

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

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February 3, 2020

**VIA ELECTRONIC MAIL ONLY**

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
Email: [ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

**Re: Open Meetings Act Complaint – San Juan County Fire Department**

Dear Mr. Ray:

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 San Juan County Fire Department (“the Department”). 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) (authorizing the Office of the Attorney General to enforce all provisions of the Open Meetings Act).

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, by its terms the OMA is applicable to meetings of a public body; governmental agencies that do not consist of a multi-member deliberative body are not subject to the OMA. *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).

The facts that you have provided to us do not allege that an action was taken by a “public body” for the purposes of the OMA. At this time, we have insufficient evidence to conclude that a Fire Department consists of a “quorum” of policymaking members so as to become subject to OMA as a public body. Section 10-15-1(B). In the absence of an identifiable public body, we cannot further review this matter. Accordingly, we consider this matter closed.

Reva Ray  
February 3, 2020  
Page 2

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](http://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

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

## Electronic Complaint Submission

### Submission Detail

<b>ECS Reference Number</b>	NMOAG-ECS-20181111-a488
<b>Final Submit Date</b>	11/11/2018 8:06:08 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** Inspection of Public Records (IPRA) Complaint

**Retained Attorney**

## Parties

### Complainant

**Reva Ray**

Person

### Address

### Contact information

## Complaint against

### San Juan County Fire Dept. Fire Operations Administration - Marie Jones Office Manager

Public Body (Government Entity)

#### Address

209 S.Oliver Drive.  
Aztec, New Mexico 87410

#### Contact information

[jonesm@sjcounty.net](mailto:jonesm@sjcounty.net)  
(505) 334-1180  
sjcfd.com

Most of the public information request I sent to Marie on 11/5/18 are items I had requested from the San Juan County Legal Dept., Doug Echols, Records Custodian. Some of these requests were 4 weeks old and there was no reply whatsoever. I already filed a complaint about this, Reference Number NMOAG-ECS-20181106-a96d. I sent Requests for Public Information to District Chief Wayne Wendell and SJCFD Office Manager Marie Jones on 11/5/2018 because I believe they are in possession of the documents I am asking for. Wayne Wendell replied that he had been instructed by the SJC Legal Dept. not to answer me. I have asked Marie Jones for documents in the past and she has provided them very quickly, so I am not sure why she has not replied in any way this time.

## Complaint Specifics

<b>Format of IPRA request:</b>	Written
<b>Date IPRA request was submitted to the public body:</b>	Mon. 11/5/2018, 7:27 PM
<b>Date of all responses received from the public body:</b>	On Tue. 11/6/2018 Wayne Wendell replied that he had been instructed by the county legal department that all requests for public information must go through their office, therefore he cannot provide this information directly to me. I have not received any reply from Marie Jones.
<b>Records</b>	No records were provided.
<b>Deadlines (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)</b>	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.

## Transaction

## Documents



email to M Jones.pdf

emails sent requesting information

### Comments

\*\*\* END OF COMPLAINT \*\*\*

Reva Ray

Mon 11/5/2018, 7:27 PM

Marie Jones; director@nmfog.org



Marie,

I have requested to inspect these documents from Doug Echols, but he has not answered me. I am now requesting them from you per NMSA 14-2-1 through 14-2-12.

Documentation showing discontinuation of the SJCFD Support Member program.

The SJCFD Administrative Regulations mentioned in SJCFD Policy Number 101-01 Authority.

My personnel file from SJCFD.

Documentation that shows SJCFD Support Members are not allowed to vote.

Agendas and minutes for SJC Fire Chiefs Association meetings Jan.1,2009 through Dec. 31, 2009.

Agendas and minutes for SJC Fire Chiefs Association meetings Jan. 1,2011 through Dec. 31,2011.

Documentation showing that the SJC Executive Officer reviewed and approved the SJC Fire Department Annexes.

Thank you.

