

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 & Public Affairs

July 27, 2016

Ms. Barbe Awalt
925 Salamanca NW
Los Ranchos, New Mexico 87107

Re: Inspection of Public Records Act Complaints – Public Education Department

Dear Ms. Awalt:

Through various media accounts, this Office recently learned that you filed a Civil Complaint in the Second Judicial District Court against the New Mexico Public Education Department (the “Department”), alleging various violations of the Inspection of Public Records Act, NMSA 1978, Section 14-2-1 to -12 (1993, and as amended) (“IPRA”). We subsequently received a copy of the Civil Complaint, titled Barbe Awalt, Pro Se v. New Mexico Public Education Department (NMPEC). Anthony Burns (NMPED), Case No. CV 2016 04221, from the Department. Upon reviewing the Civil Complaint, we note that it contains allegations that relate to the IPRA complaints received by this Office from you on April 13, May 10, May 18, May 26, June 7, and June 27, 2016.

The policy of the Attorney General’s Office mandates that we abstain from opining on any matter that is the subject of pending litigation. This policy is maintained in deference to the authority and procedures of the judicial system. In accordance with this policy, we will take no further action regarding your IPRA complaints, as you have already asked the Court to determine the merits of those complaints.

Thank you for providing our office with the opportunity to be of assistance to you. We trust that you will understand the inappropriateness of this Office’s further involvement in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sally Malave".

Sally Malave
Assistant Attorney General

Cc: Daniel M. Hill, PED General Counsel

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

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Babe Last Name: Awalt

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: ~~Paul.Pedraza@nm.gov~~

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): NM PED

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 3/28/16

Date of all Responses Received from the Public Body: 4/9/16

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.

_____ *a "three day" letter + disc* _____

RECEIVED APR 13 2016

APR 13 2016 6:23 AM

Barbe Awalt
LPD Press/Rio Grande Books
925 Salamanca NW
Los Ranchos, New Mexico 87107
505/344-9382
paullpd@aol.com
F 505345-5129

April 11, 2016

Dear Attorney General Balderas,

Rudy Anaya says you are a good guy so I will try again with this. In 2013, I filed a complaint but Attorney General King's Office lost everything in the OAG mess.

LPD Press/Rio Grande Books, the largest New Mexico independent book publisher, bid on the Governor's 1st Grade Initiative for \$200,000 of free books to 1st graders from NM PED. This was the third time we bid and we won the bid for Bilingual book in 2015, 2014, for Rudy's How Chile Came to New Mexico. We fulfilled the bid with no problem except in 2015 one box of books was rejected by UPS, because NM PED had no idea where the Charter School was located. That brings another question to light, is New Mexico tax money supposed to be used to provide books for non-public schools?

The Initiative has gone on for five years and for each of those years the bulk or all of the New Mexico tax money has gone to out-of-state book publishers – Arizona, Michigan and Illinois now New York and South Carolina too. In 2013 I asked for PPRA inspection but was only given part of what I asked for. A mysterious committee decides on the books selected? But I have never been able to get their names. I know about the committee because in 2014, I was told about it by a committee member. The only other publisher in New Mexico that has received part of the bid was UNM Press for part of the Initiative in 2012, 2013. This year NO NEW MEXICO BOOK PUBLISHER was selected even though some of the New Mexico books were the low bid.

On March 28, 2016, I asked Bev Friedman in writing, for ALL correspondence for the 2016 Initiative. On March 29, 2016, I made sure NM PED knew in writing, I wanted: the committee names and contacts, the companies that bid, the titles bid and for how much per title, and all schools getting the books. I received part of what I asked for. What is one the disc indicates there is more but it wasn't sent.

NM PED refuses to give all information in violation of the IPRA. I would like to file a complaint. Attached is the disc of what I asked for and what was sent.

Barbe Awalt



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

New Mexico Office of the Attorney General

Open Government Division

2016 MAY 10 AM 8:01

YOUR CONTACT INFORMATION:

RECEIVED MAY 10 2016

First Name: Barbe Duval Last Name: _____

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): UNPED - Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: multiple / resubmitted

Date of all Responses Received from the Public Body: Mar 4, 2016
April 20, 2016 April 22, 2016

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.



**New Mexico
Office of the Attorney General**

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Deputy Attorney General

INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM

Under the Inspection of Public Records Act ("IPRA"), the Office of the Attorney General ("OAG") has the discretion and authority to enforce the IPRA's provisions. NMSA 1978, § 14-2-12. Generally, the OAG investigates and issues determinations regarding whether public agencies have violated the IPRA. All IPRA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, IPRA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA's purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

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

no back yet

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.

see attached

handicapped so it is difficult to pull out a form

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

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Barbe Last Name: Awalt

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): NM PED Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: May 2, 2016
April 21, 2016, April 30, 2016, May 1, 2016

Date of all Responses Received from the Public Body: May 3, 2016, April 22, 2016 3 Day Notices

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.

