

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 30, 2020

VIA ELECTRONIC MAIL ONLY

Ms. Anna L. Clark
2239 W. Baseline Rd.
Tempe, AZ 85283
Email: anna@thetorresfirm.com

Re: Inspection of Public Records Act Complaint – Pueblo of Laguna Department of Education

Dear Ms. Clark:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019), by the Pueblo of Laguna Department of Education (the “Department”). The OGD is charged with enforcement of IPRA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 14-2-12(A).

The Inspection of Public Records Act is designed to provide the public with access to the greatest possible information “regarding the affairs of government” in the State of New Mexico. NMSA 1978, § 14-2-5. *See also San Juan Agr. Water Users Ass'n v. KNME-TV*, 2011-NMSC-011, ¶ 16 (noting that, “IPRA is intended to ensure that the public servants of New Mexico remain accountable to the people they serve.”). Through IPRA, the public has the right to inspect and copy all “public records” with only limited and specifically enumerated exceptions. Section 14-2-1(A). The statute is specifically applicable only to public bodies, which are defined as “the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education.” Section 14-2-6(F).

In the complaint you submitted to our Office, you alleged that the Department committed a number of violations of IPRA in connection with your records request dated December 11, 2019. However, based on the information available to us, it does not appear that the Department is a “public body”

subject to the requirements of IPRA. Section 14-2-6(F). Although it is geographically located inside the State of New Mexico, the Department's website states that it was created by the Pueblo of Laguna, a sovereign nation and tribe located in New Mexico, overseen by the Laguna Pueblo Tribal Council.¹ As such, the Department is not subject to the requirements of IPRA and we consider this matter closed.

The Office of the Attorney General appreciates you bringing possible violations to this office and will welcome any further complaints you may submit. If you have any concerns in the future, please do not hesitate to contact us. Additionally, the IPRA Guide is available on the website of the Office of the Attorney General at www.nmag.gov.

Sincerely,



John Kreienkamp
Assistant Attorney General

Enclosure

cc: Pancho Guardiola, Pueblo of Laguna Department of Education
p.guardila@lagunaed.net

¹ See *About Us*, Pueblo of Laguna Department of Education, http://www.lagunaed.net/about_us (last visited February 25, 2020) (stating that, "The Pueblo of Laguna, through tribal sovereignty and the establishment of the Laguna Department of Education (LDoE), has been determining its own educational destiny since its inception."). The fact that the Department was created by the Pueblo of Laguna also distinguishes it from a charter school located on tribal land but chartered and created by the State of New Mexico, see generally § 22-8B-5.3, which would almost certainly constitute a "public body" for the purposes of IPRA.