

To Whom it may concern,

Please find attached below a copy of the Freedom of Information Act Request I sent to the City of Las Cruces on 7/12/2015. According to the NM State IPRA 2015 Compliance Guide – the request must be honored within 3 days and/or they must make contact to explain when they will and/or why they cannot be provided. I have received no information from the City of Las Cruces concerning this matter.

At the bottom of my request – I have documented some of the problems I have faced in the past in trying to get specific information from the City of Las Cruces. Their actions in the past have complicated and hindered a complicated matter involving their failure and neglect to address safety and American Disability Act (ADA) issues occurring on public property – sidewalk and street.

Please be also advised that tax payer funds are being wasted and NM State laws are being ignored. Instead of simply upholding the ADA and other laws, the City of Las Cruces continues to violate their own local, NM State, and US Federal codes, laws, including the ADA. They have since removed a section of a needed and an established sidewalk to accommodate the "wants" of a business (to provide them their own "personal parking lot" that violates the current CLC codes, ADA, etc. as well as an unethical contractual agreement that did not go through City Council, etc.). By altering the public owned sidewalk that does not meet and/or is in compliance with the current laws – AND at tax payer's expense at taxpayer's expense - the City of Las Cruces has once again, denied me (someone who does have disabilities – including mobility issues) the access and use of the public service, etc. – which also violates NM State, etc. laws!

The CLC also failed to enforce and/or uphold the laws even when the owner of the property next to the public sidewalk took it upon himself to put up "parking signs" and paint "parking stall lines" on and over the sidewalk to encourage his customers to park illegally. Damages to my family's legally parked vehicles were created because the City of Las Cruces has failed to uphold the laws, etc. for "years and years."

Recently, when a police officer was stopped and asked to address the fact that a motorcycle was parked on the public sidewalk area – he pretended and claimed he "didn't see" the motorcycle! The officer had just walked out of the barber shop after having his hair cut by the property owner/staff. The



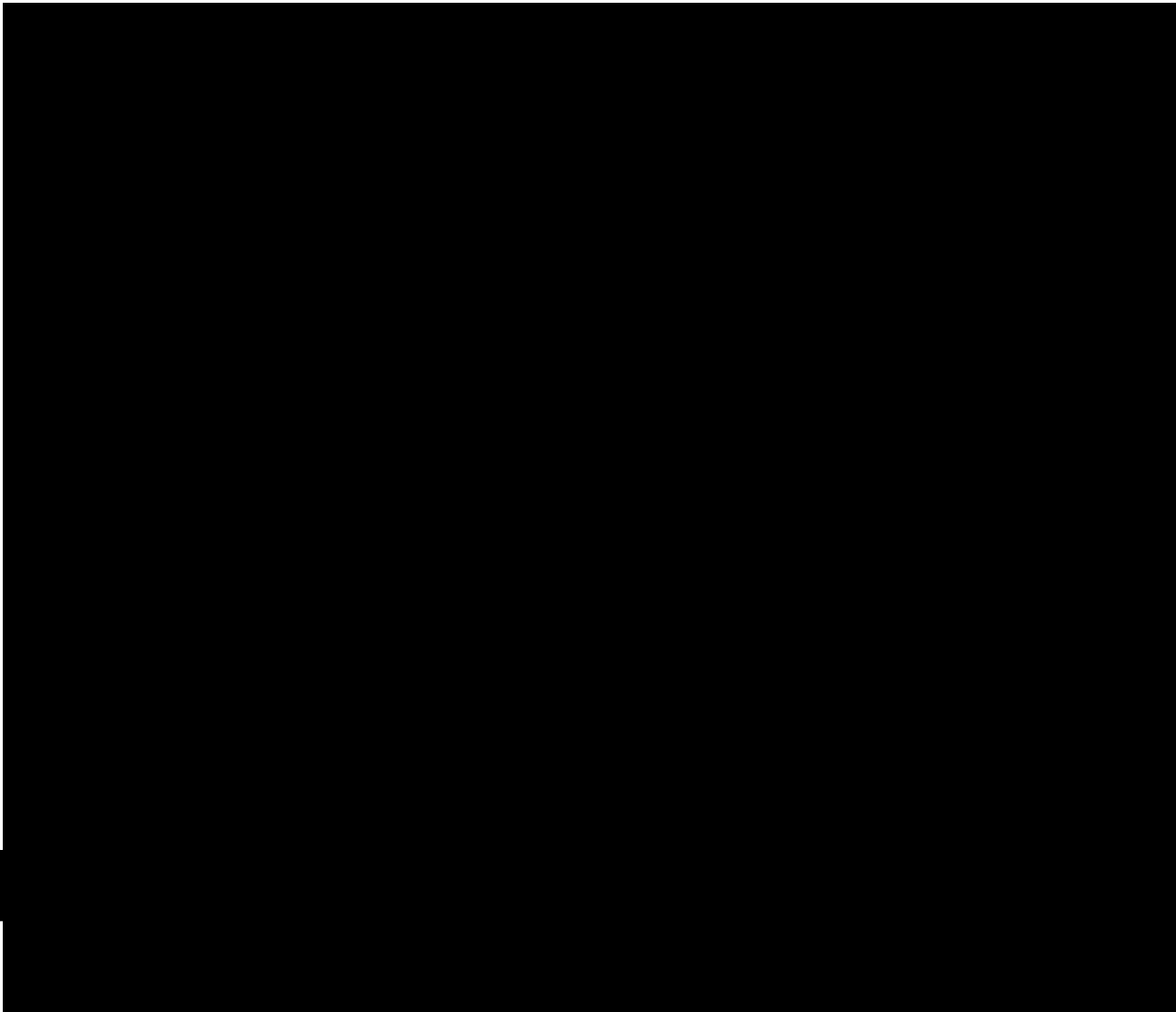
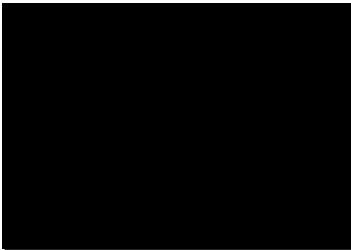
willful blindness, collaborations, and conspiracy occurring within and between different departments within the City of Las Cruces is criminal as well as malicious.

