



Attorney General Of New Mexico

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

February 25, 2016

Michael J. Seibel
P.O. Box 14066
Albuquerque, NM 87191-4066

RE: Inspection of Public Records Act Complaint against The University of New Mexico

Dear Mr. Seibel:

This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the University of New Mexico ("UNM") 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 IPRA Request No. 7806.

With respect to your complaint, you allege that UNM failed to provide you with the records you requested or otherwise did not provide documents responsive to your request. We have received UNM's response, wherein Deputy University Counsel Kimberly Bell answered all of your allegations and attached copies of correspondence UNM has had with you. I have enclosed UNM's response to this letter.

I have reviewed your complaint as well as UNM's response and supporting documentation, and conclude that UNM has ultimately complied with the IPRA in responding to your IPRA Request No. 7806. As such, we consider this matter closed.

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

Sincerely,

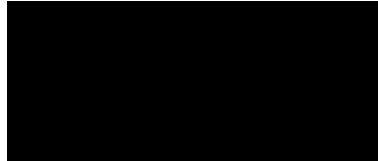
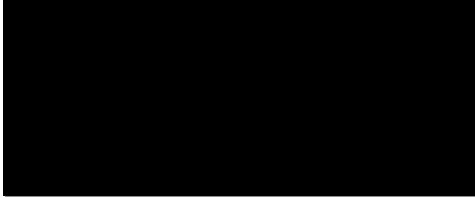
A handwritten signature in black ink, appearing to read "Dylan K. Lange".

Dylan K. Lange
Assistant Attorney General

cc: Kimberly Bell, Esq., Deputy University Counsel

FACSIMILE TRANSMITTAL

Michael J. Seibel & Associates



CONFIDENTIALITY NOTE

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DATE: January 22, 2016

TO: Hector Balderas

FAX NUMBER: 505-827-5826

RE: Tort Claim Notice for Claimant Michael J. Seibel

FROM: Sherri Corley/Assistant to Michael J. Seibel

NUMBER OF PAGES (INCLUDING COVER PAGE): 16

MESSAGE: Please see attached Tort Claim Notice Letter for above referenced matter. Please feel free to call if you have any questions. Thank you.

MICHAEL J. SEIBEL & ASSOCIATES
Attorneys at Law

January 22, 2016

New Mexico Board of Regents
MSC05 3200
1 University of New Mexico
Albuquerque, NM 87103
Fax (505)277-5965

Via fax and Certified Mail

Risk Management Division
State of New Mexico
P.O. Drawer 26110
Santa Fe, New Mexico 87502-0110

Via fax and Certified Mail

Governor Suzanna Martinez
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Via fax and Certified Mail

Robert Doughty
20 1st Plaza Center NW # 412
Albuquerque, NM 87102
505-242-8707

Via fax and Certified Mail

Hector Balderas
408 Gallisteo Street
Villagra Building
Santa Fe, NM 87501
Fax (505)827-5826

Via fax and Certified Mail

Re: Tort Claim Notice Letter

Claimant: Michael J. Seibel
Dates: November 15, 2015 to present
Location: UNM

To Whom It May Concern,

Pursuant to sections 41-4-16 *NMSA* (2015) Notice of Claims of the New Mexico Tort Claims Act Sections 41-4-1 to 41-4-27 *NMSA* (2015) Please accept this letter as notice of the possibility of

litigation being pursued against the University of New Mexico its Regents, Paul Roth, Richard Larson and Robin Ohls as well as other agents and employees of the University of New Mexico. The circumstances of the incident are as follows:

On or about October 30, 2015 I personally sent an Inspection of Public Records Act Request pursuant to *14-2-1 NMSA et seq NMR A* (2015) (See Attached Public Records Request)

In that Request, I specifically asked for any and all documents evidencing the following items:

1. Any and all methods for the gathering and storage of fetal tissue pursuant to a study entitled **Patterns of gene expression in the ductus arteriosus are related to environmental and genetic risk factors for persistent ductus patency.** (see request 13 to IPRA)
2. Any and all documents which evidences employee's instructions which relate to the collection of fetal tissue.
3. Any and all documents which evidence any consent forms signed by women who donated fetal tissue.

The response to the IPRA was received on November 25, 2015. In the response was see answer to the IPRA Request 7806 attached as Exhibit "A"

On January 21, 2016 UNMHSC responded with documents to another Inspection of Public Records Act Request. In that Public Records Act Request were protocols which seem to be directed the exact IPRA request #7827 including the study regarding Gene Therapy which is noted at Footnote 10 of the records attached to IPRA request #7827 attached as Exhibit "B".

In Addition, there seems to be a sample consent form to Southwestern Women's Options. These documents are directly responsive to my request.

At this time I can demand \$100.00 per day until all documents are released. Under my IPRA Request #7806 the response was denied on November 25, 2015 and through today's date, \$5,800.00 is due and owing pursuant to *14-2-11 NMSA*.

If I am incorrect, the documents produced in Exhibit "B" were not created until after November 25, 2015 or the consent form did not exist during the study. Please inform me of the exact date and time the documents and the consent form was created and required, this way I can avoid needless litigation.

Also, of particular concern, I would ask the Regents, Attorney General, Risk Management and the Governor's office to confirm no documents are responsive to Request 7806. It would be extremely rare and lack scientific foundation if University of New Mexico to not retain these documents for a "lifesaving" study. I request Attorney General Balderas investigate this evidence.

If I fail to hear a response on or before February 5, 2016, I will file suit against the Regents, their agents and employees pursuant to 14-2-11 (c), request depositions of Paul Roth, Robin Ohls and Dr. Richard Larson. At that time I will seek \$100.00 per day in damages, court costs and attorney fees.

Should you have any questions please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael I. Seibel". The signature is fluid and cursive, with a large loop at the end.

Michael I. Seibel

