



Attorney General of New Mexico

HECTOR H. BALDERAS
Attorney General

March 21, 2016

VIA U.S. POSTAGE MAIL

Sonya Vigil
1820 Atrisco Dr. SW
Albuquerque, NM 87105

RE: Inspection of Public Records Act Complaint

Dear Ms. Vigil:


This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the South Valley Academy ("SVA") violated the Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2013) in connection with your May 29, 2013, IPRA request. With respect to your complaint, you allege that SVA provided some but not all of the records responsive to your request and that SVA did not have proper notice of the right of persons to inspect public records.

We have received SVA's response, wherein Custodian of Records/Business Manager Heidi Gomez adequately responded to all of your allegations and attached copies of correspondence SVA has had with you. I have enclosed SVA's response and supporting documentation to this letter.

I have reviewed your complaint, as well as, SVA's response and supporting documentation, and conclude that SVA has ultimately complied with the IPRA in responding to your IPRA request by providing all responsive records to you. Further, SVA has proper notice of the rights of persons to inspect public records in its administration building and are in the process of posting the notice on their website. As such, we consider this matter closed.

Thank you for affording our office this opportunity to be of assistance.

Sincerely,


Dylan K. Lange
Assistant Attorney General

Enclosure

cc: Heidi Gomez

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

YOUR CONTACT INFORMATION:

First Name: Sonya Last Name: Vigil
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): Kata Sandoval - South Valley Academy Principal

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: May 29, 2013

Date of all Responses Received from the Public Body: 5/30/13, 5/31/13, 6/25/13

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 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 next page

Kata Sandoval did not provide information regarding the employment of her co-founder prior to 2004. While I was employed by South Valley Academy for 3 years (2000-2003) Alan Marks refused to submit for a background check and she would not support my or the Business Manager's during conversations with Alan to complete the task immediately.

My position was threatened verbally by Alan and Kata if I tried to take this issue to the Governing Council.

Please note that Kata did not provide any contract information prior to 2004. She and Alan Marks opened the school together on 1999-2000.

Alan left Rio Grande High School in the late 1980's or early 1990's due to a student witnessing Alan kissing a student in his classroom and reporting it. He was under investigation when he resigned. At the time, an investigation was not completed if the resignation occurred.

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.