

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

OCT 02 2015

Santa Fe, Rio Arriba
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268
No. D-101-CR-2015-00548

v.

Dianna J. Duran, Defendant.

T. GLENN ELLINGTON

CRIMINAL COMPLAINT AND REQUEST FOR SUMMONS

CRIMES:

Theft of Identity (a 4th degree felony)

The undersigned, under penalty of perjury, complains and says that on or between the 12th day of April, 2010 and 15th day of October, 2013, in Santa Fe County, State of New Mexico, the above-named defendant(s) did:

On August 28, 2015, the New Mexico Office of the Attorney General submitted a Criminal Complaint and Request for Summons against Dianna J. Duran under AGO Investigation Number 201407-00053.

Following submission of the case to the First Judicial District Court, I learned of an article regarding the criminal case by the Santa Fe New Mexican newspaper. The article, "Ringside Seat: Tables have turned for Duran, once a harsh critic of corruption" featured an interview with Mr. Don Kidd. Mr. Kidd is listed as the Treasurer for Dianna J. Duran's 2010 Secretary of State Campaign.

In the article, the writer reports Mr. Kidd was never Dianna J. Duran's Treasurer: "If she listed me, she did it on her own," he said. "I didn't sign any checks or pay any bills for her, and that's what a campaign treasurer does."

Mr. Kidd is currently the Chief Executive Officer and Chairman of the Board for Western Commerce Bank, in Carlsbad, New Mexico. Mr. Kidd is a well-established banking professional who has a very positive reputation in the southeastern area of New Mexico.

When investigators learned of this interview, contact was initiated with Mr. Kidd. Special Agent S. Gloria contacted Mr. Kidd by telephone on October 1, 2015, at approximately 1100 hours. SA Gloria identified himself as an investigator with the New Mexico Office of the Attorney General and asked Mr. Kidd for an interview. Mr. Kidd consented to the telephonic interview.

Mr. Kidd explained he had not been around Dianna J. Duran since about 2004; they previously served in the New Mexico State Senate together. He further stated he had seen

her “a time or two” during her campaigns. Mr. Kidd explained they were both elected around 1992 and he served until 2004. Mr. Kidd advised he knew Dianna J. Duran “pretty well”, however, it was in a professional capacity. SA Gloria confirmed Mr. Kidd was familiar with campaign reports.

SA Gloria advised Mr. Kidd that investigators had reviewed the campaign reports directly from the Secretary of State website; he specifically called attention to the campaign reports for Dianna J. Duran as candidate for Secretary of State in 2010. SA Gloria read the heading of the campaign report to Mr. Kidd, including the candidate and office sought information. He continued reading the address information for the candidate and the Treasurer information. Don Kidd is listed on the campaign report as the Treasurer for the campaign. Mr. Kidd confirmed with SA Gloria that he was not aware that he was listed as the Treasurer for Dianna J. Duran’s 2010 Campaign for Secretary of State. He further elaborated that the address and phone number listed did not belong to him and that he does not have an account with Wells Fargo Bank.

Mr. Kidd explained that the information on the campaign reports was untrue; he was not the campaign Treasurer. He advised that he contributed to the campaign, but that was his only involvement. SA Gloria explained there are ten campaign reports for the 2010 campaign listing Mr. Kidd as the Treasurer, he again confirmed that this information is not true and that he had no involvement in verifying the campaign reports.

SA Gloria asked why Dianna J. Duran would list Mr. Kidd as the Treasurer, he said “Well, I have no idea. I just don’t know, that’s amazing.”

Mr. Kidd further confirmed he did not write any checks for the campaign and did not conduct any business for the campaign or bank account for the campaign.

A review of the campaign reports filed by or on behalf of Dianna J. Duran for Secretary of State in 2010 revealed the following reports with Mr. Kidd listed as the Treasurer:

2010 Campaign Reporting Act Report of Expenditures and Contributions:

1. Report filed on April 12, 2010 (due on April 12, 2010)
2. Report filed on May 10, 2010 (due on May 10, 2010)
3. Report filed on May 27, 2010 (due on May 27, 2010)
4. Report filed on July 1, 2010 (due on July 1, 2010)
5. Report filed on September 13, 2010 (due on September 13, 2010)
6. Report filed on October 12, 2010 (due on October 12, 2010)
7. Report filed on October 28, 2010 (due on October 28, 2010)
8. Report filed on December 2, 2010 (due on December 2, 2010)
9. Report filed on August 30, 2011 (due on April 11, 2011)
10. Report filed on October 15, 2013 (due on October 14, 2013)

The report filed on October 15, 2013, is the last report filed on behalf of Dianna J. Duran's 2010 campaign for Secretary of State. According to the report, the remaining balance is transferred to Dianna J. Duran's 2014 campaign for Secretary of State.

Upon reconciling the campaign reports to the Wells Fargo Bank statements for Dianna J. Duran's 2010 campaign for Secretary of State, over 100 transactions totaling more than \$10,000.00, were found within the bank statements that were not listed as expenditures of the campaign.

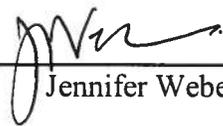
The Office of the Secretary of State is located in Santa Fe, New Mexico. All candidate campaign reports, regardless of elected office are held and maintained within the Campaign Finance Information System (CFIS). The reporting of campaign contributions and expenditures and the Campaign Finance Information System are overseen by the Office of the Secretary of State. The campaign reports of contributions and expenditures are governed by the New Mexico Campaign Practices Act (NMSA 1978, §§ 1-19-1 to -37).

Dianna J. Duran did commit Theft of Identity by using the personal identifying information, to wit: the name of Don Kidd, without permission of Mr. Kidd, with the intent to defraud the campaign of Dianna J. Duran for Secretary of State, the contributors to the campaign or another.

contrary to Sections(s) 30-16-24.1

NMSA 1978

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.



Jennifer Weber, Complainant
Special Agent, Badge #711

Title (if any)

Approved

Title