did not solicit the brewery to create a special edition beer and did not pay the brewery, nor does the City pay any other business that promotes events or goods on the ABQtodo website and social media sites. The Director stated that they personally pay attention to the Anti-Donation Clause and is confident that no violation occurred.

The OIG also spoke with the Community Events Manager for the Art & Culture Department and asked if businesses and the public can post directly to the ABQtodo social media accounts. The Community Events Manager stated no and explained that for the social media accounts, businesses and the public submit their proposed post, which is reviewed, and then the OneABQ Media staff will post on the ABQtodo social media accounts.

The Community Events Manager also explained that with regard to Albuquerque’s birthday celebration, there are numerous local businesses and artists that come up with different ways to honor the occasion. There are businesses that create custom birthday items and Albuquerque-inspired items which include: cookies, donuts, t-shirts, puzzles, posters, candles, coffee, cocktails, tea flavors, and beer. There are local businesses that offer specials and discounts during the celebration, or sell unique gifts online as a part of a “Birthday Bundle” option. These businesses and artists may use the ABQtodo website or social media for promotion. The Community Events Manager stated that the City did not fund any of the items or businesses.

The allegation that the City employees who oversee and post information on the ABQtodo Instagram account are using public resources to promote the “wares (alcohol) of a private company” and therefore, are in violation of the New Mexico Anti-Donation Clause is unsubstantiated. The fact-finding investigation is being closed.