

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

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April 11, 2019

**VIA ELECTRONIC MAIL ONLY**

Ms. Bella Sanchez  
Box 961216  
Boston, MA 02196  
Email: [sunshinefoia@zoho.com](mailto:sunshinefoia@zoho.com)

**Re: Inspection of Public Records Act Complaint – New Mexico Medical Board**

Dear Ms. Sanchez:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging a violation of the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018) by the New Mexico Medical Board (“the Board”). The OGD is charged with enforcement of the IPRA. See NMSA 1978, § 14-2-12(A). However, after reviewing your complaint, we have determined that you have not identified a violation of IPRA. Your request to the Board was for specific information, as opposed to particular public records. As a result, we cannot further review this matter and consider this complaint closed.

The Office of the Attorney General greatly appreciates and thoroughly analyzes all complaints submitted to us by members of the public. If you have any concerns in the future, please do not hesitate to contact us. You may also visit our website at [www.nmag.gov](http://www.nmag.gov) to learn more about the Inspection of Public Records Act and New Mexico’s other sunshine laws.

Sincerely,

A handwritten signature in blue ink that reads "John Kreienkamp". The signature is stylized and cursive.

John Kreienkamp  
Assistant Attorney General

CC: Samantha Luckie-Breen, New Mexico Medical Board

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## Electronic Complaint Submission

### Submission Detail

<b>ECS Reference Number</b>	NMOAG-ECS-20181128-44c5
<b>Final Submit Date</b>	11/28/2018 7:59:29 PM

**Disclosure of your complaint:** This complaint is a public record, thus available under provisions of the NM Inspection of Public Records Act.

**Disclosure to other entities:** This complaint, its content, and other information may be disclosed to other law enforcement and regulatory agencies.

**I understand this complaint and any submitted documents are public record and may be shared with other law enforcement and regulatory agencies.**

**DECLARATION:** By submitting this form, I attest that the information in this complaint is true and accurate to the best of my knowledge. I further understand that by submitting this form I may be called to testify as a witness in this matter.

**I understand declaration statement.**

*The New Mexico Office of the Attorney General cannot give legal advice regarding this complaint and will not act as your personal attorney. If you have questions regarding your rights please contact a private attorney.*

*Submission of this complaint is not confirmation that an investigation will be initiated.*

## Complaint Detail

**Complaint Type** Inspection of Public Records (IPRA) Complaint

**Retained Attorney**

## Parties

### Complainant

[bella sanchez](#)

Person

#### Address

[REDACTED]

#### Contact information

[REDACTED]

### Complaint against

[new mexico medical board - samantha breen](#)

Public Body (Government Entity)

#### Address

2055 s. pacheco, building 400  
santa fe, New Mexico 87505

#### Contact information

[Samantha.Breen@state.nm.us](mailto:Samantha.Breen@state.nm.us)

## Complaint Specifics

<b>Format of IPRA request:</b>	Written
<b>Date IPRA request was submitted to the public body:</b>	11/27/18
<b>Date of all responses received from the public body:</b>	11/28/18
<b>Records</b>	No records were provided.

## Transaction

## Documents



complaint records response.pdf

response

**Comments**



IPRA Request Dr. Sella.pdf

ipra

**Comments**



nm board response re number of complaints.pdf

response continued

**Comments**



sella nm discipline.pdf

sella discipline

**Comments**

I am still looking to receive the NUMBER of complaints and any file number assigned to EACH complaint. Also the total number of complaints and when opened and closed for each complaint. The complaint itself I understand is confidential and that is fine but there is no need for a complaint FILE NUMBER to be confidential and the total number of complaints. Seems illegal to me. Thank you very much.

\*\*\* END OF COMPLAINT \*\*\*

**1 505-476-7237**

**11.27.18**

**New Mexico Medical Board  
2055 S. Pacheco St.  
Building 400  
Santa Fe, NM 87505**

**Dear NM Med Bd.,**

**My friends and I are trying to obtain this information but the IPRA person is not answering the**

**IPRA regarding the subject.**

**I will try again though.**

**Per the IPRA would you kindly send the NUMBER of complaints for all years against the**

**physician named Shelley Sella.**

**I am not asking for the complaints but only the NUMBER of complaints. An example answer**

**would be there were 10 complaints.**

**Also if you assign the Complaints any complaint number or not it would be good to know that too.**

**I do not want the complaints themselves.**

**Thank you very much.**

**Bella Sanchez  
sunshinefoia@zoho.com**

## **Breen, Samantha, BME**

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**From:** Breen, Samantha, BME  
**Sent:** Friday, September 14, 2018 11:13 AM  
**To:** 'infami@excite.com'  
**Subject:** Curtis Boyd, MD; Shelly Sella, MD; Brenda Pereda, MD; Shannon Carr, MD

Good morning,

Pursuant to Board Regulation 16.10.6.9 complaint records are confidential, you can view the rule on our website, below is the link.

[http://www.nmmb.state.nm.us/docs/rules/NMAC16.10.06\\_ComplaintProcedure.pdf](http://www.nmmb.state.nm.us/docs/rules/NMAC16.10.06_ComplaintProcedure.pdf)

Thank you,

Samantha Luckie-Breen  
Administrative Assistant  
New Mexico Medical Board  
2055 South Pacheco Street  
Building 400  
Santa Fe, New Mexico 87505

**Shelly Sella, MD**

Breen, Samantha, BME

Wed, 28 Nov 2018 1:20:32 PM -0800

"sunshinefoia@zoho.com" &lt;sunshinefoia@zoho.com&gt;

 **TLS** [Learn more](#)

Good afternoon,

I am in receipt of your request regarding the above physician, unfortunately the New Mexico Medical Board cannot release the information you're requesting in the attached IPRA per the Board Regulation below, this includes the number of complaints and complaint numbers assigned to the physician. However, I have attached the public disciplinary actions the Board has taken against the physician listed above.

Pursuant to Board Regulation 16.10.6.9 complaint records are confidential, you can view the rule on our website, below is the link.

[http://www.nmmb.state.nm.us/docs/rules/NMAC16.10.06\\_ComplaintProcedure.pdf](http://www.nmmb.state.nm.us/docs/rules/NMAC16.10.06_ComplaintProcedure.pdf)

Additionally, attached is the email response from 9/14/2018 regarding the first request of complaint history.

Please contact me directly if you have any questions.

Thank you,

Samantha Luckie-Breen  
Administrative Assistant  
New Mexico Medical Board  
2055 South Pacheco Street  
Building 400  
Santa Fe, New Mexico 87505

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**3 Attachments**

sella, shelley.PDF

IPRA Request Dr. Sella.pdf

9.14.2018 Response.pdf