Reva Ray

7309 Hwy. 64

Bloomfield, NM 87413

lsmay2012@hotmail.com

Email attachment for NM AG

----- Original message -----

From: Reva Ray <lsmay2012@hotmail.com>  
Date: 9/14/18 10:03 AM (GMT-07:00)  
To: "Echols, Doug" <dechols@sjcounty.net>  
Subject: Re: Inspection of public records request

Hello,

On Sunday 9-9-2018, I sent you an inspection of public records request. The open meetings act says you have 3 days to respond . I have not heard from you. When can I inspect these records?

Reva Ray

**From:** Echols, Doug <dechols@sjcounty.net>  
**Sent:** Friday, September 14, 2018 10:23 AM  
**To:** Reva Ray  
**Subject:** Re: Inspection of public records request

This is the first I have seen your Request. The administrative offices are closed until Monday. I will begin gathering documents then

Doug Echols

Sent from my Samsung Galaxy , an AT&T LTE smartphone

Reva Ray

Wed 9/26/2018, 2:42 PM

Echols, Doug

?

Hello,

I inspected the items from my request on 9-9-2018 that were provided to me this morning. Thank you. Some items I asked for were not there. I did not see any agendas. Were there agendas for the meetings I asked about?



What part, paragraph or sentence of the SJC Fire Chiefs Association by-laws gives them the authority to change policy? I did not see a document that shows discontinuation of the SJCFD Support Member program. Is there one?

Thank you  
Reva Ray

Reva Ray  
Tue 10/2/2018, 5:46 AM  
Echols, Doug

?

Hello,  
I am requesting the agendas and minutes from all meetings held by SJC Fire Dept. District 5 from 1-1-2015 through 9-30-2018. Please let me know that you have received this request. Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
ismay2012@hotmail.com

Echols, Doug <dechols@sjcounty.net>  
Tue 10/2/2018, 7:25 AM  
Reva Ray

?

There are no published agendas  
Doug Echols  
County Attorney  
Legal Department  
Phone: 505-334-4301  
[dechols@sjcounty.net](mailto:dechols@sjcounty.net)

Reva Ray

Tue 10/2/2018, 8:13 AM

Echols, Doug



Ok. How about minutes including members present?

Reva

Douthit, Donielle <ddouthit@sjcounty.net>

Wed 10/3/2018, 1:24 PM

ismay2012@hotmail.com



Response.pdf

113 KB



OneDrive-2018-10-02.zip

506 KB



2 attachments (619 KB)

[Download all](#)

[Save all to OneDrive](#)

Ms. Ray:

Please see attached the response from Doug Echols.

Donielle Douthit

Legal Assistant

Legal Department

Phone: 505-334-4301

ddouthit@sjcounty.net

Reva Ray

Thu 10/4/2018, 8:54 AM

Douthit, Donielle



Good Morning,

I received the Minutes that you sent. Thank you very much.  
There are some of the minutes from SJCFD District 5 that I did not get. They are:  
Jan., Feb., March, April, May, July, Sept, Oct. and Dec. 2015,  
March, Aug., Nov. and Dec. 2016,  
April, May, June, July, Aug., Nov. and Dec. 2017 and  
Feb., March, April, May and July 2018

Do you have them? Are you able to get them? If not, what is the reason? Thank you.

Sincerely,  
Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

**I did not receive a reply.**

Reva Ray  
Thu 10/4/2018, 9:01 AM  
dechols@sjcounty.net



Hello,  
I am requesting the minutes of all meetings held by SJCFD District 5 from 1-1-2013 through 12-31-2014.

Thank you.  
Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

**I did not receive a reply.**

Reva Ray  
Fri 10/5/2018, 8:30 AM  
dechols@sjcounty.net



Hello,

This request pertains to San Juan County Fire Dept. Policy Number: 101-01 Authority.

In the 5th paragraph down from the solid line under Policy Statement, it mentions The Administrative Regulations.

I am requesting to inspect The Administrative Regulations mentioned in this policy. Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

I did not receive a reply.

Reva Ray  
Sat 10/6/2018, 8:44 PM  
dechols@sjcounty.net



Hello,

On September 9, 2018 I requested to inspect the documentation that shows the SJCFD Support Member program being discontinued. I have not been supplied with this document yet.

Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

I did not receive a reply.

Reva Ray  
Sun 10/7/2018, 9:50 PM  
dechols@sjcounty.net

?

