

## Attorney General Of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

**ELIZABETH A. GLENN**  
Chief Deputy Attorney General

February 17, 2016

Byron Marshall  
1219 E. Main  
Hobbs, NM 88240  
Email: [rasklinov@gmail.com](mailto:rasklinov@gmail.com)

Re: Inspection of Public Records Act Complaint

Dear Mr. Marshall:

On December 4, 2015, the Office of the Attorney General Open Government Division ("OGD") received your complaint alleging that the City of Hobbs ("City") violated the Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (2011).

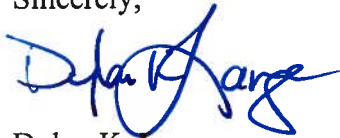
The OGD received correspondence from the City on December 24, 2015, regarding the IPRA requests at issue in your complaint. We have enclosed the correspondence for your review. Based on the information provided by the City, the City did provide you with all responsive records; however, the City initially failed to comply with the IPRA by not delivering a written explanation of the denial and/or redactions made pursuant to of NMSA 1978, Section 14-2-11(B). Section 14-2-11(B) states:

13. If a written request has been denied, the custodian shall provide the requester with a written explanation of the denial. The written denial shall:
- (1) describe the records sought;
  - (2) set forth the names and titles or positions of each person responsible for the denial; and
  - (3) be delivered or mailed to the person requesting the records within fifteen days after the request for inspection was received.

Though the City may have initially failed to provide you with a timely denial letter, the OAG is in receipt of the City's February 2, 2015, denial letter sent to you. Therefore, the City has ultimately produced or allowed for the inspection of all responsive records in their possession, has provided you a written explanation of their denial or redaction, and is therefore in substantive compliance with the IPRA. *See, Derringer v. State, 2003-NMCA-073, 133 N.M. 721.* Accordingly, we consider this matter closed.

Thank you for affording our office this opportunity to be of assistance. If you would like to submit a subsequent IPRA or OMA complaint, we encourage you to submit an official complaint found on our website: <http://www.nmag.gov/oma-and-ipra-complaints.aspx>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dylan K. Lange". The signature is stylized and cursive.

Dylan K. Lange  
Assistant Attorney General

cc: Michael H. Stone, City Attorney

**INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM**  
New Mexico Office of the Attorney General  
Open Government Division

**YOUR CONTACT INFORMATION:**

First Name: Byron Last Name: Marshall

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**IPRA REQUEST TO THE PUBLIC BODY:**

Name of the Public Body that is the subject of this complaint (including city/town, county or region, if applicable): City of Hobbs, NM

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: November 10, 2015

Date of all Responses Received from the Public Body: 11, 23, 15

**ALLEGED VIOLATIONS OF IPRA BY THE PUBLIC BODY:** Please select from the following list the violations you allege the public body committed. Check all that apply.

**RECORDS:**

- No records were provided.
- The agency provided some but not all of the records responsive to the request.
- Records were provided, but they were not responsive to the request.
- The public body does not have custody or responsibility for the records, and the records custodian did not forward the request to the proper custodian.
- The request was for records in electronic format and although the records are available in electronic format, the copies of the public records were not provided in an electronic format.

DENIED REQUESTS TO INSPECT PUBLIC RECORDS

- Although some records were provided, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records.
- No records were provided and the records custodian did not deliver or mail a written explanation to the requester within fifteen (15) calendar days after receiving the request that included a description of the records sought, the names and titles of each person responsible for denying the request, and a description of the reasons for the denial.

NOTICE

- Public body did not post in a conspicuous location at its administrative office or on the public body's website a notice setting forth: the rights of any person to inspect the public body's public records, the public body's responsibility to make public records available for inspection, the procedures for requesting inspection of public records, the procedures for requesting copies of public records, and/or reasonable fees for copying public records

DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

- Inspection was not allowed within three (3) business days and the public body did not timely send a written "three-day letter" to the requester explaining when the records would be available or when the public body would respond to the request.
- The public body did not allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request.

FEES

- The public body charged fees in excess of \$1.00 per printed page for documents 11"X17" or smaller, or charged fees that exceeded the actual costs to copy the records.
- The public body did not provide a receipt upon request.

**DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS** (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

The records I received were redacted beyond the point that no attainable information was gleaned. I have asked for other info request with similar results.