

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

August 17, 2016

Dianne Goodman  
14112 Grand Avenue NE  
Albuquerque NM 87123

Re: Your March 30, 2016 Inspection of Public Records Act complaint against the Regulation and Licensing Department

Dear Ms. Goodman:

We have completed our review of your complaint of March 30, 2016, alleging that the Regulation and Licensing Department ("RLD") violated the Inspection of Public Records Act ("IPRA" or "the Act"), NMSA 1978 §§ 14-2-1 to 14-2-12 (1947, as amended through 2013). This review was separate and independent of our earlier determinations regarding your IPRA complaints against RLD dated January 13, 2016 and October 1, 2015.

Your March 30, 2016 complaint to this office alleges IPRA violations by RLD in response to your requests for (a) the opportunity to view all videos of Construction Industries Commission (CIC) meetings for the years 2014 and 2015 and of the meeting held January 20, 2016; (b) CIC minutes from November and December 2015 meetings; (c) a director's report for November 18, 2015, if not included with the CIC minutes; (d) all written public comment from the January 20, 2016, CIC meeting; and (e) the ability to view Case #188, 15-07-18. In accordance with our procedure for handling IPRA complaints, a copy of your complaint was sent to RLD with a letter of inquiry on April 6, 2016. RLD submitted a detailed response April 18, 2016 through its Deputy General Counsel, Claudia Armijo, which is being provided to you.

RLD's response indicated that it (a) offered a link from its website for accessing the CIC meeting videos; (b) offered a link to the minutes requested; (c) offered a link for the director's report; (d) offered to download information onto an external hard drive provided by you; and (e) estimated the cost to reproduce 219 responsive documents at \$54.75. In addition, RLD offered you the opportunity to review records at its Santa Fe office in person and provided information on how to schedule a visit to review the records. RLD's offer to link you to, download or make copies of the requested documents upon receipt of payment and/or to make documents available for your in-person viewing complied with IPRA requirements and therefore did not violate IPRA.

Dianne Goodman

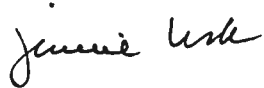
August 17, 2016

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You also indicated that you requested from RLD staff notes made by an attorney addressing CIC. RLD responded that it did not have any responsive documents, as the attorney reported she did not retain her notes. Where an agency reports no responsive records were found after the exercise of due diligence in a search, this office is in no position to refute that claim. The Inspection of Public Records Act does not require a public body to create a public record. § 14-2-8 (B). Accordingly, we do not find that RLD violated IPRA by failing to produce records responsive to your request for the attorney's notes.

Although we do not find a violation of the Act, we thank you for bringing to our attention your concerns about possible violations. Please contact us if you have questions.

Sincerely,



Jennie Lusk  
Assistant Attorney General  
Open Government Division  
Tel: (505) 827-6693

Email: [jlusk@nmag.gov](mailto:jlusk@nmag.gov)

Enc: RLD response dated 4/18/16

cc: Claudia Armijo, Esq.

**Laverne Roller**

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**From:** [REDACTED]  
**Sent:** Wednesday, March 30, 2016 8:13 AM  
**To:** lroller@nmag.gov  
**Cc:** hbalderas@nmag.gov  
**Subject:** AG Complaint for IPRA VIOLATION - RLD IPRA request dated 02/22/16 - View CIC meeting videos and Sally Galanter's notes utilized at CIC meeting on 01/20/16

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

**YOUR CONTACT INFORMATION:**

**First Name:** DIANNE  
**Last Name:** GOODMAN  
**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 Regulation and Licensing, [http://www.rld.state.nm.us/IPRA\\_Requests.aspx](http://www.rld.state.nm.us/IPRA_Requests.aspx)

Format of IPRA Request: Written

Date IPRA Request was Submitted to the Public Body: 02/22/16

Date of all Responses Received from the Public Body: Various. Final response from Claudia Armijo, RLD General Counsel, on 03/29/16. See detailed explanation below.

**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.

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DENIED REQUESTS TO INSPECT PUBLIC RECORDS

Re: CIC videos, no records were provided - see detailed response below

Re: Sally Galanter's notes, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records. - See detailed response below.

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

The public body did not allow inspection - see response below

DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS (Required):

On 2/22/16 public records were requested as follows:

- 1) Viewing of all videos of CIC meetings for 2014, 2015 and 01/20/16. Note the request is to VIEW the videos, not to provide a link to download a video onto my computer in order to view it. Providing a link that allows me to view the videos without requiring me to first download it and other potential unknown spyware onto my computer or putting the links at <http://www.rld.state.nm.us/construction/construction-industries-1.aspx> would comply with my request.
- 5) Notes that Sally Galanter, CIC attorney, was reading from when she was speaking at the CIC meeting about case 15-08-0028, 241; 15-07-18.

**On 3/30/16 the response from Claudia Armijo, RLD attorney, was:**

- 1) Viewing of all videos of CIC meetings for 2014, 2015 and 01/20/16. Note the request is to VIEW the videos, not to provide a link to download a video onto my computer in order to view it. Providing a link that allows me to view the videos without requiring me to first download it and other potential unknown spyware onto my computer or putting the links at <http://www.rld.state.nm.us/construction/construction-industries-1.aspx> would comply with my request.

Response: Please purchase and provide our Department with an unopened "rapid rate external hard drive," so our Information Technology Staff can download the CIC videos onto it for you. Please note that once our Department receives the unopened "rapid rate external hard drive" from you, our Information Technology Staff will then determine the amount of time they will need to download the videos you are requesting.

*My request is to view the videos at RLD as I am unable to view the videos on my computer without violating the security. Also note that even after they are requiring me to provide the "rapid rate external hard drive," they are still noncommittal as to providing the viewing of the responsive documents nor do they address why their website will no longer permit viewing of the videos, without downloading or risk of computer security, as they have in the past. This is less transparency and a disservice to the public.*

5) Notes that Sally Galanter, CIC attorney, was reading from when she was speaking at the CIC meeting about case 15-08-0028, 241; 15-07-18.

Response: There are no responsive documents pertaining to this item.

*Please see video where Sally Galanter was reading from those notes starting at 9.25 minutes:*

[https://www.youtube.com/watch?v=bcF0\\_yPSSZMg](https://www.youtube.com/watch?v=bcF0_yPSSZMg)

*Therefore, it is obvious that there is a document. No explanation was provided as to why RLD refuses to provide the document.*

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#### ADDITIONAL INFORMATION:

Thanks for your time and attention. I do hope that after the public sees what one has to go through to obtain public records and transparency at RLD, the AG will send a strong message to RLD that they are public servants who serve the public and they should provide responsive documents as requested rather than spending a lot of time obfuscating.

Sent from ProtonMail, encrypted email based in Switzerland.