

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 15, 2018

Holly Simpson
1339 Pacheco Court Apt. 4
Santa Fe, New Mexico 87505

RE: Inspection of Public Records Act Complaint - Office of the Governor

Dear Ms. Simpson:

On or about October 17, 2017, we received your complaint against the Office of the Governor alleging violations of the Inspection of Public Records Act ("IPRA"), NMSA 1978, 14-2-1 through 14-2-12. The complaint alleges that the Office of the Governor failed to produce records in response to your IPRA request.

Marcus Blais, Assistant General Counsel for the Office of the Governor, responded to your request on September 28, 2017, stating in part, that "[t]he Office of the Governor has no responsive documents." On November 14, 2017, Mr. Blais responded to our office confirming that "[t]he Office of the Governor has no responsive documents" to your IPRA request. On November 14, 2017, Mr. Blais' responded to our office's inquiry letter regarding your complaint and he stated again that "the Office of the Governor has no responsive documents." Please see Mr. Blais' response attached.

Based upon the information provided to this office, it appears that the Office of the Governor has complied with its obligations under the IPRA. 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

Attachment

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

YOUR CONTACT INFORMATION:

First Name: Holly Last Name: Simpson

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): _____

Format of IPRA Request: _____ Written _____ Oral

Date IPRA Request was Submitted to the Public Body: _____

Date of all Responses Received from the Public Body: _____

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 requested information from the Governor's office for all dates & times they have met with the state employee's CWA local chapter 7076 as well as all other communications. The Office of the Governor stated "(they) has no responsive documents" and declined to explain what that means.

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.

Subject: RE: IPRA 17-055

From: Jacobs, Daniel M., DOH (daniel.jacobs@state.nm.us)

To: holly1621@yahoo.com; Marcus.Blais@state.nm.us;

Cc: ann.pacheco@state.nm.us;

Date: Monday, October 2, 2017 9:56 AM

Hello, Please delete me and Ms. Pacheco from the email stream. With all due respect Mr. Blais; Ms. Simpson, Under the IPRA once a response has been provided regarding the records sought that is pretty much the end of the request. Also, just to try and assist, it is possible that the records that you are seeking may have met their record retention.

Thanks

Daniel

Daniel M. Jacobs

Chief Privacy Officer

Chief Records Custodian

New Mexico Department of Health

Daniel.Jacobs@state.nm.us

505-827-2983

From: Holly [mailto:holly1621@yahoo.com]

Sent: Thursday, September 28, 2017 9:21 AM

To: Blais, Marcus, GOV <Marcus.Blais@state.nm.us>

Cc: Jacobs, Daniel M., DOH <daniel.jacobs@state.nm.us>; Pacheco, Ann, DOH <ann.pacheco@state.nm.us>

Subject: Re: IPRA 17-055

Does this mean you haven't met with them at all since 2011?

Holly

Sent from Yahoo Mail on Android

On Thu, Sep 28, 2017 at 8:51 AM, Blais, Marcus, GOV

<Marcus.Blais@state.nm.us> wrote:

September 28, 2017

Sent via e-mail

Re: IPRA Request 17-055

Ms. Simpson,

The Office of the Governor received your IPRA request on Tuesday, September 26, 2017, which read, in relevant part:

"...please send me electronically all the dates/times you have physically meet [sic] with the local CWA 7076 state employees union representatives from January 1, 2011-present and why you meet with them on that day? If possible, can you also please provide dates and times of other communications (email, phone calls, letters) with CWA from January 1, 2011 - present and what these communications were in regards to? If there were letters and emails regarding contract negotiations, can you please email me them as well?"

The Office of the Governor has no responsive documents.

Sincerely,

Marcus Blais

Assistant General Counsel to Governor Susana Martinez

State Capitol Building, Suite 400

Santa Fe, NM 87501

Office #: 505-476-2200

Fax #: 505-476-2207

From: Holly [mailto:holly1621@yahoo.com]

Sent: Tuesday, September 26, 2017 11:51 AM

To: Jacobs, Daniel M., DOH; Blais, Marcus, GOV

Subject: IPRA Request - Contract Negotiation meetings with CWA local chapter 7076 for state employees

Good morning. I hope this email finds you well. Can you please send me electronically all the dates/times you have physically meet with the local CWA 7076 state employees union representatives from January 1, 2011-present and why you meet with them on that day? If possible, can you also please provide dates and times of other communications (email, phone calls, letters) with CWA from January 1, 2011 - present and what these communications were in regards to? If there were letters and emails regarding contract negotiations, can you please email me them as well?

Thank you for your time and assistance.

