CASE # 2026-2

Complaint Form

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

RECEIVED - CITY CLERK
'26 SEP 14

City of Santa Fe, SFCC Section 16-16
Ethics & Campaign Review Board

Date: 9/14/26

1. Name of person and/or group charged with alleged violation. David Montoya + Victor Vigil

2. Please explain briefly the nature of the alleged violation. Filing false statements on financial reports (fraud, perjury, embezzlement) Failure to file financial report. Perjury at July 2026 hearing.

3. Please state which specific provision(s) or part(s) of the Code of Ethics, Campaign Code, or Public Campaign Finance Code that you believe have been violated. Ord 9-2,8 D; 9-2,9; 9-2,10 = 9-2,13 A; 9-2,8 B + E 9-2,10 A(5) + G

4. 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

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.

6. Attach documentation of actual evidence you have to support your complaint, to this form.

7. What is your name? Stefanie Bennato

8. Address? PO Box 1601 Santa Fe Zip Code 87504

9. Telephone Number? 5059880022 Work: same

10. Email Address? info@nmgo.com

Received on: September 14 20 26

By: [signature]
City Clerk's Office

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

Stefanie Bennato
Signature

Subscribed and sworn to before me this 14 day of Sept 20 26

STATE OF NEW MEXICO
NOTARY PUBLIC
BRENDA XITLALY JURADO-GUTIERREZ
COMMISSION # 2007500
COMMISSION EXPIRES 10/17/2029

Brenda Xitlaly Jurado Gutierrez
Notary Public

ATTACHMENT Sept 2026
ETHICS COMPLAINT AGAINST DAVID MONTOYA FOR FRAUD IN HIS FINANCIAL REPORTING/ACCOUNTING AND FOR PERJURY

Stefanie Beninato is bringing a complaint against David Montoya, failed candidate for the city council seat in District 1 in the November 2025 election.
This complaint has separate grounds from 2025-05 that the ECRB refused to hear on 11 August 2026

Beninato asserts that David Montoya committed fraud in his financial reporting by pretending to make four loans to his campaign—none of which actually occurred and then fraudulently repaid himself through three checks drawn on his campaign account for $1595 of the $14,200 that he allegedly loaned the campaign (embezzlement). See Ordinances below re financial reporting. See that each report is notarized—that is sworn under oath to be true and correct as well as ordinance requiring the financial reporting be true and accurate.

In the alternative, David Montoya and his treasurer, Victor Vigil conspired to commit fraud/embezzlement by having Mr Vigil falsely state on the campaign reporting form that David Montoya had made four loans to the campaign and then aiding and abetting Montoya by writing three checks from the campaign account and designating them as repayments of loans to Montoya (fraud, embezzlement). See Ord 9-2.8 D (no expenditure without the authorization of the treasurer), 9-2.9 (general duties of treasurer) and 9-2.10- 9-2.13A (statement must be true and complete)

Beninato has established probable cause for this complaint through the macro accounting of David Montoya's four financial reports (NOTE final report not filed). See Summary of Montoya's Finances and Financial Reports Attached. Exh 1-5
This macro accounting shows four loans to the campaign by Montoya for $14, 200; contributions of approximately $16, 082 for a total of $30,282. NOTE Montoya failed to provide a final report thus obscuring this fraudulent reporting and embezzlement and Beninato did not discover it until preparing for the hearing on the first complaint in July 2026.

The expenditures listed show the campaign account paying a total of $14,284 including the three loan repayments of $1595 and Montoya paying from his personal accounts $12,853 and from a capital one credit card account another $940. The total expenditures were $28,210

If you subtract the amount paid for the expenditures by campaign funds (14, 284) from loan/contributions (30,282), the balance would be approximately $16,000. Montoya's financial report claims a total of approximately $2500 remaining in the account. Therefore, there were no loan payments deposited into the campaign account. Any loan repayment to Montoya was based on a non existent loan and thus fraudulent.

Beninato requests that the ECRB **require** Montoya to produce the campaign account banking statements which he or the treasurer is required to keep for two years. If Montoya refuses to provide those documents, Beninato is requesting the ECRB to subpoena the campaign's bank statements from Century Bank. Beninato understands from Vigil that Montoya is in possession of the bank statements

Montoya testified that he thought that he "could use the loan to somehow recover some of the money he spent personally but it never really happened". (YouTube 1:49-1:50) which makes absolutely no sense

Violation of Ord 9-2.8 B and E: Mr Montoya signed 3rd Financial Report as treasurer and then the 4th report Victor Vigil seemingly signed that report as treasurer. Montoya never filed the documentation needed to remove Vigil as treasurer and make himself treasurer or to remove himself as treasurer and reinstate Vigil. Exh 4,5, 11 Response to IPRA request TBP by city clerk

Failure to File Final Report
No final financial report filed as required by Ord 9-1.10A(5) and G ($100 fine for failure to file final report).

