

NEA-New Mexico SW Region Office

March 5, 2015

Office of New Mexico Attorney General Hector Balderas
Civil Division
P.O. Drawer 1508
Santa Fe, New Mexico 87504-1508

RE: Failure of Cloudcroft Municipal Schools to Properly Fulfill IPRA Request

Dear Attorney General Balderas:

On January 23, 2015, I submitted an IPRA Request (see attached) to the Cloudcroft Municipal Schools on behalf of Lisa Morales, a member of National Education Association-New Mexico and former employee of the Cloudcroft Schools.

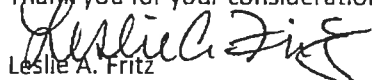
On January 27, 2015, Rodney Gabaldon responded to my request on behalf of the Cloudcroft Schools indicating that the requested records would be available for inspection on Saturday, February 7, 2015 (see attached).

On February 5, 2015, Rodney Gabaldon wrote to me on behalf of the Cloudcroft Schools indicating that the District needed additional time to process my request and would have the records available by March 6, 2015 or inform me if additional time would be needed at that time (see attached).

Today I received notice from Rodney Gabaldon on behalf of the Cloudcroft Schools indicating that the District needs additional time to process my request and will have the records available by April 17, 2015 or inform me if additional time would be needed at that time (see attached).

I respectfully request your assistance to ensure that Rodney Gabaldon and the Cloudcroft Schools respond to my IPRA Request in good faith and per New Mexico law regarding such by promptly fulfilling the request rather than continuing to stretch the date of completion further and further. We understand most of the records in question are available in an electronic format and are more easily accessed and compiled than indicated. Further, we believe the school district's delay is actually subterfuge to postpone an action against it by former employee, Lisa Morales.

Thank you for your consideration.


Leslie A. Fritz

cc: Lisa Morales
Charles Bowyer, NEA-NM Executive Director
Betsy Clifford, The Jones Firm
Rodney Gabaldon, Walsh, Anderson, Gallegos, Green and Trevino, P.C.
Travis Dempsey, Cloudcroft Municipal Schools Superintendent

attachments



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

Ms. Leslie Fritz
NEA-New Mexico SW Region Office
Las Cruces, NM 88005

RE: Your Inspection of Public Records Act Complaint Regarding Cloudcroft Municipal Schools

Dear Ms. Fritz:

Thank you for contacting our office regarding your concern over possible violations of the Inspection of Public Records Act (IPRA), NMSA 1978 Sections 14-2-1 to -12 (1947 as amended though 2013).

I am pleased to learn that you were able to obtain the documents requested from Cloudcroft Municipal Schools. Your email of December 10, 2015, clearly expresses your sentiment that your IPRA complaint be closed without further action. I reviewed your complaint and your correspondence with Cloudcroft Municipal Schools' counsel, Mr. Gabaldón, regarding your request. It appears the Municipal Schools properly informed you pursuant to Section 14-2-10 that the request was unduly burdensome (noting that over 33,000 responsive records had been found) and would require additional time. I commend both you and Mr. Gabaldón for working together to facilitate the production of the requested records.

In light of the above, and because I do not find a violation of the Inspection of Public Records Act, I am closing this file.

If you have any questions or concerns, please do not hesitate to contact me at (505) 827-6029, or rword@nmag.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Word". The signature is written in a cursive style with a long, sweeping flourish at the end.

Richard B. ("Rick") Word
Assistant Attorney General

cc: Rodney L. Gabaldón