

THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF VALENCIA  
STATE OF NEW MEXICO

LOS LUNAS AMATEUR BASKETBALL ASSOCIATION, a/k/a  
LOS LUNAS YOUTH BASKETBALL LEAGUE

Plaintiffs,

vs.

No. D-1314-CV-2016-00949

ANTHONY WILSON, individually and as Director of Basketball Operations of the RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION, JANEL LOWERY, individually and as Director of RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION, RONDI ORTIZ, individually and as Executive Director of RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION, LISA TAFOYA, individually and as manager, finance & administration of RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION, CHARITY WILSON, individually and as secretary of RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION, JOHN TAFOYA, individually and as director of RIO GRANDE VALLEY AMATEUR BASKETBALL ASSOCIATION.

Defendants.

**COMPLAINT FOR BREACH OF FIDUCIARY DUTIES, FRAUD, UNLAWFUL  
CONVERSION OF NON-PROFIT CORPORATION, UNLAWFUL CONVERSION OF  
MONETARY FUNDS, VIOLATION OF CORPORATE BY-LAWS,  
BAD FAITH, AND SLANDER**

**COMES NOW** the Plaintiffs, by and through their counsel of record, Jane Rocha de Gandara, and hereby states the following in support of this Complaint;

1. The Los Lunas Amateur Basketball Association, also doing business as the Los Lunas Youth Basketball League (hereinafter referred to as LLYBL) is a non-profit corporation doing business in Valencia County, State of New Mexico.
2. Upon information and belief, Rio Grande Valley Amateur Basketball Association is doing business in Valencia County and is holding itself out as a legally formed non-profit corporation although Plaintiff believes that it was not legally formed.

3. Defendant Anthony Wilson is a resident of Valencia County, State of New Mexico and board member of the Rio Grande Valley Amateur Basketball Association (hereinafter referred to as RGVABA), as Director of Basketball Operations.
4. Defendant Janel Lowery is a resident of Valencia County, State of New Mexico and board member of the RGVABA, as Executive Director.
5. Defendant Rondi Ortiz is a resident of Valencia County, State of New Mexico and board member of the RGVABA, as Executive Director.
6. Defendant Lisa Tafoya is a resident of Valencia County, State of New Mexico and board member of the RGVABA, as manager of finance & administration.
7. Defendant Charity Wilson is a resident of Valencia County, State of New Mexico and board member of the RGVABA, as secretary.
8. Defendant John Tafoya is a resident of Valencia County, State of New Mexico and board member of the RGVABA, as director.
9. Venue and jurisdiction are proper.
10. On April 27, 2015, the Los Lunas Youth Basketball League executive board, established as a league for approximately 25 years, voted for the League to adopt by-laws.
11. On April 27, 2015, the Board also voted to incorporate as the Los Lunas Amateur Youth Basketball League while continuing to do business as the Los Lunas Youth Basketball League.
12. The League filed their Articles of Incorporation as a Non-Profit on June 5, 2015 with the N.M. Secretary of State.
13. The initial board of directors were Anthony Wilson, Janel Lowery, Richard Baca, and Charity Wilson.

14. The League operated under this non-profit corporation by conducting business including but not limited to the following;
  - a. Obtained a Federal Taxation Identification Number
  - b. Opened a bank account with Bank of America.
  - c. Obtained and operated a website for the LLYBL
  - d. Contracted with the Los Lunas Village and Los Lunas Public Schools for gymnasium usage
  - e. Registered children for the LLYBL
  - f. Maintained a Post Office Box.
  - g. Conducted tryouts, coaching clinics, organized games and practice times
15. The Board authorized Anthony Wilson, Janel Lowrey and Richard Baca to be signatories on the Bank of America checking account.
16. On April 25, 2016, the League had their yearly elections. The executive board members elected were Jeff Benavidez, Anthony Wilson, John Gabaldon and Judith Gutierrez.
17. Janel Lowery resigned her position in writing by electronic mail on April 25, 2016 and attended a portion of the meeting.
18. At that meeting, the board discussed the use of a credit card issued to Janel Lowery with purchases that had not been approved by the board.
19. After a discussion, Defendant Anthony Wilson admitted to using Defendant Lowrey's card but did not know what was purchased. Defendant Anthony Wilson did not have a treasurer's report detailing the activity of the LLYBL financials except that the bank had \$5,579.45 in the account. Defendant Anthony Wilson took all the financials documents

with him that night as he stated he would provide the Board with a detailed financial summary.

