

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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September 13, 2016

Jason H. Rodarte
3514 Vail Avenue SE
Albuquerque, NM 87106
Email: jasonrodarte@hotmail.com

Re: Open Meetings Act Complaint

Dear Mr. Rodarte:

The Office of the Attorney General, Open Government Division (“OGD”), has received your complaint alleging violations of the Open Meetings Act (“OMA”), NMSA 1978, Sections 10-15-1 to -4 (2013), by the Academy of Trade and Technology Charter School, during its August 18, 2016 meeting. The OGD jurisdiction is limited to a review of the OMA and Inspection of Public Records Act (“IPRA”). As stated in our conversation, there are insufficient facts to find a violation of a specific section of the OMA. As such, the OGD will not further review this matter and consider 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,

Dylan K. Lange
Assistant Attorney General

8-29-16

OPEN MEETING ACT ("OMA") COMPLAINT FORM
New Mexico Office of the Attorney General
Open Government Division

Your Contact Information:

First Name: Jason H. Last Name: Rodarte

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

Name of Public Body that is the Subject of this Complaint (including city/town, district, county or region, if applicable): Academy of Trade & Technology - Albuquerque, NM
Charter School

Specific date(s) of OMA violation(s): August 18th, 2016

ALLEGED VIOLATIONS OF THE OMA BY THE PUBLIC BODY: Please select from the following list the violations you allege the public body committed. Check all that apply.

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
- Notice did not include an agenda or information on how the public may obtain a copy of the agenda
- A meeting was reconvened by the public body, but notice of the date, time, and place of the reconvened meeting was not placed on or near the door of the place where the original meeting was held or in at least one other location appropriate to provide public notice

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
- ___ Public body took action on items that were not listed on the agenda
- ___ In a reconvened meeting, the public body discussed or took action on items not appearing on the agenda of the original meeting

MINUTES

- X The minutes did not contain the date, time, and/or place of meeting, the name of all members of the public body attending the meeting and those absent. *Name of School Principal not in minutes of July 21, 2016 - Attached. Name: John Roberts*
- ___ The minutes did not contain a description of the substance of all proposals considered during the meeting or a record of any decisions made and votes taken
- ___ A draft copy of the minutes was not available within ten (10) working days of the meeting
- ___ The minutes were not approved, amended, or disapproved at the next meeting where a quorum of the public body was present

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
- ___ Matters not stated in the motion to close were discussed in the closed session.
- ___ 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
- X 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)

*Use of private email addresses
 President Desminking Farm principal while Board was present
 Public aft meeting*

___ A committee was created by the public body that constitutes a policymaking body that formulated recommendations that were binding on the public body or otherwise established policy for the public body, outside of an open meeting

DETAILED EXPLANATION OF ALLEGED OMA VIOLATIONS: Please provide a description of the actions taken by the public body that violated the OMA, including specific dates and times, and why you believe the OMA has been violated.

8/18/2016 - Minutes amended to reflect what Board President meant not what was stated in July 21 Minutes
Agenda items moved by Board President after the Agenda was approved -

Minutes at July 21 did not reflect that the Principal at the School, John Rozek was present. Though he gave a report, Minutes are enclosed

ADDITIONAL INFORMATION: Please attach any documentation or evidence you have regarding the alleged OMA violation.