

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

YOUR CONTACT INFORMATION:

First Name: Lorraine Last Name: Mendiola

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): MAD Division of HSD - Ms. Nancy Leslie

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: August 19, 2015 & Sept. 15, 2015

Date of all Responses Received from the Public Body: I response from Jennifer Mondragon, Ex. Asst. to Ms. Leslie on Aug. 26th stating that Ms. Leslie had received my Aug 19th email,

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: *I received a response from Ms. Leslie on Sept-16; however, it was incomplete. Not all of my concerns were addressed.

- 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 May 22, 2015 I filed a grievance against the Office of Guardianship for failure to comply with the rules & regulations policy as stated on the DDP website. This grievance was sent to Brent Earnest, referred to the Office of Gen. Counsel.

and finally to the MAD Division. After 10 weeks I received an email from Ms. Angela Medrano on July 16, 2015 informing me that the evaluation team determined that the Office of Guardianship did comply with all rules & regulations.

On July 17th / Aug 1st I sent an email to Ms. Medrano stating that I did not agree with the evaluation team's decision. I asked her to provide the following:

1. Provide information on the appeal process -
2. Provide a list of names of the team with their credentials & yrs. of experience evaluating such grievances. *Ms. Medrano never replied.

I then began communication with Jennifer Mondragon, Ex. Asst. to Ms. Leslie. I left several messages & emails regarding a request to speak to Ms. Leslie. On August 18, 2015 Ms. Leslie called to address my concerns. She stated that she had reviewed my grievance & documentation. Her findings were that the ODG was indeed in noncompliance & that they would be placed on a "corrective action plan" with monitoring from the MAD Division.

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.



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

January 15, 2016

Lorraine Mendiola
2112 Candelero St.
Santa Fe, NM 87505

Re: Inspection of Public Records Complaint

Dear Ms. Mendiola:

The Open Government Division ("OGD") of the Attorney General's Office is in receipt of your September 22, 2015, complaint alleging that the New Mexico Human Services Department violated the Inspection of Public Records Act ("IPRA") NMSA 1978, Sections 14-2-1 to -12 (2013).

OGD received correspondence from HSD regarding your September 22, 2015, complaint. We have enclosed it for your review. We believe HSD adequately addresses your allegations. Please note that the IPRA does not require a public body to create a public record. *See*, NMSA 1978, Section 14-2-8(B). 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 that reads "Dylan K. Lange".

Dylan K. Lange
Assistant Attorney General