Respectfully,

Holly Simpson, MSPH
1339 Pacheco Court Apt 4
Santa Fe, NM 87505
570-582-8583



Salazar, Patricia <psalazar@nmag.gov>

IPRA 17-055

Blais, Marcus, GOV <Marcus.Blais@state.nm.us>
To: "Salazar, Patricia" <psalazar@nmag.gov>

Tue, Nov 14, 2017 at 4:11 PM

Good afternoon Ms. Salazar,

This e-mail is sent to provide more information regarding IPRA 17-055. On September 26, 2017, I received a request to inspect public records from Ms. Holly Simpson; the request is attachment 1. The request asked for, "all the dates/times you have physically meet [sic] with the local CWA 7076 state employees union representatives from January 1, 2011-present and why you meet [sic] with them...also please provide dates and times of other communications (email, phone calls, letters) with CWA from January 1, 2011 - present and what these communications were in regards to. . .". Simpson, H. (2017). *IPRA Request – Contract Negotiation meetings with CWA local chapter 7076 for state employees*, [email]. I responded within two business days, on September 28, 2017, explaining that, "[t]he Office of the Governor has no responsive documents." Blais, M. (2017). *IPRA-055*, [email]. The response is also attached. There was another question posed by Ms. Simpson (attachment 3), but I did not respond to her since the request had been answered fully and there was nothing more I could add.

I have never, physically or otherwise, met or communicated with the local CWA 7076 state employees union representatives from January 1, 2011, to present. Because my job duties as assistant general counsel and public records custodian do not involve interaction with employee union representatives and because I have been employed by the Office of the Governor for roughly one year, it was very easy for me to recall that I have never met with the state employees union, nor communicated with them in any way.

Specific to the wording of her request, Ms. Simpson is asking for a list of dates and times of physical meetings, a list of dates and times of communications, a list of what the communications were in regards to, etc. There are no such lists maintained by this office that are responsive to the request. In addition, The Inspection of Public Records Act (IPRA) does not require the creation of a list in response to a request. See NMSA 1978, §14-2-8 ("Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record."). Put simply, the Office of the Governor had no responsive documents and I immediately notified the requestor of that fact.

If there are any other questions, or if there are any other ways I can help you with this issue, please feel free to contact me.

Respectfully,

Marcus Blais

Assistant General Counsel

Office of Governor Susana Martinez

State Capitol Building, Suite 400

Santa Fe, NM 87501

Office #: [505-476-2200](tel:505-476-2200)

Fax #: [505-476-2207](tel:505-476-2207)

----- Forwarded message -----

From: Holly <holly1621@yahoo.com>

To: "Jacobs, Daniel M., DOH" <daniel.jacobs@state.nm.us>, "Blais, Marcus, GOV" <Marcus.Blais@state.nm.us>

Cc:

Bcc:

Date: Tue, 26 Sep 2017 17:50:56 +0000

Subject: IPRA Request - Contract Negotiation meetings with CWA local chapter 7076 for state employees

Good morning. I hope this email finds you well. Can you please send me electronically all the dates/times you have physically meet with the local CWA 7076 state employees union representatives from January 1,2011-present and why you meet with them on that day? If possible, can you also please provide dates and times of other communications (email, phone calls, letters) with CWA from January 1, 2011 - present and what these communications were in regards to? If there were letters and emails regarding contract negotiations, can you please email me them as well?

Thank you for your time and assistance.

Respectfully,

Holly Simpson, MSPH
1339 Pacheco Court Apt 4
Santa Fe, NM 87505
[570-582-8583](tel:570-582-8583)

----- Forwarded message -----

From: "Blais, Marcus, GOV" <Marcus.Blais@state.nm.us>

To: "holly1621@yahoo.com" <holly1621@yahoo.com>

Cc: "Jacobs, Daniel M., DOH" <daniel.jacobs@state.nm.us>, "Pacheco, Ann, DOH" <ann.pacheco@state.nm.us>

Bcc:

Date: Thu, 28 Sep 2017 14:51:07 +0000

Subject: IPRA 17-055

September 28, 2017

Sent via e-mail

Re: IPRA Request 17-055

Ms. Simpson,

The Office of the Governor received your IPRA request on Tuesday, September 26, 2017, which read, in relevant part:

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The Office of the Governor has no responsive documents.

Sincerely,

Marcus Blais

Assistant General Counsel to Governor Susana Martinez

State Capitol Building, Suite 400

Santa Fe, NM 87501

Office #: 505-476-2200

Fax #: 505-476-2207

From: Holly [mailto:holly1621@yahoo.com]

Sent: Tuesday, September 26, 2017 11:51 AM

To: Jacobs, Daniel M., DOH; Blais, Marcus, GOV

Subject: IPRA Request - Contract Negotiation meetings with CWA local chapter 7076 for state employees

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Holly Simpson, MSPH

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Santa Fe, NM 87505

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To: "Blais, Marcus, GOV" <Marcus.Blais@state.nm.us>

Cc: "Jacobs, Daniel M., DOH" <daniel.jacobs@state.nm.us>, "Pacheco, Ann, DOH" <ann.pacheco@state.nm.us>

Bcc:

Date: Thu, 28 Sep 2017 15:20:54 +0000

Subject: Re: IPRA 17-055

Does this mean you havent met with them at all since 2011?

Holly

[Sent from Yahoo Mail on Android](#)

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<Marcus.Blais@state.nm.us> wrote:

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Sincerely,

Marcus Blais

Assistant General Counsel to Governor Susana Martinez

State Capitol Building, Suite 400

Santa Fe, NM 87501

Office #: 505-476-2200

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Holly Simpson, MSPH
1339 Pacheco Court Apt 4
Santa Fe, NM 87505
[570-582-8583](tel:570-582-8583)

3 attachments

-  **noname.eml**
6K
-  **noname.eml**
17K
-  **noname.eml**
17K