

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

September 9, 2019

VIA ELECTRONIC MAIL ONLY

Mr. David H. Cooper
44 El Camino Loop NW
Rio Rancho, NM 87144
Email: dhcooper44@gmail.com

Re: Open Meetings Act Complaint – Casino Crossing Homeowners Association and AAM Management Company

Dear Mr. Cooper:

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 (1974, as amended through 2013), by the Casino Crossing Homeowners Association and AAM Management Company. The OGD is charged with enforcement of the OMA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 10-15-3(B).

The Open Meetings Act is intended to provide the public with access to “the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” Section 10-15-1(A). The OMA is therefore applicable to any public body, which is defined as “any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy.” Section 10-15-1(B). It does not, however, apply to private entities such as businesses or corporations.

In the complaint you have submitted to us, you allege violations of the OMA by the Casino Crossing Homeowners Association and AAM Management Company.¹ However, as both of these entities are private organizations, neither appears to be public body subject to the provision of the

¹ *See* <https://www.homeownerresources.com/community-websites/community/?id=3914>.

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OMA. We therefore must conclude that your complaint has not identified a violation of the OMA, and we consider this matter closed.

We would note, as an aside, that the Homeowner Association Act, NMSA 1978, Sections 47-16-1 to -18 (2013, as amended through 2019), generally governs the meetings of homeowners associations. *See* § 47-16-17 (setting forth specific notice and minutes requirements, among other provisions). However, as our review is limited to the OMA, we cannot say whether or not you have identified a violation of the Homeowner Association Act.

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, the OMA Guide is 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". The signature is stylized and cursive.

John Kreienkamp
Assistant Attorney General

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HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

ECS Reference Number	NMOAG-ECS-20190709-c881
Final Submit Date	7/9/2019 3:36:54 PM

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

Mr David H. Cooper Dhcooper44@gmail.com

Person

Address

[REDACTED]

Contact information

[REDACTED]
[REDACTED]

Complaint against

Casino Crossing HOA - AAM Management Co.

Organization

Address

8212 Louisiana Blvd.
Suite C
Albuquerque, New Mexico 87113

Contact information

aduran@associatedassets.com
(505) 856-1212

Complaint Specifics

Specific date(s) of OMA violation(s)	July 1, 2019
Deficiencies in notice of the meeting	Notice was not published or posted in a place and manner accessible to the public
Agenda	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	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

Transaction

Documents

*** END OF COMPLAINT ***