

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

December 10, 2019

VIA ELECTRONIC MAIL ONLY

Ms. Jill Marie Inanna
369 Montezuma Avenue, #184
Santa Fe, NM 87501
Email: jillinanna@gmail.com

Re: Open Meetings Act and Inspection of Public Records Act Complaints – Rancho de San Juan Owners Association, Inc.

Dear Ms. Inanna:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaints alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), and the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019), by the Rancho de San Juan Owners Association, Inc. (the “Association”). The OGD is charged with enforcement of both the OMA and the IPRA and in that capacity has reviewed the facts and allegations in your complaints. *See* NMSA 1978, § 10-15-3(B) and NMSA 1978, § 14-2-12(A).

Both the OMA and the IPRA are intended to provide the public with access to the greatest possible information “regarding the affairs of government.” Section 10-15-1(A); Section 14-2-5. As such, both statutes are therefore applicable to any “public body,” a term which is defined slightly differently between the two statutes but nevertheless refers generally in both to state and local governmental institutions. *See* § 10-15-1(B) (providing that the OMA applies to meetings of a quorum of “any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy”) and § 14-2-6(F) (defining the term “public body” as “the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government”). Both statutes do not, however, generally apply to private entities such as businesses or corporations.¹

¹ The records of private entities may sometimes be “public records” for the purposes of the IPRA, but generally only in cases where such a private entity is fulfilling a governmental function pursuant to either state funding or a contractual relationship with the government. *See generally State ex rel. Toomey v. City of Truth or Consequences*, 2012-NMCA-104, ¶ 22 (outlining a non-exhaustive nine-factor test to determine whether the records of a private

Ms. Jill Marie Inanna
December 10, 2019
Page 2

In the complaints you have submitted to us, you allege violations of the OMA and the IPRA by the Rancho de San Juan Owners Association, Inc. However, as this entity is a private organization, it does not appear to be public body subject to either the provisions of the OMA or of the IPRA. We therefore must conclude that your complaints have not identified a violation of either statute, and we consider this matter closed.

The Office of the Attorney General 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. Additionally, both the OMA Guide and the IPRA Guide are available on the website of the Office of the Attorney General at www.nmag.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Kreienkamp", is written over a light blue rectangular background.

John Kreienkamp
Assistant Attorney General

entity contracting with the state to perform a governmental function are subject to the IPRA). These circumstances do not appear to apply here.

TOLL FREE 1-844-255-9210 TELEPHONE: (505)490-4060 FAX: (505)490-4883 www.nmag.gov
MAILING ADDRESS: P.O. DRAWER 1508 - SANTA FE, NEW MEXICO 87504-1508
STREET ADDRESS: 408 GALISTEO STREET - SANTA FE, NEW MEXICO 87501

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

| | |
|-----------------------------|-------------------------|
| ECS Reference Number | NMOAG-ECS-20191021-8186 |
| Final Submit Date | 10/21/2019 10:04:00 AM |

Disclosure of your complaint: This complaint is a public record, thus available under provisions of the NM Inspection of Public Records Act.

Disclosure to other entities: This complaint, its content, and other information may be disclosed to other law enforcement and regulatory agencies.

I understand this complaint and any submitted documents are public record and may be shared with other law enforcement and regulatory agencies.

DECLARATION: By submitting this form, I attest that the information in this complaint is true and accurate to the best of my knowledge. I further understand that by submitting this form I may be called to testify as a witness in this matter.

I understand declaration statement.

The New Mexico Office of the Attorney General cannot give legal advice regarding this complaint and will not act as your personal attorney. If you have questions regarding your rights please contact a private attorney.

Submission of this complaint is not confirmation that an investigation will be initiated.

Complaint Detail

Complaint Type Inspection of Public Records (IPRA) Complaint
Retained Attorney

Parties

Complainant

Jill Marie Inanna

Person

[REDACTED]

[REDACTED]

Complaint against

Rancho de San Juan Owners Association, Inc. - Brandon Mathews, President of Board

Public Body (Government Entity)

Address

721 Hillview Drive
Arlington, Texas 76011

Contact information

brandonandnona@att.net
(817) 460-4719

Registered Agent listed on State Corp. Commission is not accurate - no such address 1985035 is the business entity number on State Corp. Commission registry EIN is unknown and unavailable

Other Party

Rancho de San Juan Owners Association, Inc. - Michael Johnson, Vice President of Board

Public Body (Government Entity)

Address

164 Mason Ridge Road
Mount Morris , Pennsylvania 15349

Contact information

mdj5412@gmail.com

Contact information on State Corp. Commission site is inaccurate. That is the address for Brent Handley who is no longer involved with or on the Board of this Corporation....

