

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

January 3, 2018

Ted Flores
P.O. Box 86
Moriarty, NM 87035
Email: tedflores1010@gmail.com

Re: Inspection of Public Records Complaint – Santa Fe County

Dear Mr. Flores:

The Office of the Attorney General, Open Government Division ("OGD"), has received and completed review of 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 the Santa Fe County dated June 8, 2017. The complaint alleged Santa Fe County ("County") failed to provide all records and/or documents requested or otherwise failed to comply with IPRA.

After reviewing the County's response and the IPRA, our office finds that the County substantially complied with their obligations under the IPRA. IPRA states a request to inspect public records shall be submitted to the custodian of records. NMSA 1978, §14-2-8(A). Your letter dated April 17, 2017 was directed to Ms. Bernadette Salazar, who is not the custodian of records. Although IPRA places an affirmative responsibility on the person who receives an IPRA request in writing to forward the request to the proper custodian, if known and to notify the requester, your letter appears to be a resignation letter as opposed to an IPRA request.

Although your request was not originally addressed to the appropriate records custodian nor was she copied on the resignation letter, the County did forward the request to the appropriate custodian of records upon being notified that you had not yet received the personnel documents requested in your resignation letter. Ms. Robin Gurule, the County records custodian, responded and complied with the request within the 15 day time frame of her receiving your request. As such, the OGD will not further review this matter and considers this matter closed.

Ted Flores
January 3, 2018
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For more information about IPRA, please refer to the Office of the New Mexico Attorney General's *Inspection of Public Records Act Compliance Guide*, available on our website at www.nmag.gov. If you have questions about the specific matters addressed in this determination or IPRA in general, you may reach me directly at maragon@nmag.gov or contact the Open Government Division of the Office of the Attorney General at [\(505\) 490-4060](tel:(505)490-4060). If you have any concerns in the future, please do not hesitate to contact us.

Sincerely,



Marlo Aragon,
Assistant Attorney General

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

NEW MEXICO ATTORNEY GENERAL
117 JUN -8 AM 9:20

YOUR CONTACT INFORMATION:

First Name: Ted Last Name: Flores
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): Santa Fe County

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: April 17, 2017

Date of all Responses Received from the Public Body: ∅ until I followed up on May 25, 2017

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 was employed with the Santa Fe County Human Resources Division from December 12, 2015 to April 17, 2017. In my resignation letter, I requested a copy of my personal file. I did not receive any response from my former employer until I did a follow up on May 25, 2017. While employed with the Santa Fe County Human Resources Division, I know that if we received a request for public records we would forward them to the custodian. That did not happen nor did they contact me to tell me to contact the custodian directly. I needed my file to ensure accuracy on future applications.

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.

April 17, 2017

Bernadette Salazar
Santa Fe County Human Resources Director
949 West Alameda Street
Santa Fe, NM 87501

Ms. Salazar,

Due to the recent situations that have occurred since March 21, 2017, I have been forced to resign my position as EEO Coordinator with the Santa Fe County Human Resources Division effective immediately. The conditions my supervisors created have made it hard for me to serve the great citizens of Santa Fe County effectively and without fear of losing my job.

I recently tried to use appropriate channels to address my concerns, but unfortunately, nothing has deterred the actions I have experienced, and it has only gotten worse.

It was also recently relayed to me that the investigation I participated in and brought forth allegations of retaliation during was discussed at the April 17, 2017 Board of County Commissioners executive session meeting. As of April 14, 2017, I have not received a notice of a concluded investigation. Therefore, I believe the discussion of this investigation during the meeting mentioned above threatens the integrity and confidentiality of the investigation. Not to mention the fact, that this is a highly uncommon practice.

This has been a difficult decision. However, after weighing the health issues I have experienced since March 21, 2017 and the past practice of forcing Santa Fe County Human Resources staff out in the past, the decision needed to be made.

If there are any follow up questions, please contact me via email at tedflores1010@gmail.com.

* Please also take this letter as request to have a full copy of my Human Resources file and a copy of my interview transcriptions, as I was afforded the right to in my investigation interview.

Respectfully,



Ted A. Flores
PO Box 86
Moriarty, NM 87035



17APR 17 8:14AM



Ted Flores <tedflores1010@gmail.com>

Personnel File/Transcripts

6 messages

Ted Flores <tedflores1010@gmail.com>

Thu, May 25, 2017 at 9:35 AM

To: Rabrown@santafecountynm.gov

Good morning Ms. Brown,

As you are aware, I resigned my position with Santa Fe County on April 17, 2017. On my resignation letter, I requested a copy of my entire personnel file and the transcripts of my investigation interview. As of May 25, 2017, I have not received my personnel file nor have I received any communication about the request or if there is a fee associated with this request.

I understand that the investigation may not be completed being that there will be no disciplinary actions taken.

If you need clarification from me, please contact me via email.

I appreciate your time in this matter,

Ted A. Flores
(505) 469-6495

Rachel A. Brown <rabrown@santafecountynm.gov>

Thu, May 25, 2017 at 5:05 PM

To: Ted Flores <tedflores1010@gmail.com>

Dear Mr. Flores,

I am in receipt of your email. I will be out of the office tomorrow and Monday. I will contact you early next week regarding your request.

Sincerely,

Rachel

Rachel Brown

Deputy County Attorney

Santa Fe County

P.O. Box 276

102 Grant Avenue

Santa Fe, New Mexico 87504-0276

Phone (505)986-6326

Fax (505)986-6362

From: Ted Flores [mailto:tedflores1010@gmail.com]
Sent: Thursday, May 25, 2017 9:35 AM
To: Rachel A. Brown <rabrown@santafecountynm.gov>
Subject: Personnel File/Transcripts

[Quoted text hidden]

Ted Flores <tedflores1010@gmail.com>
To: tony_flores10@aol.com

Thu, May 25, 2017 at 6:00 PM

[Quoted text hidden]

Robin Gurule <rsaiz@santafecountynm.gov>
To: "tedflores1010@gmail.com" <tedflores1010@gmail.com>
Cc: Bernadette Salazar <bsalazar@santafecountynm.gov>, "Sonya M. Quintana" <squintana@santafecountynm.gov>

Wed, May 31, 2017 at 8:52 AM

Dear Mr. Flores:

I am writing to inform you that I have received your request for public records. I am forwarding your request to the Human Resources Division so that they can provide me with the requested information.

Pursuant to the Inspection of Public Records Act, NMSA 1978, Section 14-2-8(D), the County will respond to your request within 15 days of the date on which I received your request.

Please be advised that the County charges reasonable copying fees for copies of public records. I will provide you with more information concerning those fees when the requested public records are available for inspection and copying.

Sincerely,

Robin Gurule

ADMINISTRATOR

COUNTY ATTORNEY'S OFFICE

P.O. Box 276 – 102 GRANT AVENUE

SANTA FE, NM 87504-0276

[505.986.6212](tel:505.986.6212)



From: Rachel A. Brown
Sent: Wednesday, May 31, 2017 8:50 AM
To: Robin Gurule
Subject: FW: Personnel File/Transcripts