



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

November 16, 2015

Bernadet R. Martinez, Records Custodian
Office of the State Auditor
2540 Camino Edward Ortiz, Ste. A
Santa Fe, NM 87507

RE: Inspection of Public Records Complaint by Pat Garrett

Dear Ms. Martinez,

I have reviewed all the information the Office of the State Auditor (OSA) provided, particularly the account of the steps leading up to the delay in timely responding to Mr. Garrett's May 4, 2015 public records request under the Inspection of Public Records Act ("IPRA" or "Act") and the subsequent procedures taken by the OSA to prevent similar delays in the future as stated in the OSA letter dated June 24, 2015.

It appears that the delay in responding to the inspection request occurred as the new custodian of public records took office; it also appears that the OSA has now provided Mr. Garrett with all the documents responsive to his request. (July 29, 2015 OSA letter). We do note however, that OSA did not adhere to the letter of the law in advising Mr. Garrett's of the need to forward his request for phone records to DoIt. (June 3, 2015 OSA letter). Please see Section 14-2-8(E) of the IPRA that requires a custodian receiving an inspection request for public records not in her possession or responsibility to "promptly forward the request to the custodian of public records, if known, and notify the requester." Section 14-2-8(E). If you had already done so, which is not clear from any of the letters from OSA, please ignore this directive.

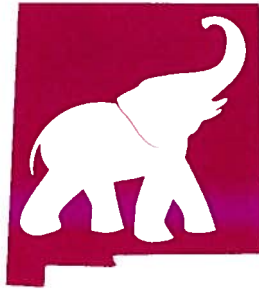
Given that the inspection request has finally been complied with, no further action is required by the Office of the Attorney General. We thank you for complying with the IPRA, and trust that by following the procedures set out in the Act as mentioned above, combined with the measures you have implemented for timely responding to inspection requests, the OSA will be compliant with IPRA in the future.

Thank you,

A blue ink signature of Mona Valicenti.

Mona Valicenti
Assistant Attorney General

cc: Mr. Pat Garrett



RPNM
Republican Party of New Mexico

May 20th, 2015

Hector Balderas
Office Of The Attorney General
[408 Galisteo St.](#)
[Villagra Building](#)
Santa Fe, NM 87501

Please Assign to
MONA V.
RW
5/21/2015

This letter serves as a formal complaint against State Auditor Tim Keller for violating the New Mexico's Inspection of Public Records Act (IPRA). I am hereby requesting your assistance in requiring the State Auditor Tim Keller to comply with IPRA.

On May 4th, a member of our staff made a routine IPRA request to the Office of the State Auditor (OSA) requesting emails, expense payments, and phone records. This request covered only 4 months and was properly sent to the records custodian indicated on the OSA website.

Unfortunately and despite holding numerous press events proclaiming his support of transparency, Tim Keller's office has ignored our IPRA request in clear violation of state law. While this is consistent with Keller's past record of shielding his legislative records from the public, it runs contrary to state law.

As state law and your own office makes clear in its IPRA guide, all IPRA requests must be responded to within 3 business days explaining when the request will be available for inspection, if the documents are not immediately available. Keller's office failed to meet this deadline. The law further requires that the records custodian permit inspection of these records within 15 calendar days. This deadline has also been ignored. Below is the information from your website:

"The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the records custodian receives the inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the records custodian received the request for inspection."

We respectfully ask that you put immediate attention to this matter.

Regards,

A handwritten signature in blue ink, consisting of a stylized initial 'D' followed by a long horizontal stroke.

Deborah Maestas
Chairman
Republican Party of New Mexico

PO Box 94083 | Albuquerque, New Mexico 87199
O: 505.298.3662 | contact@www.gopnm.org | www.gopnm.org