20. On May 2, 2016, Defendant Anthony Wilson attended the board meeting. Defendant Anthony Wilson failed to provide the Board with the detailed accounting of the Amazon purchases and did not provide a paper printout itemization of the finances to the Board. Defendant Anthony Wilson questioned the election. The Board chose to conduct research related to the questions raised by Defendant Anthony Wilson.
21. The Board upheld the elections at the board meeting held on June 14, 2016. Defendant Anthony Wilson chose not to attend.
22. On June 14, 2016, without authority of the League, Defendant Anthony Wilson and Defendant Janel Lowery, withdrew \$6948.45 from the League checking account and closed the account.
23. On June 20, 2016, Defendant Anthony Wilson and Defendant Charity Wilson resigned from the board.
24. The day after his resignation or close thereto, Defendant Anthony Wilson filed an annual report that was fraudulent as he no longer had any authority to file any documents on behalf of the LLYBL. Defendant Anthony Wilson fraudulently changed the principal place of business to his address and Post Office Box, and failed to correctly list the board members elected in April of 2016. Defendant Anthony Wilson falsified this document with the intent to illegally take over this non-profit corporation.
25. LLYBL still had board member Richard Baca's name on the account, with authority of the board, he requested copies of the bank statements.

26. The bank statements had several copies of checks written with only one signature from December 19, 2015 through March of 2016.
27. In violation of the LLYBL by-laws, these one signature checks were written by Janel Lowery.
28. The Board also became aware that purchases were made from a checking credit card with the name of Defendant Janel Lowery that were not approved by the board. This was in violation of LLYBL by-laws. Defendant Anthony Wilson admitted to making these purchases by using a credit card that was not issued to him.
29. Upon information and belief, Defendant Anthony Wilson took all the records related the LLYBL including contact information of all the years previous players with the intent to sabotage LLYBL's program.
30. Defendant Anthony Wilson used the information he unlawfully took from LLYBL and began contacting the parents of the athletes in an effort to start his own league and damage LLYBL.
31. After Defendant Anthony Wilson resigned his board member position, Defendant Anthony Wilson continued to make decisions that affected the LLYABL without Board approval and in violation of the by-laws.
32. Defendant Anthony Wilson change the passwords to the LLYABL website and began soliciting registrations with the website.
33. Upon information and belief Anthony Wilson started soliciting players under the name of LLYBL then changed the name to Rio Grande Valley Amateur Basketball Association, (hereinafter RGVABA).

34. Upon information and belief, Defendant Anthony Wilson submitted a change of the board members with the Secretary of the State for the LLYBL after a vote with the board members of RGVABA.
35. Defendant Anthony Wilson contacted the insurance company to change the name to RGVABA.
36. Defendant Anthony Wilson has removed items belonging to LLYBL including but not limited to Computer, printer, keys, recorders, financials, debit card and USB drives.
37. Defendant Anthony Wilson began soliciting gym space under LLYBL, now known as RGVABA .

**COUNT I and II -BREACH OF FIDUCIARY DUTY AND  
VIOLATION OF LLYBL BY-LAWS**

38. The Plaintiffs incorporate Paragraphs 1-35 of this complaint herein.
39. Defendant Anthony Wilson was a board member from April 27, 2015 until he resigned on June 20, 2016.
40. Defendant Anthony Wilson assisted in the drafting of the LLYBL By-laws and had personal knowledge of these by-laws.
41. Defendant Anthony Wilson breached his fiduciary duty and violated the by-laws to LLYBL based on the following;
  - a. Made purchases from Amazon that were not approved by the board and failed to provide an accounting to the Board for those purchases.

