



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

December 4, 2015

Dennis Romero
518 Old Santa Fe Trail
Box 204
Santa Fe, NM 87505

Re: Your Inspection of Public Records Complaint

Dear Mr. Romero:

The Office of the New Mexico Attorney General, Open Government Division ("OGD") is in receipt of your October 19, 2015 complaint, alleging that the New Mexico Office of the State Engineer ("OSE") violated the Inspection of Public Records Act ("IPRA") NMSA 1978, Sections 14-2-1 to -12 (2011).

The OGD received a letter from OSE regarding your October 19, 2015 complaint. We have enclosed it for your review. We believe this letter adequately addresses your allegations. 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

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

YOUR CONTACT INFORMATION:

First Name: Dennis Last Name: Romero
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): Office of State Engineer / Interstate Stream Commission
Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 7-13-15

Date of all Responses Received from the Public Body: 7-16-15; 7-28-15; 7-31-15

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.

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.

Pls see attached two sheets to this complaint

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.

Pls see attached two sheets to
Complaint form.

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.

I requested the following items: (1) Any and all written records (letters, email, etc.) generated by the Interstate Stream Commission wherein Mr. Craig Roepke may have falsified his credentials to indicate that he was (i) a licensed professional engineer, and/or (ii) previously worked in the Sandia National Lab's Environmental Remediation Program as head of the Hydrology and Geochemistry Testing Laboratory ; & (2) Incoming written communication sent to Mr. Craig Roepke by external individuals and/or entities that indicated the Mr. Roepke was a licensed professional engineer, after Mr. Roepke may have verbally told these individuals/entities that he was a licensed engineer; and (3) A copy of Mr. Roepke's original employment application to the Interstate Stream Commission. (Exhibit A) I received a copy of two of Mr. Roepke's resumes, but no employment application. I also received a letter telling me that there were no records responsive to my request regarding Mr. Roepke having falsified his credentials (Exhibits B and C, respectively). Prior to sending my request, I noted that the OSE/ISC website had three documents posted that showed Mr. Roepke had falsified his credentials (Exhibits D, E and F). Some two to three days after I sent my request, I noted that these three documents had been removed from the OSE/ISC website; however, I had printed out hardcopies in April 2014, in support of an affidavit (Exhibit G) I wrote in Case No. D-101-CV-2012-02054, and am enclosing them as Exhibits D, E and F to this complaint. I'm concerned because (1) it appears that Mr. Roepke may have falsified his credentials to show that he was (i) a licensed engineer, when he is not; (ii) he claims to have been the head of a hydrology lab for a National Laboratory, when he was listed by the National Lab as a graduate student (Exhibit H); and (2) the OSE/ISC may have removed documents from their website, so as not to have to respond to an IPRA request for these documents. PLEASE SEE NOTE BELOW.

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.

NOTE: I am further concerned that Mr. Roepke may have intentionally falsified his credentials, as the nature of the work he is now involved with is rather sensitive and requires a great deal of transparency and integrity. Mr. Roepke has conducted a series of hydrologic analyses in support of a diversion project on the Gila River, as part of the Arizona Water Settlement Act. There is currently a pending case in NM District I, regarding allegations that Mr. Roepke and the OSE/ISC may have violated the NM Open Meetings and Inspection of Public Records Acts. If the allegations are true, coupled with this instance, there may be a troubling pattern here. Also, please note that when I worked at the Interstate Stream Commission, Mr. Roepke would routinely sign his name on documents as "Craig Roepke, P.E.", so I am certain that there are other documents at that agency that should exist that would have been responsive to my IPRA request. However, that being said, former OSE/ISC Human Resources Bureau Chief, Lynnette Paulman-Rodriguez, has stated, under