

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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SONYA CARRASCO-TRUJILLO
Chief of Staff for Policy and Public Affairs

September 28, 2016

Joseph Peters
625 Silver Ave SW Suite 320
Albuquerque, NM 87102
Email: joey@nmpoliticalreport.com

Re: Inspection of Public Records Act Complaint – NMPED

Dear Mr. Peters:

This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the New Mexico Public Education Department ("NMPED") violated of the Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2013) on an April 13, 2016 Records Request.

Pursuant to your conversation with our office, all records subject to the complaint have been produced to you by the NMPED. 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

cc: NMPED, General Counsel

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

New Mexico Office of the Attorney General
Open Government Division

YOUR CONTACT INFORMATION:

First Name: Joseph Last Name: Peters
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Phone Number: [REDACTED]
Email: [REDACTED]

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): New Mexico Public Education Department, Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: April 13, 2016

Date of all Responses Received from the Public Body: April 19, 2016; May 10, 2016.

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.

On April 13, I requested travel information for PED employees Phillip Gaudeman and Katie Paulos. The response I received on May 10 from PED came 22 days after

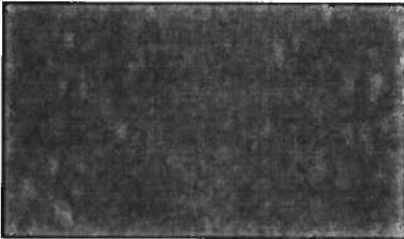
PEV acknowledged my request. PEV never alerted or explained to me that they were taking longer than the required 15 days under IPRA. In fact, it took them four business days to acknowledge my IPRA request in the first place. On May 7, I e-mailed PEV Records Custodian Beverly Friedman of the deadline violation. She emailed me a response to my request on May 10 that redacted the addresses of both subjects of my IPRA request. Under NMSA 14-2-6(E), addresses are not Protected Personal Identifier Information. I asked Ms. Friedman to provide a reason for the redactions in a May 19 email, a June 8 email and a phone call conversation some time between those two dates. To date, I have not received a response. I believe the above explained conduct from PEV constitutes several IPRA violations and humbly ask for a review and investigation from the Office of the Attorney General.

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.

Laverne Roller

From: Joey Peters
Sent: Tuesday, June 14, 2016 2:39 PM
To: lroller@nmag.gov
Subject: IPRA complaint 6/14/2016
Attachments: Apr. 13 IPRA request to PED.pdf; NMPED April 19 letter of receipt.pdf; May 7 email to PED.pdf; NMPED Final Letter for IPRA #16-097.pdf; NMPED May 10 response to question.pdf; May 19 email question.pdf; June 8 email to PED.pdf; 16-097 Peters Document 1--Poulos.pdf; 16-097 Peters Document 2--Gloudeman.pdf

Joey Peters



This is a complaint against New Mexico Public Education Department concerning a written IPRA request I filed with the agency on April 13, 2016. I received responses from the public body on April 19, 2016 and May 10, 2016.

RECORDS:

The agency provided some but not all of the records responsive to the request.

DEADLINES:

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.

DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS:

On April 13, I requested travel information for PED employees Phillip Gloudeman and Katie Poulos. The response I received on May 10 from PED came 22 days after PED acknowledged my request. PED never alerted or explained to me that they were going to extend the deadline longer than the required 15 calendar days under IPRA. On May 7, I e-mailed PED Records Custodian Beverly Friedman of the deadline violation. She e-mailed me a response to my IPRA request on May 10 that redacted the addresses of both subjects of my IPRA request. Under NMSA 14-2-6(E) addresses are not Protected Personal Identifier Information. Given this, I asked Ms. Friedman to provide a reason for the redactions in a May 19 e-mail message, a June 8 e-mail message and a phone call conversation with her that occurred sometime between those two dates. To date, I have not received a response or explanation.

I believe the above listed conduct from PED constitutes several IPRA violations and humbly ask for a review and investigation from the Office of the Attorney General.