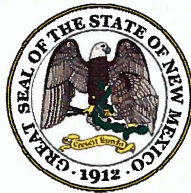


STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 27, 2018

RG Wakeland
501 Quincy Place SE, Apt C
Albuquerque, NM 87108

RE: Inspection of Public Records Act Complaint – City of Albuquerque

Dear Ms. Wakeland:

On or about January 23, 2017, the Office of the Attorney General Open Government Division (“OGD”), received your complaint alleging that the Albuquerque City Planning Department (“ACPD”) violated the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (2011). In your complaint, you state that the ACPD failed to provide you .pdf file copies of permit number T201592912, permit number T201592912, permit number 201692162 and related document numbers 247936, 247937, 247938 and 247914 and permit numbers 201690939 and related document numbers 209253, 209254, 209255, 209256, 209258, 209259, 209260, 209262, 209268 and 209273. The OGD jurisdiction is limited to review of the Open Meetings Act and Inspection of Public Records Act (“IPRA”).

Based on correspondence received by our office from the ACPD on March 22, 2017, you did not include permit number T201592912 in any of your IPRA requests. Similarly, request for permit number 201692162 was not included in your IPRA request. However, the ACPD states you were provided copies of permit number 201592162 on November 16, 2016. Further, the ACPD states you were informed that you would need to inspect permit numbers T201692162 and 201690939 at the Plaza del Sol building in Albuquerque, N.M. The ACPD states that you never made arrangements to review those documents at their office. It appears the ACPD has complied with the obligations to permit inspection of records pursuant to the IPRA, NMSA 1978, Section 14-2-1(A) and provided reasonable opportunity for inspection of documents pursuant to IPRA, NMSA 1978, Section 14-2-7(C). Accordingly, we consider this matter closed.

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

Sincerely,

Handwritten signature of Lori Chavez in black ink.

Lori Chavez
Assistant Attorney General

cc: Albuquerque City Planning Department

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

RECEIVED
JAN 23 2017
NM ATTORNEY
GENERAL'S OFFICE

YOUR CONTACT INFORMATION:

First Name: R G Wakeland 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): Albuquerque city planning department

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 11-23-16 and 1-1-2016

Date of all Responses Received from the Public Body: 1-13-17

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. as requested
- 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.

TO: NM attorney general, IPRA complaints
FROM: R.G. Wakeland
RE: City of Albuquerque IPRA request 16-2646, submitted 1/1/16.

I requested .pdf files 11/23/16 as follows from the Albuquerque city government permit office, as instructed by Yvette Serna and Linda Evans. However, the staff were unable to provide them to me.

Permit number T201592912

Permit number 201692162, document numbers 247936, 247937, 247938, 247914

Permit number 201690939, document numbers 209253, 209254, 209255, 209268, 209273, 209256, 209258, 209259, 209260, 209262

I saw these documents on the Planning Dept. Computer but the city has not provided them to me.

online

and " 16-2264



RG Wakeland <rgwakeland@gmail.com>

[External Message Added] City of Albuquerque records request 16-3264

1 message

City of Albuquerque Public Records <cityclerk@cabq.gov>
Reply-To: cabq_16-3264-requester-notes@inbound.nextrequest.com
To: rgwakeland@gmail.com

Fri, Jan 13, 2017 at 2:35 PM

-- Write ABOVE THIS LINE to post a reply --

City of Albuquerque Public Records Requests

A message was sent to you regarding record request #16-3264:

Dear RG Wakeland,

The Planning Department has finished researching your request. Unfortunately, we were only able to find one permit #T201690939. The other permit does not show up anywhere in our files and the requested pdf.'s do not either.

I will be closing this request.

Have a nice weekend,

Linda Evans

100

100

100

100

100

100