

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

November 9, 2018

Mr. Robert J. Tórréz
8109 Corte Del Viento, NW
Albuquerque, NM 87120
Email: robertjtorrez@gmail.com

RE: Inspection of Public Records Act Complaint – Rio Arriba County

Dear Mr. Tórréz :

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 2013) by Rio Arriba County. The OGD's jurisdiction is limited to a review of the IPRA and Open Meetings Act ("OMA"). As clarified in email correspondence between you and Rio Arriba County, you have agreed to withdraw your complaint. The OGD considers this matter closed.

The OGD 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Gideon Elliot".

Gideon Elliot
Assistant Attorney General

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

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Robert Last Name: Torres

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): COUNTY OF RIO ARriba

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: 23 Sept 2015, 25 JAN 2017,
26 Sept 2017

Date of all Responses Received from the Public Body: NONE

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.

Detailed Explanation of Alleged IPRA Violations (submitted in this form in lieu of the pdf download from the AG web site):

On September 23, 2015 I submitted a letter to Mr. Tomás Campos, Rio arriba County Manager requesting information about or copies of any archaeological survey or other reports that may have been prepared for that portion of the Tierra Amarilla National Historic District (HD) before or during the demolition of buildings associated with the said HD in order to make room for the new county archives building.

Not having received a reply, on January 25, 2017, I again submitted the same request to Mr. Campos, this time noting that I felt such archaeological surveys are required by the Prehistoric and Historic Preservation Act, and pointing out that the New Mexico Historic Preservation Office apparently has no records of the required consultation with that office.

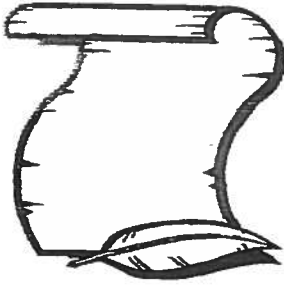
Again not receiving any response, on Sept.26, 2017, I followed up with the same request to the chair of the Rio Arriba County Commissioners. No response so far.

Additional Information: Copies of said letters are attached for your review.



Robert J. Tórréz

22 December 2017



COPY

ROBERT J. TÓRREZ
Historian

September 26, 2017

Mr. Barney Trujillo, Chairman, Rio Arriba County Commission
Rio Arriba County Annex Building
Española, New Mexico 87532

Dear Commissioner Trujillo:

This letter is to follow up on the two answered letters I have written to Mr. Tomas Campos, County Manager, copies of which I enclose for your reference.

For more than two years, I have attempted to acquire copies of or access to any archaeological or surface surveys that may have been made of that portion of the Tierra Amarilla National Historic District that was demolished in order to construct the new county archives building. In both letters I have pointed out to Mr. Campos that such surveys and consultation with the New Mexico Historic Preservation Division are required by the Prehistoric and Historic Site Preservation Act and the Cultural Properties and Historic Preservation statutes, so my assumption has been that such surveys should exist.

I have subsequently contacted the New Mexico Historic Preservation Division and find that they have no record of any such consultation. However, my interest is not in determining if the county sought such consultation or whether it complied with the appropriate historic preservation statutes. I am interested only in determining if the county conducted the required surveys or, regrettably, missed this opportunity to uncover possible evidence of footings, building sites, or other indications of buildings or structures associated with the early settlement of Las Nutritas, as present-day Tierra Amarilla was known before the county seat was moved there in 1880.

I ask that the commission, as Rio Arriba County's governing body, inform me if such archaeological information exists, and if so, as a public record, it be made available for review.

I thank you for your kind consideration. I can be contacted at this mailing address, by phone at 505-836-9699, if more convenient, by email at robertjtorrez@gmail.com.

8109 Corte del Viento NW
Albuquerque, New Mexico 87120
(505) 836-9699

September 23, 2015

Mr. Tomás Campos III
Rio Arriba County Manager
P.O. Box 127
Tierra Amarilla, New Mexico 87575

Mr. Campos:

I am writing to find out the availability of any site or archeological survey reports that may have been done for the Tierra Amarilla National Historic District at such time or before action was taken to demolish and remove the listed historic properties within said historic district to make room for the new construction now being completed on that site.

I am interested in determining if said survey reports may have uncovered evidence of footings, building sites, or other indications of buildings or other structures associated with the early settlement of Las Nutritas, as present-day Tierra Amarilla was known before the county seat was moved there in 1880.

If your office does not have any such information I would appreciate if you would forward this request to the appropriate office. I can be contacted at the address and phone number listed below or by email at robtorres@gmail.com if is more convenient.

Thanks for your kind cooperation.

A handwritten signature in black ink, appearing to be "Rob Torres", enclosed within a hand-drawn oval.