

AG CODE	KEY CODE	FOR OFFICIAL USE ONLY
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**ATTORNEY GENERAL HECTOR BALDERAS**  
*Procurador General del Estado Hector Balderas*  
 Consumer Protection Division/*División de Protección al Consumidor*  
 P.O. Drawer 1508, Santa Fe, NM 87504  
 1-800-678-1508 / (505) 827-6060

If you are an individual with a disability requiring assistance with this form, please see last page for options.

*Si usted es un individuo con alguna incapacidad que requiere ayuda para completar esta forma, favor de referirse a la última página para mas opciones.*

Please indicate how you were referred to this office to file this complaint:  
 Por favor indique cómo y quien lo refirió a archivar esta queja en esta oficina:



I am filing this complaint to notify the Attorney General's Consumer Protection Division of a dispute with the company referenced below and to request its assistance in resolving this matter. I understand that the Division cannot serve as a private attorney for individuals and that any legal action taken by the Division would be on behalf of the public and not to represent only my interests.

*Archivo esta queja para notificarle a la División de Protección al Consumidor de la Oficina de la Procuradora del Estado de la disputa con el negocio mencionado en la información que sigue y para pedir asistencia en resolver este asunto. Entiendo que la División no puede servir como abogado privado de individuos y que cualquier acción legal que tome sería de parte del público en general y no representando solo mis intereses.*

PLEASE TELL US ABOUT YOURSELF  
 [Información del consumidor]

Name DAVID DEERINGER  
 [Nombre del Consumidor]

Address/Dirección [REDACTED]  
 [Dirección del Consumidor]

City [REDACTED]  
 [Ciudad, Estado y Zona Postal]

State [REDACTED] Zip [REDACTED]

Phone  
 Work/ Trabajo [REDACTED] Home/Casa \_\_\_\_\_  
 Cell/Celular \_\_\_\_\_

email [REDACTED]

COMPLAINT IS AGAINST:  
 [Queja en contra de que negocio]

Business Name City of Albany  
 [Nombre del Negocio]

Address/Dirección Box 1293  
 [Dirección del Negocio]

City ALBUQ  
 [Ciudad, Estado y Zona Postal]

State NM Zip 87103

Contact Person MAYOR BERRY  
 [Dueño o representante del negocio]

Telephones \_\_\_\_\_  
 [Teléfonos del negocio]

email \_\_\_\_\_

1. First contact between you and the business:  
[Primer contacto entre usted y el negocio]

- Person came to my home  
[Representante vino a mi casa]
- I went to company's place of business  
[Fui al lugar del negocio]
- I received a telephone call from business  
[Recibí una llamada por teléfono del negocio]
- I telephoned the business  
[Llamé por teléfono al negocio]

- I received information in the mail  
[Recibí información en el correo]
- I responded to radio/television ad  
[Respondí a un anuncio de radio o TV]
- I responded to printed advertisement  
[Respondí a un anuncio por escrito]
- Other/otro public facilities

3. Date(s) of Transaction(s) \_\_\_\_\_  
[Fecha (s) de transacción]

2. Where did the transaction take place?  
[¿Dónde se llevó a cabo la transacción?]

- At home/en casa
- At business/en el negocio
- By mail/por correo
- Over the phone/por teléfono
- Other/otro public facilities

4. Did you sign a contract?  
[¿Firmó usted un contrato?]

- Yes - enclose a copy  
[Si-incluya una copia]
- No

5. Amount of payment [Cantidad y forma de pago]: \$ \_\_\_\_\_  Cash/efectivo  Credit Card/tarjeta de crédito  Loan/préstamo  Lay-a-way/apartado,  Check/cheque

Date check was cashed (from bank statement): \_\_\_\_\_  
[Fecha en que cambió su cheque: (del estado de cuenta del banco)]

Have you contacted the credit card company to request credit to your account?  Yes/Si  No  
[¿Se ha comunicado con la compañía de la tarjeta de crédito para pedir que le acrediten su cuenta?]

6. Have you complained to the business?  Yes/Si  No If yes, when \_\_\_\_\_  
[¿Se ha quejado usted con el negocio? Si contestó que sí, cuando?]

What was the business' response? \_\_\_\_\_  
[¿Cual fue la respuesta del negocio?]

7. Have you filed a complaint with another agency?  If so, which agency? District Atty  
[¿Ha puesto una queja con otra agencia? Si así es, ¿con cual agencia?] APD

What action was taken? none  
[¿Se tomó alguna acción?]

Please describe your complaint in detail. (Attach additional sheets if necessary)  
[Por favor describa su queja en detalle. (Adjunte hojas adicionales si es necesario)]

City of Albany trying to force me to sign a waiver of liability that I do not legally have to sign and denying me use of public facilities in violation of Pinacraft, ADA Act (disability), denying citizen rights and violations of Constitution. There exists an email from someone telling city employees to deny me rights to use public facilities and under my IPRA request the City has now denied NMSA 14-2-1 to answer my IPRA request. I am due response and money damages under NMSA 14-2-12.

Copy of request enclosed

What would you consider a fair resolution of this complaint? [¿Que consideraría una resolución justa?]

Response mandated and money damages and criminal charges against city employees doing harassment, fraud + extortion

Have you retained an attorney to represent you in this matter?  Yes/Si  No  
[¿Ha ocupado a un abogado para representarlo en este asunto?]

Has a lawsuit been filed?  Yes/Si  No  
[¿Se ha archivado alguna demanda legal y formal?]



## Attorney General of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

30 March 2016

Eric J. Locher  
Managing Assistant City Attorney  
City of Albuquerque  
P.O. Box 2248  
Albuquerque, NM 87103

Re: Inspection of Public Records Act Complaint – David Derringer

Dear Mr. Locher:

Thank you for your response to the inquiry from our office regarding the complaint filed by Mr. Derringer alleging the City of Albuquerque (the “City”) violated the New Mexico Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12. Our office reviewed Mr. Derringer’s complaint as well as your response to our inquiry, and has concluded the City may have initially violated IPRA, but have done remedial actions and therefore substantially complied with IPRA.

No evidence was provided of a written response to Mr. Derringer as required by Section 14-2-7(B) of IPRA, and the city failed to timely provide responsive records as required under IPRA until after receipt of an inquiry letter from our office. The City did provide our office with a response letter dated November 20, 2015, with attached documents. Records provided were responsive to the original request and Mr. Derringer was copied to the correspondence.

Although the City initially failed to provide an adequate response to Mr. Derringer, the OAG is in receipt of the City’s November 20, 2015, response letter with attached documents responsive to Mr. Derringer’s original request. Therefore, since Mr. Derringer was copied to the City’s response, the City has produced and provided records in its possession and, ultimately, complied with Mr. Derringer’s request. The City has produced or allowed for the inspection of all responsive records in its possession and is therefore in substantive compliance with IPRA. See Derringer v. State, 2003-NMCA-073, 133 N.M. 721 (2003). Accordingly, we consider this matter closed.

For more information about IPRA you may refer to the OAG's Inspection of Public Records Act Compliance Guide, available on our website at [www.nmag.gov](http://www.nmag.gov). If you have any questions about the specific matters addressed in this letter or about the Inspection of Public Records Act you may contact me directly or call the Office of the Attorney General Open Government Division at (505) 827-6070.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Dworak', with a long horizontal flourish extending to the right.

Joseph M. Dworak  
Assistant Attorney General

cc: Natalie Howard, City Clerk  
David Derringer