



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

December 4, 2015

Hubert A. Allen, Jr.
720 Tramway Ln. NE #25
Albuquerque, NM 87122-1645

Re: Your Inspection of Public Records Complaint

Dear Mr. Allen:

The Office of the New Mexico Attorney General, Open Government Division ("OGD") is in receipt of both your October 14, 2015 complaint and your October 23, 2015 complaint, alleging that the New Mexico Department of Health ("DOH") violated the Inspection of Public Records Act ("IPRA") NMSA 1978, Sections 14-2-1 to -12 (2013).

The OGD received a letter from DOH regarding your October 23, 2015 complaint. We have enclosed it for your review. We believe this letter adequately addresses your allegations.

Additionally, as confirmed over the telephone, you wish to withdraw your October 14, 2015 complaint against DOH. As such, we consider this matter closed.

Thank you for affording our office this opportunity to be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dylan K. Lange".

Dylan K. Lange
Assistant Attorney General

RECEIVED OCT 13 2015
SM

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

YOUR CONTACT INFORMATION:

First Name: Hubert A. Last Name: Allen, Jr.
Address: 720-25 Tramway Ln, NE
City: Albuquerque State: NM Zip Code: 87122
Phone Number: (505) 797-3520
Email: HubertAllen@comcast.net

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): New Mexico Dept. of Health (DOH), Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 9-7-2015

Date of all Responses Received from the Public Body: 9-8-2015

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.

On 9-7-2015, Hubert A. Allen, Jr. faxed in an IPRA Records Request to the New Mexico Department of Health, Chief Records Custodian. (Attached)

On 9-8-2015 the DOH sent an Acknowledgement Letter via email. (Attached)

The DOH Assigned "2015-198" as the IPRA identification.

The request has not been fulfilled or denied, to my knowledge, up to 10-3-2015. Was due on or about 9-24-15.

9/24/15
10-3-15

ADDITIONAL INFORMATION: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.

RECEIVED OCT 23 2015

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2015-123 11-07-22

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

YOUR CONTACT INFORMATION:

First Name: Hubert A. Last Name: Allen, Jr.
Address: 720-25 Tramway LN, NE
City: Albuquerque State: NM Zip Code: 87122
Phone Number: (505) 797-3520
Email: HubertAllen@comcast.net

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): New Mexico Dept. of Health (DOH), Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 10/1/2015

Date of all Responses Received from the Public Body: 10/1/2015, 10/2/2015, 10/9/2015

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

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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.

On 10-1-2015, Hubert A. Allen, Jr. faxed in an IPRA Records Request to the New Mexico Department of Health (DOH), Chief of Records Custodian (Attached). On 10-2-2015 DOH responded with a cover email and an Acknowledgement Letter (Attached). The DOH Assigned "IPRA 2015-229" to the request. On 10-9-2015 the DOH sent a Response cover email, with an incompletely documented Denial Letter (Attached) that was dated 10-1-2015 and none of the records requested. No further correspondence from the DOH has been received through the 15 days Delivery period ending on or about October 18th 2015.

gg/h

10-18-2015

ADDITIONAL INFORMATION: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.