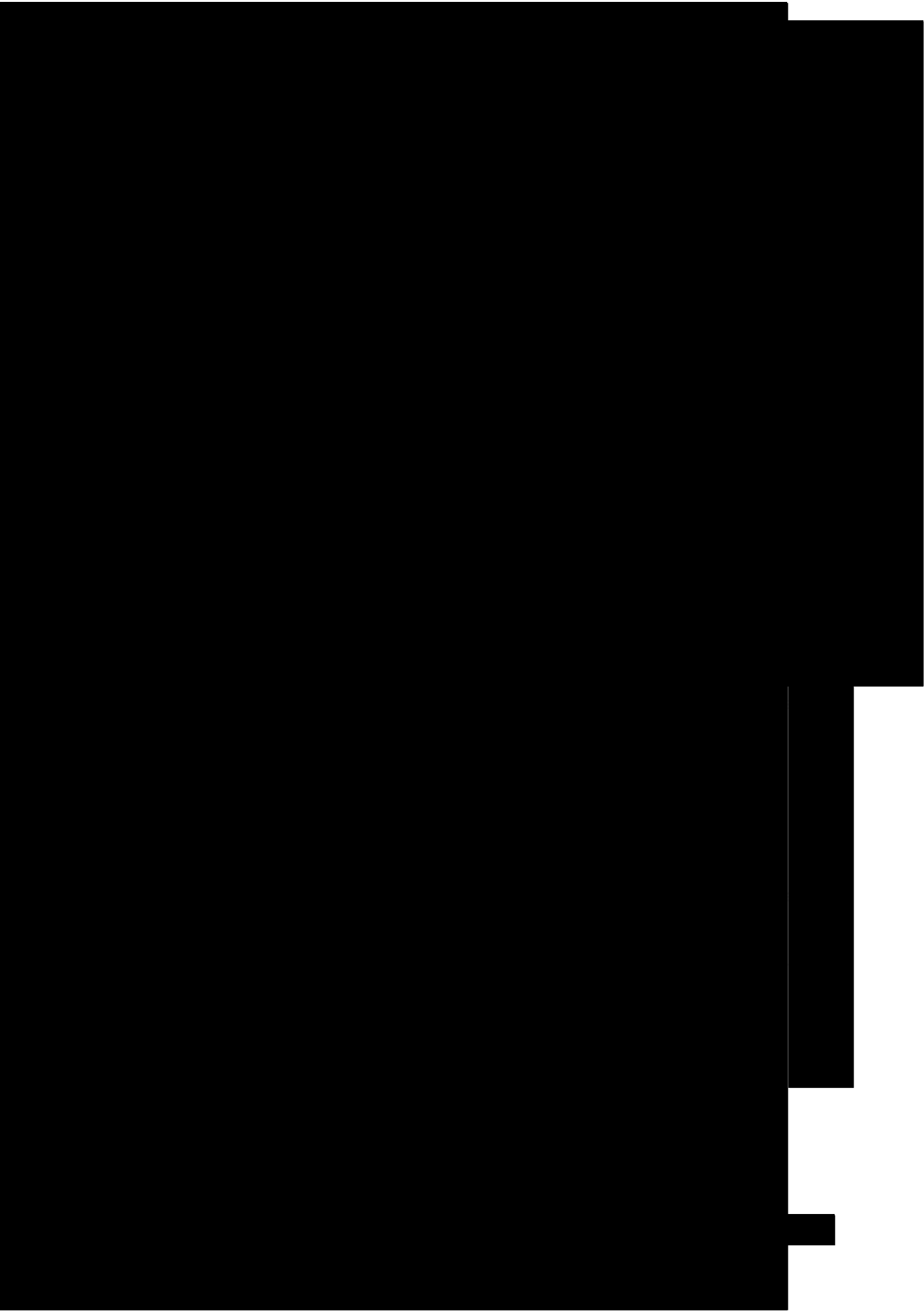
Even when the matters were raised to the NMGCD, I was told they are "not an enforcement agency" but were "advocates for those who have disabilities. When they contacted the City of Las Cruces and pointed out some of the violations, etc. – they did not question the CLC's response which was to make excuses for their actions and/or their attempts to "point fingers" and distract others from the real issues and facts! The fact that the NMGCD requested to review the CLC's ADA Transition Plan and this request was ignored was even "ignored" by the NMGCD! It's my understanding that the NMGCD has not responded to the CLC's letter despite my objections raised in May and June.

