



## Attorney General Of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

**ELIZABETH A. GLENN**  
Chief Deputy Attorney General

November 18, 2015

Shannon Murdock, Esq.  
New Mexico Livestock Board  
300 San Mateo NE  
Suite 1000  
Albuquerque, NM 87108-1500

**Re: Inspection of Public Records Act Complaints – Nancy Henry**

Dear Ms. Murdock:

Thank you for your responses on behalf of the New Mexico Livestock Board (“NMLB”) to our request for information regarding Nancy Henry’s complaints, which allege that the NMLB violated the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2013). The Attorney General and district attorneys are charged with enforcement of the IPRA; as such, this letter will address only the IPRA issues raised in Ms. Henry’s complaints and your responses. We have reviewed the complaints and attachments, your responses dated July 9, 2015 and August 19, 2015 (collectively referred to as “Response”), and their attachments, and the IPRA. As discussed below, we have concluded our investigation and determined that while the NMLB has complied with the IPRA in many circumstances, the NMLB has failed to comply with the IPRA with regard to several of Ms. Henry’s complaints.

**1. The NMLB has provided untimely responses to Ms. Henry.**

The IPRA requires that “[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.” § 14-2-8(D). If the request is determined to be “excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The custodian shall provide written notification to the requester within fifteen days of receipt of the request that additional time will be needed to respond to the written request.” § 14-2-10. Additionally, “[i]f 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.” § 14-2-8(D). While we commend the NMLB on providing prompt three-day letters, the NMLB has, numerous times, provided documents beyond the fifteen days and beyond dates given for when records would be provided.

The NMLB has not complied with the IPRA in providing Ms. Henry with late responses and by failing to provide Ms. Henry a date by which it would respond to requests. You stated in your Response that “We concur that some responses were/are past the 15 day mark. A very few and by very few days.” Regardless of how many responses, or that inspection was permitted only a “very few days” late, providing records violates the IPRA’s requirements. The IPRA requires that inspection be permitted within fifteen days unless the request is denied or properly deemed excessively burdensome or broad and the NMLB requires more time to fill the request. If the NMLB requires more time, the NMLB needs to provide a date when the records will be available. The additional time requested should be a reasonable amount of time to allow inspection with as little delay as possible. The NMLB was not in compliance with the IPRA in multiple instances where the NMLB simply stated that further records would be forthcoming with no legal citation, proper denial letter, or date when records would be available.

**2. While NMLB inspector reports may fall under the IPRA law enforcement exception, that exception is not a blanket exception for all law enforcement records.**

The IPRA contains certain exceptions under which the NMLB may deny a request. These are enumerated in Section 14-2-1. If the NMLB determines that records contain confidential information which is excepted from disclosure, it must send the requester a denial letter. *See* § 14-2-9(A); § 14-2-11. Additionally, public bodies are only required to provide documents that exist at the time of a request. The IPRA states that “[n]othing in the [IPRA] shall be construed to require a public body to create a public record.” § 14-2-8(B). If the NMLB does not have a record at the time a request is made, the NMLB does not have to create a record or provide a date for when the record will be created or when the documents will no longer be subject to an IPRA exception. This means inspection would not be required if a record is no longer maintained by the NMLB, and is not required to be maintained by the NMLB, such as emails from employees who have not been employed for several years and their various email accounts. That being said, the NMLB must provide nonexempt documents that it does have at the time a request is made. Ms. Henry alleges that the NMLB has withheld documents until a full inspector report is completed. If the NMLB has these records, or an NMLB investigator has the records on behalf of the Board, and no exception applies, those documents must be provided for inspection.

In the NMLB Response, you expressed that documents are being withheld under the law enforcement exception. *See* § 14-2-1(A)(4). Under the IPRA, “[l]aw enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency.” *Id.* The statute for the NMLB provides that the NMLB “shall assist in the prosecution of persons charged with the violation of the livestock laws.” § 77-2-9(B). Furthermore, livestock inspectors “may arrest persons” for various offenses and the act refers to “livestock inspector or other peace officer.” § 77-2-9(B),

(C). *See also* N.M. Att’y Gen. Op. No. 87-34 (1987) (Livestock Board, which commissions and employs peace officers and enforces penal statutes, is a law enforcement agency). We therefore agree that the law enforcement records exception may apply to various inspector reports. However, the cited IPRA exception applies only to “law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime.” § 14-2-1(A)(4). It is crucial to note that the exception does not provide blanket confidentiality for law enforcement records, but rather those specifically enumerated in the exception.

