



## Attorney General of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

March 3, 2016

Robert Sarr  
4 La Tusa St  
Santa Fe, NM 87505

Paul Grace Esq.  
117 North Guadalupe St. Suite A.  
Santa Fe, NM 87501

RE: Inspection of Public Records Complaint/Lamy Mutual Domestic Water Association

Gentleman:

We suspended our investigation into the above referenced IPRA complaint during the pendency of litigation filed in cause number CV-2015-01829. Mr. Sarr notified this office that the law suit has been settled and that the resolution led to a complete disclosure of the information requested. We have conducted a thorough review of the information provided. We have also reviewed the communication dated October 21, 2015 which further acknowledges that the request for access to public records has been satisfied.

We encourage the Lamy Mutual Domestic Water Association to continue to work on procedures to ensure timely responses to IPRA requests. Given the above, no further action is required by the Office of the Attorney General in relation to this IPRA complaint and we therefore consider this matter closed.

Sincerely,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan  
Assistant Attorney General

Bob

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

**YOUR CONTACT INFORMATION:**

First Name: Robert Last Name: SARR

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): Lamy Mutual Domestic Water Association

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: 16 July 2015

Date of all Responses Received from the Public Body: \_\_\_\_\_

**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.

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IPRA Complaint  
August 3, 2015

The Lamy Mutual Domestic Water Association of which I am a member, appears to be in financial difficulty. Each year for four years the membership at its annual meeting, has asked for long range financial planning and increased reserves. There has been virtually no response from the officers. Two federal loans are being paid off but reserves reportedly required by one or both loans do not meet the requirements of these loans. Money voted to be deposited into loan reserves was not deposited. Financial information usually supplied at the members annual meeting was not available due to the illness of the long term Treasurer. That information has yet to be provided to members. On July 16, 2015 I requested inspection and copies of the Federal Loan documents and correspondence and recent bank records related to these loans. (copy attached) A committee formed by the membership to study current financial condition and recommend financial alternatives needs this information. My request was in writing and hand delivered and emailed to the newly elected treasurer. On July 24, 2015 I emailed a letter to the treasurer noting that the 3 business day time period for response had passed and offered to help with the process of sorting, culling and organizing records so that information for the financial advisory committee would be available. (copy attached) As of August 3, 2015 there has been no response from any officer of the LMDWA or any person representing them.

*Also attached: A letter and timeline previously submitted to NMRWA. Provides background.*

*RAJ*