Complaint Specifics

| | |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Format of IPRA request: | Written |
| Date IPRA request was submitted to the public body: | 4 Occasions: 1 email sent 1/11/19, 1 email sent 1/21/19, 1 letter via cert. mail sent 1/26/19, email to their attorney requesting documents 4/8/19 |
| Date of all responses received from the public body: | 1/8/19 - One line email from President Brandon Mathews saying he is not sure what I am asking - in response to request for physical address of office where I can inspect public records. Nothing more. Their attorney provide one and only one meeting agenda of all the documents I requested on 4/8/19. |
| Records | No records were provided., The agency provided some but not all of the records responsive to the request. |
| 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. |

Transaction

Documents



IPRA Condo Assoc..pdf

multiple requests for public documents

Comments

I have also filed a complaint with the IRS Examination Division and filed online through the IRS a form 13909 despite the HOA refusing to provide me with the EIN number of their entity.



Condo. Asso - Legal Doc.pdf

State Corp Commission registry

Comments

*** END OF COMPLAINT ***

[HOME](#)

Search Information

 [Home](#)

Entity Details

Business ID#: **1985035**Status: **Active**Entity Name: **RANCHO DE SAN JUAN OWNERS' ASSOCIATION, INC.**Standing: **Good Standing**DBA Name: **Not Applicable**

Entity Type and State of Domicile

Entity Type: **Domestic Nonprofit Corporation**Domestic State: **New Mexico**Statute Law Code: **53-8-1 to 53-8-99**

Formation Dates

Date of Incorporation in NM: **02/03/1999**Date of Organization in NM: **Not Applicable**Date of Formation in State of Domicile: **Not Applicable**Date of Authority in NM: **Not Applicable**Date of Registration in NM: **Not Applicable**Management Type: **Not Applicable**

Reporting Information

Report Due Date: **05/15/2019**Next Annual Meeting Date: **03/02/2019**

Period of Existence and Purpose and Character of Affairs

Period of Duration:

Business Purpose: **10 UNIT CONDOMINIUM**Character Of Affairs: **A small homeowners association of 10 castias located in Rio Arriba.**

Outstanding Items

Reports:

| Fiscal year End Date | Report Due Date | Extended Report Due Date | Reporting Year | Filing Fee | Penalty | Total |
|-----------------------------|------------------------|---------------------------------|-----------------------|-------------------|----------------|--------------|
| 12/31/2018 | 05/15/2019 | | 2018 | \$10 | \$0 | \$10 |

Total No. of Records: 1 Page 1 of 1

Registered Agent:

No Records Found.

License:

No Records Found.

Contact Information

Mailing Address: **811 Bayridge Place, Fairfield, CA 94534**

Principal Place of Business in New Mexico: **34020 HIGHWAY 285, Ojo Caliente, NM 87549**

Secondary Principal Place of Business in New Mexico:

Principal Office Outside of New Mexico: **Not Applicable**

Registered Office in State of Incorporation:

Principal Place of Business in Domestic State/
Country: **Not Applicable**

Principal Office Location in NM: **Not Applicable**

Registered Agent Information

Name: **JOHN H. JOHNSON III**

Geographical Location Address:

Physical Address: **PO BOX 4161, ESPANOLA, NM 87533**

Mailing Address: **NONE**

Date of Appointment: **02/03/1999**

Effective Date of Resignation:

Director Information

| Title | Name | Address |
|--------------|------------------|-----------------------------------------|
| Director | Brandon Matthews | 712 Hillview Drive, Arlington, TX 76011 |

| Title | Name | Address |
|----------|--------------|----------------------------------------------|
| Director | Mike Johnson | 164 Mason Ridge Road, Mount Morris, PA 15349 |
| Director | Bruce Duval | PO Box 1979, Espanola, NM 87532 |

Officer Information

| Title | Name | Address |
|----------------|------------------|----------------------------------------------|
| President | BRANDON MATTHEWS | 721 HILLVIEW DR, Arlington, TX 76011 |
| Treasurer | BRENT HANDLEY | 811 BAYRIDGE PL, Fairfield, CA 94534 |
| Vice President | mike Johnson | 164 mason ridge road, Mount Morris, PA 15349 |
| Secretary | Bruce Duval | PO Box 1979, Espanola, NM 87532 |

Organizer Information

Not Applicable

Incorporator Information

No Records to View.