PERJURY
1 Besides the perjury committed by signing off on the Finance Reports under oath when the candidate and his treasurer knew or should have known there were no loans, Montoya committed perjury when he stated under oath that the expense listed as "catering from Dinner for Two" was really for the appetizers served the next night at his advertised fund raiser at Casa Sena on 9 October 2025. See Exh 3, 6 and 7. Montoya stated that the owner of Dinner for Two owned Casa Sena in October 2025. (YouTube 1:56-2:00.) Montoya insisted that even though Casa Sena was not open that he rented the space from the owner of Dinner for Two and that owner provided the liquor for the cash bar. Besides the campaign finance report not supporting this testimony, recent articles in the Santa Fe New Mexican demonstrate Montoya's false statement about ownership of Casa Sena and the ownership of a liquor license in October 2025 (Ad for Fund Raiser says "cash bar". QUOTE article from 29 July 2025: Andy Barnes, the owner of Dinner for Two at 106 N. Guadalupe St., said he **is in the process of completing t**he purchase of La Casa Sena, 125 E. Palace Ave., from Santa Fe Dining Inc., the restaurant group headed by art and real estate magnate Gerald Peters. The deal is being held up by an issue with the transfer of La Casa Sena's liquor license, and **will not be completed until that issue is resolved**, Barnes said. "The liquor license transfer is going to take a long time," he said, **adding it likely will be December or January before that happens and he can reopen La Casa Sena.**
The more recent article SFNM 6 August 2026 indicates that the "He [Andy Barnes] originally had hoped to reopen La Casa Sena in March [2026], but a liquor license issue delayed that move." See Exh 6

2 Montoya testified that it is "in the discovery" that every time the clerk told him his signs were improperly placed that he moved them and told the clerk he had moved them. The emails from the clerk show that Montoya alleged someone had stolen his signs and that he did not know where they were. There is nothing from Montoya indicating that he had taken the signs down. YouTube 1:49-1:50 See Exh 8

3 Mr Montoya statement that he had a complaint for $27 for falsification of travel expenses filed against him when working at the VA in Washington DC. He said it was adjudicated and dismissed by VA OIG because "along the way he made [authorized] stops at VA facilities" YouTube 1:54-1:55 See Exh 9

The VA Inspector General report shows that Montoya had an itinerary that did not extend to NM and that he included a gas receipt from NM and a hotel receipt from Austin Tx in his mileage claims (obviously more than $27 as testified to by Montoya at the July 2026 hearing). The report shows that Montoya failed to follow proper federal procedures for use of his personal vehicle for that trip. For his travel to TX, it says Montoya flew to two cities and showed no return travel. Montoya failed to reveal a $61,000 judgement against him and that he had ownership of companies and employment outside his federal job. Montoya resigned after 10 months with the VA when a third complaint involving criminal behavior at a non-VA event was filed against him. The OIG did not investigate that claim because Montoya had resigned. Exh 9 shows the OIG sent the investigations' findings to the DOJ that declined to prosecute the false statements— Excerpts: From his travel records, it was unclear where Mr. Montoya began this trip. However, intermingled with his travel receipts was a receipt for a gasoline purchase on Sunday, January 4, 2015, in his home state of New Mexico, as well as a receipt for a hotel located in Austin, TX, the same date." "Mr. Montoya's travel records contained no documentation that he completed a constructive travel worksheet prior to this travel to determine if taking a POV was the most cost-effective transportation." During the course of our investigation, we discovered that Mr. Montoya made false statements on his New Entrant Public Financial Disclosure Report, which he signed on January 27, 2015… With his signature, Mr. Montoya certified that the "statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge." On Schedule C, he did not list the liabilities from the default judgment of $61,226. On Schedule D, he failed to list his ownership of and positions held with MSL and FSP.

4. Home broken into YouTube 1:50:31 Waiting for IRPA response to see if this statement is true. Mr Montoya tied the break in at his home to the complaint filed and to his campaign and said he felt harassed and was reliving the trauma including the break-in. Exh 12 IPRA response re police report re break in

Beninato is requesting the ECRB fine Montoya $1695 plus interest since December 2025 for failure to file final report and for fraudulent payment of loans to himself payable within 30 days of the entry of the Board's determination to the city's public candidate finance account.
Respectfully submitted under penalty of perjury

Stefanie Beninato

Stefanie Beninato
Exh 1 Summary of Montoya Finances
Exh 2 6 09-05-25_Montoya Financial_Report
Exh 3 10-06-25_Montoya Financial_Report
Exh 4 10-28-25_Montoya Financial_Report
Exh 5 11-03-25_Financial_Report_Montoya
Exh 6 SFNM Dinner for Two owner Andy Barnes purchasing La Casa Sena
Exh 7 facebook page entries
Exh 8 City Emails to Montoya Regarding Campaign Signs
Exh 9 VA OIG rept on Montoya
Exh 10 YouTube link Hearing on 8 11 26 ECRB
Exh 11 Resp to IPRA request re treasurer chg TBP by city clerk
Exh 12 IPRA request re police report re break in at Montoya's home