

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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September 21, 2016

R.G. Wakeland
501 Quincy Place SE, SPC C
Albuquerque, NM 87108

RE: Inspection of Public Records Act Complaint - New Mexico State Land Office

Dear Ms. Wakeland:

On or about July 12, 2016, the Office of the Attorney General Open Government Division ("OGD") received your complaint alleging that the New Mexico State Land Office ("NMSLO") violated the Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (2011). The OGD jurisdiction is limited to review of the Open Meetings Act and Inspection of Public Records Act ("IPRA").

Based on correspondence received from the NMSLO on August 15, 2016, and our conversation on September 8, 2016, you have received all but two of the public records that you requested. We confirmed with NMSLO on September 9, 2016, that the NMSLO has diligently searched for those two records and have been unable to locate any responsive documents. Although NMSLO may have initially failed to comply with the IPRA, they have ultimately produced everything in their possession, and are in substantive compliance with the IPRA. *See, Derringer v. State, 2003-NMCA-073, 133 N.M. 721.* Accordingly, 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 "Lori Chavez".

Lori Chavez
Assistant Attorney General

cc: New Mexico State Land Office

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

New Mexico Office of the Attorney General,
Open Government Division

2016 JUL 12 AM 8:30

YOUR CONTACT INFORMATION:

First Name: RG Last Name: Wakeland
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Phone Number: [REDACTED]
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): State Land Office
Format of IPRA Request: Written Oral
Date IPRA Request was Submitted to the Public Body: 7-7-2016
Date of all Responses Received from the Public Body: 7-8-2016 - phone call

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.

I received a phone call from SLO attorney on 7-8-2016. She informed me SLO had several email responding to my request.

She then said she could neither allow me to inspect these email in SLO office, nor send me the email in digital form. She said the only way she could send me these email was to print them and mail them to me and I was required to pay SLO \$26.50/hour for this work. This violates IPRA because

1. I am entitled to digital format of the email
2. SLO cannot charge more than \$1.00 per page for any printed records.

When I told the lawyer I was entitled to digital format, she hung up the phone. Her phone # is 505-827-1576

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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.