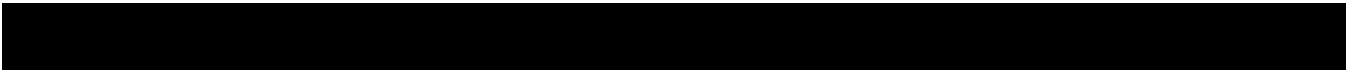
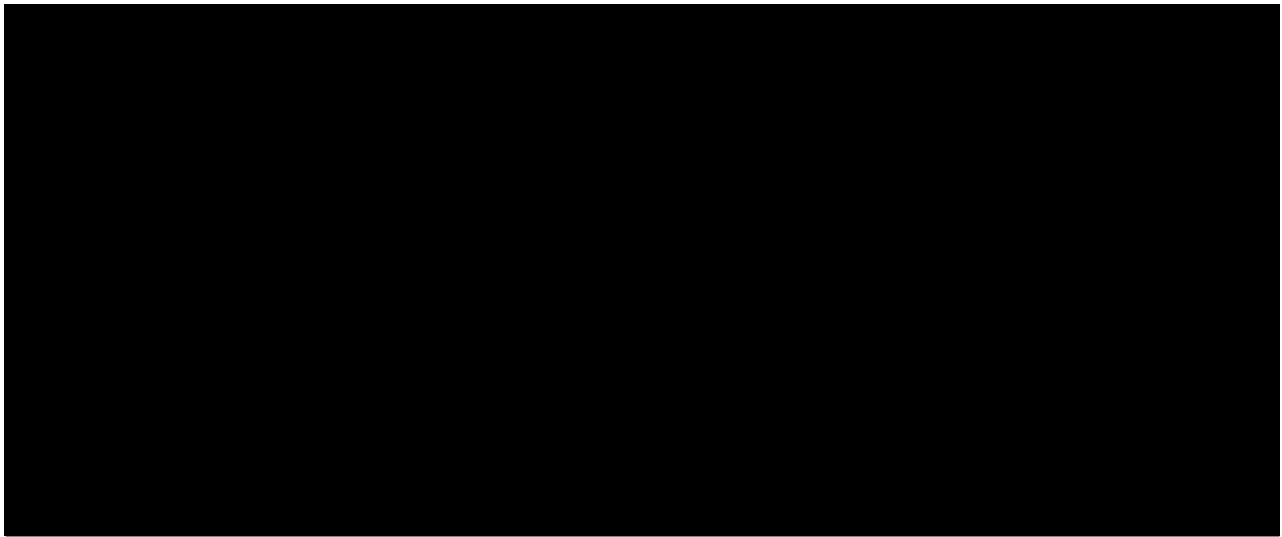
Because of the actions, facts, complaints, etc. given above – as well as other details, documented evidence, pictures, etc. – I am asking for your cooperation and an investigation to be made into these matters and violations of not only the NM State laws, but also the crimes being committed government officials. I am asking that the City of Las Cruces be held accountable and responsible for their actions, negligence, legal obligations, etc. and that the laws of our state be upheld.

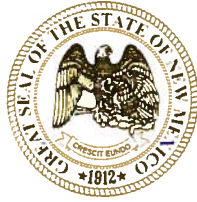
Please contact me for more information, details, etc.

Shelly Nichols-Shaw









Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

February 2, 2016

Shelly Nichols-Shaw
1145 N. Main Street
Las Cruces, NM 88001
Email: [REDACTED]

Re: Inspection of Public Records Complaint

Dear Ms. Nichols-Shaw:

On December 21, 2015, the Office of the Attorney General Open Government Division (“OGD”) received your complaint alleging that the City of Las Cruces violated the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (2011). The OGD jurisdiction is limited to a review of the IPRA violations in your complaint.

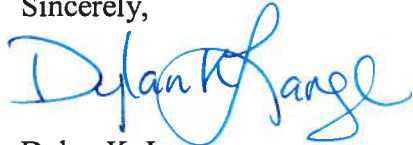
The OGD received correspondence from the City of Las Cruces regarding the IPRA requests at issue in your complaint. We have enclosed the correspondence for your review. Based on the information provided by the City, the City initially failed to comply with the IPRA time limits of NMSA 1978, Section 14-2-8(D). Section 14-2-8(D) states:

A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request.

Though the City may have initially failed to provide you with timely inspection, they have ultimately produced or allowed for the inspection of all responsive records in their possession, and are 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 that reads "Dylan K. Lange". The signature is fluid and cursive, with the first name "Dylan" being the most prominent part.

Dylan K. Lange
Assistant Attorney General

Cc: Linda Lewis, Interim City Clerk