- b. Withdrew \$6, 948.45, from LLABL checking account without the approval of the board and closed the account.
- c. Deposited \$6,948.45 for use in a basketball league that was not LLYBL.
- d. Withheld all financial records in his possession after he resigned from the LLYBL.
- e. Took items that were purchased by LLYBL including confidential information related to league players and their families.
- f. Changed passwords to the LLYBL website
- g. Took over the Post Office Box at the US Postal Service and transferred it to RGVABA.

42. Upon information and belief, Defendant Anthony Wilson breached his fiduciary duty to LLYBL in an effort to avoid be accountable for the monies he spent without board approval.

**COUNT III, IV AND V – FRAUD, UNLAWFUL CONVERSION OF NON-PROFIT CORPORATION, AND UNLAWFUL CONVERSION OF NON-PROFIT CORPORATE FUNDS**

43. The Plaintiff incorporates Paragraphs 1-40 herein.

44. Defendant Anthony Wilson, a board member of LLYBL and before his resignation and Defendant Janel Lowery committed fraud by withdrawing funds belonging to the LLYBL.

45. Defendant Anthony Wilson and Defendant Janel Lowery, former members of the LLYBL, did not obtain LLYBL board approval prior to removing funds from the LLYBL.

46. RGVABA is not a legally formed corporation.
47. Defendant Anthony Wilson held out RGVABA to be LLYBL.
48. Upon information and belief, Defendant Rondi Ortiz, Defendant Lisa Tafoya, Defendant Charity Wilson, Defendant John Tafoya and Defendant Anthony Wilson are all former or active board members of the RGVABA.
49. As board members of the RGVABA, the Defendants have committed fraud and unlawful conversion of a non-profit corporation by using the non-profit corporation incorporated by LLYBL as their own by submitting a change of name on September 19, 2016 without the authority of LLYBL.
50. As board members of RGVABA, the Defendants have used their authority to commit the following acts of fraud and unlawful conversion of non-profit corporation;
  - a. By depositing money belonging to LLYBL
  - b. By the submission of documents to the Secretary of State changing the name of the Los Lunas Amateur Basketball Association to Rio Grande Valley Amateur Basketball Association
  - c. Changing the board members name without LLYBL approval
  - d. Changing the name and keys to the LLYBL post office box.
  - e. Converting the liability insurance purchased by LLYBL for their own use
  - f. Converting the LLYBL website for their own use
  - g. Depositing LLYBL funds into their own bank accounts for their own use
  - h. Soliciting players using the resources of LLYBL



## **COUNTS VI and VII –BAD FAITH AND SLANDER**

51. The Plaintiffs incorporate Paragraphs 1-47 herein.
52. The Defendants have acted in bad faith by the allegations presented herein.
53. The Defendants have violated the law by the allegations presented herein.
54. The Defendant acted without authority and in bad faith and conducting all their business dealings in bad faith by holding themselves out to the community as a non-profit corporation that was legally created.
55. The Defendants have publicly attacked the integrity of the LLYBL legitimate board members in an effort to intimidate and slander the names of the board members.

**WHEREFORE**, the Plaintiffs request the following relief;

- A. For a finding that the Defendant's committed fraud, unlawful conversion of non-profit corporation, misuse of non-profit funds, breach of fiduciary duties, slander and bad faith dealings;
- B. For an order prohibiting the Defendants from operating under the LLYBL non-profit corporation number and using LLYBL resources such as the website, equipment, insurance;
- C. For an order prohibiting the Defendants from slandering the current board members of LLYBL;
- D. For damages to be proven at trial;
- E. For attorney fees and costs;
- F. For any other relief deemed proper by this Court.

Respectfully Submitted,

By\_\_\_/s/Jane Rocha de Gandara\_\_\_\_  
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