

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

New Mexico Office of the Attorney General
Open Government Division

YOUR CONTACT INFORMATION:

First Name: ELAINE Last Name: Quinn

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

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) WMOI + Conservation Division

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: Nov. 13th

Date of all Responses Received from the Public Body: No Response

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 asked for information in a letter to Division Chief Mr. Catanach, I never received a response from them. The letter was sent

ON Dec 13th After the Dec 10th meeting
that was mostly inaudible.
I asked for information to be provided
plus questions on the process regarding
the permit process on the Sunderland
Energy Project. I never received a
response. I believe that these questions
should be asked of the OAG because it is
the matter of the permit process and
whether they is structure as authority
to revoke the permit. There has been
no response. Privately staff has stated
they have been instructed not to give me
any information or speak to me.

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.

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

TANIA MAESTAS
Deputy of Civil Affairs

SHARON PINO
Deputy of Criminal Affairs

CARLA MARTINEZ
Chief of Staff for Operations

SONYA CARRASCO-TRUJILLO
Chief of Staff for Policy and Public Affairs

July 20, 2016

Elaine Ciminio
907 Nyasa Road SE
Rio Rancho, NM 87124
Email: eciminio10@gmail.com

RE: Inspection of Public Records Act Complaint – NM Oil & Conservation Division

Dear Ms. Ciminio:

This letter addresses the complaint that you filed with the Office of the Attorney General alleging that the New Mexico Oil & Conservation Division (“NMO&CD”) 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 December 13, 2015 IPRA request.

With respect to your complaint, you allege that NMO&CD did not respond to your requested or otherwise did not provide any documents responsive to your request. We have received NMO&CD’s response, wherein OCD Division Director, David Catanach provided requested documents. I have enclosed NMO&CD’s attachments for you.

I have reviewed your complaint as well as NMO&CD’s supporting documentation, and conclude that NMO&CD has ultimately complied with the IPRA in responding to your IPRA Requests. As such, NMO&CD is in substantive compliance with the IPRA. *See, Derringer v. State*, 2003-NMCA-073, 133 N.M. 721. As such, we consider this matter closed. Thank you for affording our office this opportunity to be of assistance.

Sincerely,

Dylan K. Lange
Assistant Attorney General

Enclosure

cc: David Catanach, OCD Division Director