5/18/16

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

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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.

See Timeline + Attachments

From: paullpd <paullpd@aol.com>

To: bev.friedman <bev.friedman@state.nm.us>

Subject: IPRA Request

Date: Thu, Apr 21, 2016 10:23 pm

I am officially asking for everything associated with the Memorandum/RFP/bid for the Governor's Initiative for 1st Grade Books. I want but not limited to:
the beginning call for bids, who has been involved for 5+ years, their recommendations, suggested and changed wordings, all criteria, people involved in setting in up and drafting the language. I also want each Memorandum/RFP/bid for five years and all evaluation of it for 5 years.
Since it was all written and edited on computer it can be sent to me electronically.

Barbe Awalt
925 Salamanca NW
LosRanchos, NM 87107
505/344-9382B

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

2016 MAY 27 AM 7:42 New Mexico Office of the Attorney General
Open Government Division

Complaint #4
rec'd
5-26-16
LR

YOUR CONTACT INFORMATION:

First Name: Barbo Last Name: Awalt

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: Paul.LPD@asl.com

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): WMPED Santa Fe

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: May 2, 2016

Date of all Responses Received from the Public Body: May 20, 2016

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.



**New Mexico
Office of the Attorney General**

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Deputy Attorney General

INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM

Under the Inspection of Public Records Act ("IPRA"), the Office of the Attorney General ("OAG") has the discretion and authority to enforce the IPRA's provisions. NMSA 1978, § 14-2-12. Generally, the OAG investigates and issues determinations regarding whether public agencies have violated the IPRA. All IPRA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, IPRA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA's purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

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. *Within 3 days*

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)

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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

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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.

see attached

RECEIVED MAY 20 2016

STATE OF NEW MEXICO
ATTORNEY GENERAL

2016 MAY 20 PM 8:52
LR

Barbe Awalt
LPD Press/Rio Grande Books
925 Salamanca NW
Los Ranchos, New Mexico 87107
505/344-9382
paulld@aol.com
F 505345-5129

May 19, 2016

Dear OAG IPRA Complaint,

This has gotten crazy! NMPED refuses to give me information to use in lawsuits. They are flagrantly violating IPRA deadlines. This is the #3 Complaint. There probably are more coming.

I requested a meeting with the OAG to discuss this but no response. I also filed a Tort with Risk Management but no response either. Is this how government works?



Barbe Awalt

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

YOUR CONTACT INFORMATION:

First Name: Barbe Awalt Last Name: _____

Address: because  _____

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): WMPED SF

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: May 16 + 17, 2016

Date of all Responses Received from the Public Body: May 18, 2016

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.



**New Mexico
Office of the Attorney General**

HECTOR H. BALDERAS
Attorney General

ELIZABETH A. GLENN
Deputy Attorney General

INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM

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All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA’s purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

DENIED REQUESTS TO INSPECT PUBLIC RECORDS

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NOTICE

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see attached

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

YOUR CONTACT INFORMATION:

First Name: Barbe Last Name: Awalt
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): NM PED Santa Fe
Format of IPRA Request: Written Oral
Date IPRA Request was Submitted to the Public Body: June 7, 2016
Date of all Responses Received from the Public Body: 3 Day

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.



**New Mexico
Office of the Attorney General**

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Attorney General

ELIZABETH A. GLENN
Deputy Attorney General

INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM

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NOTICE

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DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

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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.

see attached

2016 JUN 27 PM 3:51

Barbe Awalt
LPD Press/Rio Grande Books
925 Salamanca NW
Los Ranchos, New Mexico 87107
505/344-9382
paullpd@aol.com
F 505345-5129

June 24, 2016

Dear Ms. Malavé/OAG,

This is my final IPRA Complaint for documents I have not received in 15 days by PED for my June 7, 2016, request. It is final because I have established a PED arrogance for not complying with IPRA and I am going to file in District Court against PED in spite of the OAG saying that OAG was enforcing IPRA. OAG is not.

I find it very unsatisfactory that the OAG touts that they encourage government agencies to follow IPRA and help taxpayers that they get the information requested. In fact, you have done nothing that I know have. I might not be a newspaper or media outlet but I can use that to my advantage with many media reps waiting to see what happens. They need to be given a show.

I find OAG very ineffective. If you and OAG are unable to comply and enforce IPRA, you need to find someone who will. Right now government agencies are laughing because the OAG is a paper tiger. You told PED to comply with IPRA in February, 2016, and they do nothing and don't care. If IPRA is too much for the OAG then you have to be compelled to follow the law too.



Barbe Awalt