When a requested record fits under the law enforcement records exception, a proper denial letter must be sent describing the records sought, the reason for the denial, the names and titles or positions of each person responsible for the denial, and must be delivered or mailed to the person requesting the records within fifteen days. § 14-2-11(B). *See also* N.M. Att’y Gen. Inspection of Public Records Compliance Guide at 39-40 (8th ed. 2015) (available on our website, [www.nmag.gov](http://www.nmag.gov)). When a request is made, available and non-exempt documents must be provided, even if other documents within the same file fall under the exception. For example, if an accused person is eventually arrested, certain records would no longer fall under the exception because it would no longer involve “individuals accused but not charged with a crime.” If a request were made at that point, the records would have to be disclosed if no other confidentiality law applied.

3. **The NMLB is not required to provide redactions where an entire document is excepted from the IPRA, but should provide redacted records where a record contains both exempt and nonexempt information.**

Ms. Henry has expressed concern about the NMLB refusing to provide copies of documents that are within an IPRA exception, even in redacted form. If the documents are exempt from disclosure, they do not need to be provided for inspection. However, if there are documents that contain both exempt and nonexempt information, the nonexempt information must be made available for inspection. § 14-2-9(A).

The NMLB Response states “we removed any attorney client privilege or anything to do with someone’s personnel file, which is allowed under 14-2-1 (A) (3) (6) and (8), NMSA 1978.” For several reasons, the stated grounds, without more, are not sufficient to deny access to requested public records. First, there is no blanket confidentiality of a personnel file (the IPRA specifically excepts protected personal identifier information, medical records, and “letters or memorandums which are matters of opinion in personnel files” § 14-2-1(A)(3)), and thus there may be documents within a personnel file that should be allowed for inspection. Second, Section 14-2-1(A)(6) applies specifically to public hospitals, and may not be used by public bodies other than public hospitals to deny inspection of public records. *See Inspection of Public Records Act Compliance Guide* at 13. Finally, if relying on the “as otherwise provided by law” exception under Section 14-2-1(A)(8), the NMLB must provide the specific provision of law relied upon to deny inspection. “As otherwise provided by law” is insufficient to meet the IPRA requirement of explaining the reason for the denial. *See Inspection of Public Records Act Compliance Guide* at 39-40.

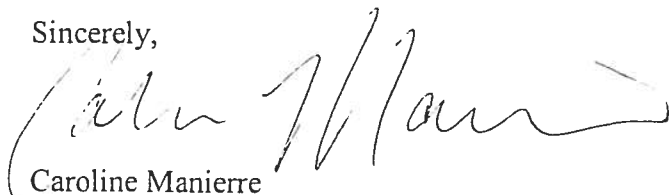
In summary, unless an exception covers the entirety of a document, it should be sent in a redacted format to a person requesting records. This means that if any of the files or documents requested do not fall under an IPRA exception, Ms. Henry should be permitted to inspect them. Please review those documents and should any contain exempt and nonexempt information, redact the exempt information and provide the redacted records to Ms. Henry.

### CONCLUSION

The NMLB should bear in mind that the IPRA provides consequences for failure to comply with the requirements of IPRA. This includes district court jurisdiction wherein a court, upon determining a public body has illegally denied access to requested records, "may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of the Inspection of Public Records Act." § 14-2-12(B). Additionally, an individual requester whose written request has been denied may be entitled to monetary damages, costs, and attorneys' fees. Although you point to *Faber v. King*, 2015-NMSC-015, 348 P.3d 173, that case does not permit the NMLB to violate state law by responding improperly to IPRA requests. As the Court explains in *Faber*, "[t]he damage provisions contained in IPRA are designed to promote compliance and accountability from New Mexico's public servants." *Id.* ¶ 28. To avoid potential enforcement actions and ensure compliance, the NMLB must provide three-day letters, timely responses and proper denial letters, and allow inspection of non-exempt material in a timely manner.

Our enforcement responsibilities under the IPRA include educating public bodies about their obligations under, and how they can comply with, the IPRA. This determination serves to address all complaints filed by Ms. Henry through the date of this letter. Please review the requests for which Ms. Henry has filed complaints and ensure that any outstanding IPRA complaints are responded to correctly and permit inspection of any documents improperly withheld by the NMLB. We will maintain Ms. Henry's complaints in our files in the event future complaints suggest a pattern and practice of violations. If you have any questions, please do not hesitate to contact me.

Sincerely,



Caroline Manierre  
Assistant Attorney General

✓ cc: Ms. Nancy Henry

INSPECTION OF PUBLIC RECORDS ACT ("IPRA"), COMPLAINT FORM

New Mexico Office of the Attorney General

Open Government Division

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry  
Address: PO Box 56644  
City: ABQ State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
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): \_\_\_\_\_

Format of IPRA Request:  <sup>emails</sup> Written  Oral

Date IPRA Request was Submitted to the Public Body: 10/29/15

Date of all Responses Received from the Public Body: 10/30, 11/13

**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 REQUEST TO INSPECT PUBLIC RECORD

\_\_\_ 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.

