

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

December 27, 2019

VIA ELECTRONIC MAIL ONLY

Robertson High School
Michael Yara, Principal
1236 5th Street
Las Vegas, NM 87701
Email: mikeyara@cybercardinal.com

Re: Your Request for Public Records

Dear Mr. Yara:

The Office of the Attorney General has received complaints alleging that Robertson High School has violated the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019). The allegation states that Robertson High School failed to comply with its statutory obligations to designate a records custodian and properly identify the procedures in which individuals may request public records. Specifically, the complaint alleges that Robertson High School did not post in a conspicuous location at its High School Office or at the Las Vegas City Schools’ administrative office or on the schools’ website, a notice setting forth the rights of any person to inspect the public body’s public records, and their responsibility, procedure and fees related to make records available for inspection.

In New Mexico, the people are entitled to “the greatest possible information” about governmental affairs pursuant to the Inspection of Public Records Act. 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.”). To that end, IPRA specifically states that the public has the right to inspect and copy all “public records” with only limited and specifically enumerated exceptions. Section 14-2-1(A).

This issue presented for our review is whether Robertson High School has violated the IPRA by its failure to post a notice of the public’s right to inspect its records. This requirement arises out of IPRA’s Section 14-2-7, which requires all public bodies to post a notice stating the following:

- (1) the right of a person to inspect a public body's records;
- (2) procedures for requesting inspection of public records, including the contact information for the custodian of public records;

- (3) procedures for requesting copies of public records;
- (4) reasonable fees for copying public records; and
- (5) the responsibility of a public body to make available public records for inspection.

NMSA 1978, § 14-2-7. This IPRA notice must be posted “in a conspicuous location in the administrative office of the public body and on the public body’s publicly accessible web site, if any.” *IPRA Guide*, p. 29. This is an important statutory requirement, as it serves to notify the public both of their right to inspect and the public body’s procedures for doing so.

We are very concerned that upon an initial review of the Las Vegas City Schools/Robertson High School website (<http://cybercardinal.net/>), there does not appear to be the notice required by IPRA’s Section 14-2-7. As such, we request that Robertson High School **respond to these allegations on or before January 15, 2020**. Furthermore, if it is determined that Robertson High School is indeed non-compliant with Section 14-2-7, we demand that you take immediate action to comply with New Mexico law and ensure that its required IPRA notice be posted in a conspicuous location at its central office and high school office and that you update your website to include the information as specified in IPRA. Failure to do so may result in further enforcement by this office.

Thank you for your prompt attention to this matter. We look forward to your response.

Sincerely,



Delilah Tenorio
Assistant Attorney General