Trustee Information

Not Applicable

Filing History

| Filing Date | Filing Type | Fiscal Year End Date | Post Mark | Survivor/ Re- Domesticated Entity | Instrument Text | Processed Date | Filing # |
|-------------|----------------|-------------------------|--------------|--------------------------------------|-----------------|-------------------|----------|
| 02/03/1999 | Initial Bylaws | | | | | 02/04/1999 | 616932 |

| Filing Date | Filing Type | Fiscal Year End Date | Post Mark | Survivor/ Re-Domesticated Entity | Instrument Text | Processed Date | Filing # |
|-------------|------------------------------|----------------------|-----------|----------------------------------|--------------------------------------------------------|----------------|----------|
| 02/03/1999 | Certificate Of Incorporation | | | | RANCHO DE SAN JUAN OWNERS' ASSOCIATION, INC. PERPETUAL | 02/04/1999 | 616933 |

License History



| Filing Date | Filing Number | License Start Date | License End Date |
|---------------------|---------------|--------------------|------------------|
| No records to view. | | | |

- [Back](#)
- [Entity Name History](#)
- [Return to Search](#)

Jill M. Inanna
Origin, llc.
Helios Wellness, llc.
369 Montezuma Ave, #184
Santa Fe, NM. 87501
jillinanna@gmail.com
505-747-2374

Rancho de San Juan Condominium Association
Brandon Mathews, President
811 Bay Ridge Place
Fairfield, CA. 94534

To Whom It May Concern,

As listed hereunder, I have unsuccessfully attempted, over the course of the last fourteen months, to reach the Board of Directors of the Condominium Association (hereafter "CA"), at several occasions:

1. Letter mailed via USPS mail dated December 23, 2017 to P.O. Box 4140, Fairview, NM 87532, returned undeliverable;
2. Phone call on January 8, 2019, to telephone number given to me by NM State Corporation Commission after a phone conversation with an agent there: 415-264-8124 - phone # they had as primary contact number on file. This was to a man Brent Handley, no longer associated with Rancho de San Juan Condominium Association. He was kind enough to give me a new # which I then texted, 817-460-4719; and received no response.
3. Text message dated January 11, 2019 sent to Brandon Mathews, President at 817-460-4719;
4. Email dated January 8, 2019 to Brandon Mathews, President, at brandonandnona@att.net;
5. Email dated January 9, 2019 to Brandon Mathews, President, at brandonandnona@att.net;
6. Email dated January 11, 2019 to Brandon Mathews, President, at brandonandnona@att.net;
7. Letter mailed USPS mail dated January 13, 2019 to Director and Secretary, P.O. Box 1979, Espanola, NM 87532, returned undeliverable;
8. Letter mailed via USPS mail dated January 13, 2019 to Registered Agent, P.O. Box 4161, Espanola, NM 87533 with no response, **returned as no such address**
9. Email dated January 21, 2019 to Brandon Mathews, President, at brandonandnona@att.net.

After repeated verification with the State Corporation Commission, it would appear that your registered office and agent are invalid or non-existent. It further appears this organization has no physical place of business in New Mexico, an office, to house Corporate documents. This is a final attempt to contact this organization, through mail, to communicate about the following:

1. I am hereby notifying you of an upcoming meeting to be called to address road and trail maintenance costs, fees and budget, as provided for in the Grant of Easement and Maintenance Agreement within Rancho De San Juan neighborhood; on March 31, 2019 at 3pm at Origin - 49 Rancho de San Juan Road, Ojo Caliente, NM 87549.
2. I am hereby requesting that you provide me with a valid HOA registered office and principal place of business in New Mexico, its physical location or office, where I may visit to inspect and make copies of public documents, as is my right as a NM Citizen, and as is required to for all Non-Profit Organization operating in the state of NM;
3. I am hereby requesting to be notified about any and all Board Meetings from today's date and onward, of the time and of the location of such meetings, via email at jillinanna@gmail.com as well as USPS to address stated above; and