*See attached PDF's*

INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Nancy Last Name: Henry

Address: PO Box 56644

City: ABQ State: NM Zip Code: 87187

Phone Number: 505-250-9457

Email: NLHENRY@Mindspring.com

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): NM Livestock Board, ABQ NM

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: 10/29/15

Date of all Responses Received from the Public Body: 10/30

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. (as they became available) as requested
- 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.

*See attached...*

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

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry  
Address: PO Box 56644 ABQ NM  
City: ABQ State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
Email: NLHENRY@MINDSPRING.COM

**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): NM Livestock Board, ABQ NM

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: 10/25/15

Date of all Responses Received from the Public Body: 10/26, 11/2

**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.

maybe  <sup>?</sup> 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

20

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.

*See attached*

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

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry  
Address: PO Box 56644  
City: ABQ State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
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): NM Liverstock Board, ABQ, NM  
Format of IPRA Request:  <sup>email</sup> Written  Oral  
Date IPRA Request was Submitted to the Public Body: 9/7/15  
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. were late.
- The agency provided some but not all of the records responsive to the request.
- Records were provided, but they were not <sup>all</sup> 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.

\* NOTE: This complaint is in no way connected to any PRIOR complaint.

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

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry  
Address: Po Box 56644  
City: Alb. State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
Email: NLHENRY@MINDSPRING.COM

**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): NM Livestock Board, ABQ. NM

Format of IPRA Request:  email Written  Oral

Date IPRA Request was Submitted to the Public Body: 9/04/15

Date of all Responses Received from the Public Body: 9/9/15

**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. \*needed these records for a meeting on 9/19.
- 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.

INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM

New Mexico Office of the Attorney General  
Open Government Division

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry

Address: Po Box 56644

City: ABQ State: NM Zip Code: 87187

Phone Number: 505-250-9457

Email: NLHENRY@Mindspring.com

**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): NM Livestock Board, ABQ, NM

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: 7/14/15

Date of all Responses Received from the Public Body: 7/16/15

**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.

\* BT Date  
Due of  
given 2/26/15  
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.

See attached emails.

INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Nancy Last Name: Henry

Address: Po Box 56644

City: Albuquerque State: NM Zip Code: 87187

Phone Number: 505-250-9457

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): NM Livestock Board, Alb. NM

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: 6/3 (Re: Barbara Goodwin)  
7/5 (Re: Red Heister) \*

Date of all Responses Received from the Public Body: Re: Barbara Goodwin - do not have with me, just after & then claimed "ongoing investigation" however it is not.  
Re: Red Heister - 7/9, & 7/20

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.
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## DENIED REQUESTS TO INSPECT PUBLIC RECORDS

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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. *(they provide untruthful excuses.)*

## 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)

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## 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.

See attached emails. Each has a description just before it.



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

**YOUR CONTACT INFORMATION:**

First Name: Nancy Last Name: Henry  
Address: PO Box 56644  
City: Alb. State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
Email: NLHENRY@Mindspring.com

**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): NM Livestock Board, Alb. NM.

Format of IPRA Request:  <sup>email</sup> Written  Oral

Date IPRA Request was Submitted to the Public Body: Various dates, see attached emails.

Date of all Responses Received from the Public Body: 4/29, 5/29, 6/16, 6/15, 6/12, 6/22, 7/2, 7/3  
Many of these dates have 1, 2, or 3 different requests over due.

**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.
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- 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.

This is in addition to a complaint already on file being worked on by Attorney Caroline Manierre. Late Responses have become a pattern. →

I have included various emails regarding requests and Part One on the 15 day turnaround and promised dates.

Some Records also unjustly denied claiming "ongoing investigation" and there is none!

Emails withheld claiming they do not have them.

Some late Responses put off until later dates, what they do have such as emailed bids could be promptly given however withheld.

**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.

Some Responses to promised dates state no new date just "we will get it to you when we have it."

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

**YOUR CONTACT INFORMATION:**

First Name: Atancy Last Name: Henry  
Address: PO Box 56644  
City: Albuquerque State: NM Zip Code: 87187  
Phone Number: 505-250-9457  
Email: NLHENRY@Mindspring.com

**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): NM Livestock Board, ABQ, NM

Format of IPRA Request:  <sup>Email</sup> Written  Oral

Date IPRA Request was Submitted to the Public Body: 5/1/15 - 6/3/15

Date of all Responses Received from the Public Body: May? (may 3rd)  
May 22, June 2 (see email attached)

**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. \* Letter from their lawyer, NOT what I

The public body does not have custody or responsibility for the records, and the Requestal, 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.

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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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*Please see attached.*

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