

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

September 3, 2021

VIA ELECTRONIC MAIL ONLY

Kristen Devlin
553 El Camino Real
Angel Fire, New Mexico 01778
Email: kristendevlin@mac.com

Re: Inspection of Public Records Act Complaint – AAFPO

Dear Ms. Devlin:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019), by “AAFPO,” which we understand to be an abbreviation for the name of the Association of Angel Fire Property Owners, Inc. The OGD is charged with enforcement of the IPRA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 14-2-12(A).

In New Mexico, the people are entitled to “the greatest possible information” about governmental affairs pursuant to the Inspection of Public Records Act. NMSA 1978, § 14-2-5. *See also San Juan Agr. Water Users Ass'n v. KNME-TV*, 2011-NMSC-011, ¶ 16 (noting that, “IPRA is intended to ensure that the public servants of New Mexico remain accountable to the people they serve.”). To that end, IPRA specifically states that the public has the right to inspect and copy all “public records” held by or on behalf of government agencies with only limited and specifically enumerated exceptions. Section 14-2-1(A). The statute sets forth procedures and requirements that are applicable to any “written request” to inspect public records submitted to a government agency. Section 14-2-8(A).

In your complaint to our Office, you allege that AAFPO failed to provide you records responsive to your request dated August 3, 2021. However, AAFPO describes itself on its website as “an all volunteer organization made up of fellow property owners in good standing ... as elected to the

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AAFPO Board of Directors by all other Angel Fire Property Owners in good standing.”¹ It therefore appears to be a private organization comparable to or the equivalent of a neighborhood or homeowners association, not a “public body” subject to IPRA. *See* § 14-2-6(F). Since AAFPO is evidently not a government agency, we must conclude that your complaint has not identified a violation of IPRA, and we consider this matter closed.

The Office of the Attorney General appreciates you bringing possible violations to this office and will welcome any further complaints you may submit. If you have any concerns in the future, please do not hesitate to contact us. Additionally, the IPRA Guide is available on the website of the Office of the Attorney General at www.nmag.gov.

Sincerely,



John Kreienkamp
Assistant Attorney General

Enclosure

cc: Penni Davey, AAFPO
Executive-Director@aafpo.org

¹ Available at <https://aafpo.org/about/> (last visited August 25, 2021).