4. After repeated attempts to locate an office in New Mexico, to review public documents, as is my right, I am hereby requesting, publicly, formally and in writing, inspection and copies of:
 - a) Any and all documents related to communications about and lawsuit filed against Jill M. Inanna, Helios Wellness, llc., Origin, llc. and claimed John Does, between condominium owners and/or Board of Trustees or any of its agents or Board Members or any of its agents, including but not limited to all meeting minutes, emails between any and all owners of the CA, the Board, and any homeowner in Rancho de San Juan, including all owners of a Haciendas at Rancho de San Juan Subdivision;
 - b) Any and all business licenses held with Rio Arriba County since inception of incorporation in 1999, and from June of 2014 to present day active business license for the duration of your Corporate Status, as is requirement for all NM Corporations in Rio Arriba County, the county you do business in, and following failed attempts to locate proof of such business license, with all County authorities;
 - c) Bylaws on the voting and decision protocol along with all documents exposing the procedure that the CA followed correct to engage in aforementioned lawsuit;
 - d) Any and all amendments and changes to Bylaws and Articles of Incorporation since inception on 2/3/99, and most current Bylaws, voting procedures, and any amendments/changes in effect currently, as of today's date.
 - e) Any and all Board Meeting minutes since June of 2014;
 - f) Any and all business licenses held with Rio Arriba County since inception of incorporation in 1999, and from June of 2014 to current;
 - g) Any and all current insurance for the Condominium Association as required by NM State Law;
 - h) Any and all building permits sought and approved, from Rio Arriba County from June 2014 until current time, for any construction or improvements within the Tract A2, referenced for Condominium Association, for any and all units;
 - i) All budgets decided upon and approved from inception in 1999, for all Board Meetings, until current date;
 - j) Accounts for each habitable unit (all ten) within the HOA, for solid waste through North Central Solid Waste, as required by Rio Arriba County;
 - k) Meeting minutes and information regarding submittals for approval of recent physical construction improvements and approval granted by Condominium Association concerning portal and porch renovation for Unit _____ and Unit _____ (Kokopelli) and for porch/entry improvements of Unit _____ (Anasazi), and landscape improvements to common elements/rock installations for Unit _____ (Anasazi) and Unit _____ (Villa Serenidad);
 - l) All meeting minutes since inception that relate to decisions to allow VRBO of any and all units and any conditions regarding such rentals. How many units are doing VRBO and a list of such units, and any owners that are renting both units within the same unit or compound (several have two units in one); and
 - m) Tax returns filed (form 990 or any of its variations as applicable) for all years from 1999 until current.

If these requests are not met within 30 days of reception of this letter, I will be filing a complaint with the New Mexico Attorney General, and with the IRS.

Sincerely,

Jill Marie Inanna

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

| | |
|-----------------------------|-------------------------|
| ECS Reference Number | NMOAG-ECS-20191021-b03c |
| Final Submit Date | 10/21/2019 10:17:43 AM |

Disclosure of your complaint: This complaint is a public record, thus available under provisions of the NM Inspection of Public Records Act.

Disclosure to other entities: This complaint, its content, and other information may be disclosed to other law enforcement and regulatory agencies.

I understand this complaint and any submitted documents are public record and may be shared with other law enforcement and regulatory agencies.

DECLARATION: By submitting this form, I attest that the information in this complaint is true and accurate to the best of my knowledge. I further understand that by submitting this form I may be called to testify as a witness in this matter.

I understand declaration statement.

The New Mexico Office of the Attorney General cannot give legal advice regarding this complaint and will not act as your personal attorney. If you have questions regarding your rights please contact a private attorney.

Submission of this complaint is not confirmation that an investigation will be initiated.

Complaint Detail

Complaint Type Open Meetings (OMA) Complaint
Retained Attorney

Parties

Complainant

Jill Marie Inanna jillyedelman@gmail.com

Person

[REDACTED]

[REDACTED]

Complaint against

Rancho de San Juan Owners Association, Inc. - Brandon Mathews, President of Board, Michael Johnson, Vice President of Board

Public Body (Government Entity)

