

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

August 30, 2019

VIA ELECTRONIC MAIL ONLY

Ms. Hillary White
Email: hwhite576@outlook.com

Re: Open Meetings Act Complaint – Developmental Disabilities Planning Council

Dear Ms. White:

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 Developmental Disabilities Planning Council (“the Council”). 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 applicable to any action taken by “any board, commission, committee or other policymaking body.” Section 10-15-3(A). However, it does not necessarily apply to all actions taken by every public employee or governmental agency; it must be a decision made by a public body. *See* § 10-15-1(B) (providing that all meetings “of a *quorum* of members of any board, commission, administrative adjudicatory body or other policymaking body” are subject to the requirements of the OMA).

Based on the facts you have provided to us, this case alleges that legal counsel for the Office of Guardianship has advised several staff members for the Council as to certain matters. However, your complaint does not allege that any discussion or action was taken by the Council, nor does it identify any particular meeting at which an OMA violation occurred. As a result, we conclude that your complaint has not identified a violation of the OMA, and we consider this matter closed.

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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", is written over a light blue rectangular background.

John Kreienkamp
Assistant Attorney General

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HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

ECS Reference Number NMOAG-ECS-20190430-d390

Final Submit Date 4/30/2019 9:50:39 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

Hillary White

Person

Address

Contact information

DDPC Guardianship Program - Amira rasheed and Mary lou poli and Maria Bourassa

Public Body (Government Entity)

Address

Contact information

They are violating the Open meeting by digressing DDPC staff personal issues. Marylou Poli is violating her title as the Guardianship Attorney and providing legal council pertaining to personal issues to Barbara Ibanez, Amira Rasheed and Maria Bourassa. They are crooks and frauds they all need to be investigated and reprimanded from their tax funded positions

Complaint Specifics

Specific date(s) of OMA violation(s)	4-30-19 in the morning
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	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, 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.

Transaction

Documents

*** END OF COMPLAINT ***