



Attorney General of New Mexico

HECTOR H. BALDERAS
Attorney General

April 20, 2016

Ryan Nobel
General Counsel
Spaceport America
901 E. University Ave, Suite 965 L
Las Cruces, NM 88001

RE: Inspection of Public Records Complaint by Alexie Oreskovic

Dear Mr. Nobel:

Thank you for your responses related to the above referenced matter. We have conducted a review of the information provided. We understand that Spaceport did produce documents in response to Mr. Oreskovic's request. He is satisfied with the response. We have therefore closed this inquiry.

Given the above, no further action is required by the Office of the Attorney General.

Sincerely,

Susan Sullivan
Susan Sullivan
Assistant Attorney General

cc: Mr. Alexie Oreskovic

Laverne Roller

From: Alexei Oreskovic
Sent: Tuesday, January 19, 2016 6:03 PM
To: hroller@nmag.gov
Subject: IPRA Complaint

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

YOUR CONTACT INFORMATION: First Name: Alexei Last Name: Oreskovic

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): New Mexico Spaceport Authority, 901 E. University Avenue, Suite 965 L, Las Cruces, NM 88001

Format of IPRA Request: Written

Date IPRA Request was Submitted to the Public Body: November 6, 2015

Date of all Responses Received from the Public Body: November 10, 2015; November 30, 2015; January 8, 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.

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 am a journalist with Business Insider. I am concerned that the New Mexico Spaceport Authority is obstructing my lawful request under the New Mexico Inspection of Public Records Act, by failing to produce the relevant records and failing to provide a timeframe for when the records will be produced. The NSMA has repeatedly missed deadlines to provide the records, or updates regarding my request, and appears to be indefinitely postponing carrying out its obligation under the law.

On November 6, 2015 I submitted a written request under the New Mexico Inspection of Public Records Act to the New Mexico Spaceport Authority seeking documents related to Google, Google parent company Alphabet, and the New Mexico Spaceport Authority and Spaceport America. In particular, I requested copies of all correspondences between the above-mentioned parties, including any documents or presentations that Google or Alphabet has submitted. The Records Custodian replied on November 10 that the NMSA would respond to my request by November 24.

The NMSA failed to respond on November 24. After I inquired about the status of my request, I received an email on November 30 promising an update by December 30.

The NMSA failed to respond by December 30. After I sent two separate emails to the NMSA on January 4 and January 7, inquiring about the status of my request, I received an email on January 8. The NMSA email did not produce the records I asked for, nor even provide a timeframe for when the records would be produced. Instead, the NMSA Records Custodian said he would provide me an update on my request "soon."

I have sent three separate emails since that time asking for a firm and reasonable estimate about a timeline for when the records will be produced. The NMSA Records Custodian has not answered any of those emails. Based on this history, I am concerned that the NMSA is not making a good-faith effort to produce the records in a timely fashion.

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.