Address

721 Hillview Drive
Arlington, Texas 76011

Contact information

brandonandnona@att.net
(817) 460-4719

Complaint Specifics

| | |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Specific date(s) of OMA violation(s) | Annual Meetings 2015, 2016, 2017, 2018, 2019 |
| Deficiencies in notice of the meeting | Notice did not comply with the deadlines or procedures for meeting notices adopted by the public body, or with the reasonable notice requirement in the OMA, Notice did not include date, time, and/or location of the meeting, Notice was not published or posted in a place and manner accessible to the public |
| Agenda | Agenda was not available seventy-two (72) hours prior to the meeting, Agenda did not include a list of specific items the public body intended to discuss or transact at the meeting or the items listed and acted upon were not listed with reasonable specificity |
| Minutes | A draft copy of the minutes was not available within ten (10) working days of the meeting |
| Closed Meetings | The public body did not follow the required closing procedures to close a meeting (e.g., did not list the items they were going to discuss in the motion to close, or the motion to close did not contain the provision of law permitting the closing of the meeting), The public body closed the meeting to discuss an issue not covered by one of OMA's exceptions, Final action was taken by the public body in the closed meeting |
| Conducting/discussing business outside of an open meeting | A quorum of the public body formulated policy discussed public business, or took action outside of an open meeting, A "rolling quorum" was used to discuss public business (i.e., a quorum may exist even when the members are not physically present at the same place, such as discussing public business in a series of telephone or email conversations) |
| Other Violation | I was invited to the annual meeting as a concerned neighbor and a common party to a contract of our Road And Easement Maintenance Agreement, in 2014. I was then never notified of any following meetings, and in April of 2019 as a neighboring land owner AND legal tenant in one of the Condo Units with concerns about well water poisoning and well problems, and septic issues, and road maintenance and snow removal, told I specifically could not attend the meeting. They also refused to supply me with public records as requested under FOIC. |

Transaction

Documents



Gmail - Condo meeting.pdf

President of the Board ignoring my requests and refusal to allow me to attend the HOA meeting

Comments

As a legal tenant of this Condo Association, the President of the Board failed to follow internal Bylaws and Condo Declarations and ratify my lease with the Condo Owner, and refused to supply me with all the current Condo Bylaws and Rules and Regulations so that I may be in compliance with them and with my obligations under my lease.

*** END OF COMPLAINT ***



Jill Inanna <jillinanna@gmail.com>

Condo meeting

4 messages

Jill Inanna <jillinanna@gmail.com>

Thu, Feb 14, 2019 at 7:21 PM

To: Brandon and Nona Matthews <brandonandnona@att.net>

Bcc: Helios Wellness <helioswellnessnm@gmail.com>

Hello,

Please inform me of the time, place and location of the next Rancho de San Juan Condominium Association meeting so I may attend. I ask for at least a weeks notice. Thank you.

--

Jill Marie Inanna, owner**Origin at Rancho de San Juan**

505-747-2374

OriginNewMexico.comFacebook: <https://www.facebook.com/origin.new.mexico/?ref=hl>

Jill Inanna <jillinanna@gmail.com>

Tue, Feb 19, 2019 at 5:55 PM

To: Brandon and Nona Matthews <brandonandnona@att.net>

Brandon,

As President of the Rancho de San Juan Condominium Association, I ask you to please respond to this second request, and notify me of the next Association meeting so that I may attend. I await an answer.

Thank you.

[Quoted text hidden]

brandon matthews <brandonandnona@att.net>

Wed, Feb 20, 2019 at 10:50 AM

Reply-To: brandon matthews <brandonandnona@att.net>

To: Jill Inanna <jillinanna@gmail.com>

Jill,

Sorry for my delay in responding, I have been out of the country.

I regret to inform you that the association meeting is reserved solely for members of the association. (condominium owners).

Regards,

Brandon

On Tue, 2/19/19, Jill Inanna <jillinanna@gmail.com> wrote:

Subject: Re: Condo meeting

To: "Brandon and Nona Matthews" <brandonandnona@att.net>

Date: Tuesday, February 19, 2019, 6:55 PM

Brandon,As President of the Rancho de San

Juan Condominium Association, I ask you to please respond to this second request, and notify me of the next Association meeting so that I may attend. I await an answer. Thank you.

On Thu, Feb 14,

2019 at 7:21 PM Jill Inanna <jillinanna@gmail.com>

wrote:

Hello,

Please inform me of the time, place and location of the next Rancho de San Juan Condominium Association meeting so I may attend. I ask for at least a weeks notice. Thank you.

--

Jill Marie

Inanna, ownerOrigin at

Rancho de San Juan

505-747-2374OriginNewMexico.comFacebook: <https://www.facebook.com/origin.new.mexico/?ref=hl>

--

Jill Marie Inanna,

ownerOrigin at Rancho de San

Juan

505-747-2374OriginNewMexico.comFacebook: <https://www.facebook.com/origin.new.mexico/?ref=hl>

Jill Inanna <jillinanna@gmail.com>

Sat, Feb 23, 2019 at 6:46 AM

To: brandon matthews <brandonandnona@att.net>

Brandon,

I ask for you to reconsider and share the time of the next condo association meeting with me. I hold a lease on unit 4 villa serenidad and I was welcome at the meeting shortly after I purchased origin and at that point was not an owner or tenant in any unit. I await your prompt response.

Jill Inanna.

[Quoted text hidden]

--

**Jill Marie Inanna, owner
Origin at Rancho de San Juan**

[Quoted text hidden]