Hello,  
Even though I have already made this request and still want what I requested, I very specifically am requesting the Agendas and minutes including names of those present for the Officers meetings that were held at SJC FD District 5 in July 2018 and on August 2, 2018. Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

I did not receive a reply.

Reva Ray  
Tue 10/9/2018, 3:06 PM  
dechols@sjcounty.net

?

Hello,  
I'm requesting an electronic copy by email of every thing in my personnel file from SJC Fire Department. Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

I did not receive a reply.

Reva Ray

Fri 10/19/2018, 8:59 PM

dechols@sjcounty.net



Hello,

I am requesting to inspect:

The documentation that shows that SJCFD Support Members are not allowed to vote.

A copy of the SJCFD Policies and Procedures updated August 18,2018 now being used by SJCFD District 5.

Published agenda for Personnel Board meeting held by SJCFD District 5 on October 30,2017.

Agenda and minutes for SJC Fire Chiefs Association meetings Jan.1,2009 through Dec. 31,2009

Agenda and minutes for SJC Fire Chiefs Association meetings Jan. 1,2011 through Dec.31,2011

Thank you.

Reva Ray

7309 Hwy. 64

Bloomfield, NM 87413

505-632-1693

[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

**I did not receive a reply.**

Reva Ray

Sat 10/20/2018, 3:29 AM

dechols@sjcounty.net



Hello,

I am requesting to inspect the agenda and minutes of the SJC Commission meeting held on or about April 5,2011.

Thank you.

Reva Ray

7309 Hwy. 64  
Bloomfield, NM 87413  
505-632-1693  
ismay2012@hotmail.com

I did not receive a reply.

Reva Ray  
Tue 10/23/2018, 4:46 AM  
dechols@sjcounty.net



Hello,

In reference to The Amended and Restated SJC Ordinance 49 dated 4/5/2011 Section 9, I would like to inspect the documentation that shows that the the San Juan County Executive Officer reviewed the SJC Fire Department Annexes.

Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield NM 87413  
505-632-1693  
ismay2012@hotmail.com

I did not receive a reply.

Reva Ray  
Fri 10/26/2018, 11:48 AM  
dechols@sjcounty.net



Hello,

I would like to inspect the Agenda and minutes for the October Business meeting at San Juan County Fire Department District 5.

Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413

505-632-1693  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)

I did not receive a reply.

Reva Ray  
Mon 11/5/2018, 7:05 PM  
Blanco Fire; [director@nmfog.org](mailto:director@nmfog.org)



Wayne,

I have requested to inspect these documents from Doug Echols, but he has not answered me. I am now requesting them from you per NMSA 14-2-1 through 14-2-12.

Documentation showing discontinuation of the SJCFD Support Member Program.

Agendas in any form and minutes from any and all meetings held by SJCFD District 5:

Jan., Feb., March, April, May, July, Sept., Oct. and Dec. 2015,  
March, Aug., Nov., and Dec. 2016,  
April, May, June, July, Aug., Nov., and Dec. 2017. and  
Feb., March, April, May, July, Aug., and Oct. 2018

Agendas in any form and minutes of all meetings held by SJCFD District 5 from 1-1-2013 through 12-31-2014.

The documentation that shows that SJCFD Support Members are not allowed to vote.

Copy of SJCFD Policies and Procedures updated August 18, 2018 now being used by SJCFD District 5.

Agenda in any form for Personnel Board meeting held by SJCFD District 5 on Oct. 30, 2017.

Thank you.

Reva Ray  
7309 Hwy. 64  
Bloomfield, NM 87413  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)



Blanco Fire <BlancoFireNM@hotmail.com>

Tue 11/6/2018, 7:28 AM

You; dechols@sjcounty.net; Craig Daugherty



Reva,

I have been instructed by the county legal department that all requests for public information must go through their office, therefore I cannot provide this information directly to you.

I will forward your request on to Doug Echols.

**Wayne**

Reva Ray

Mon 11/5/2018, 7:27 PM

Marie Jones; director@nmfog.org



Marie,

I have requested to inspect these documents from Doug Echols, but he has not answered me. I am now requesting them from you per NMSA 14-2-1 through 14-2-12.

Documentation showing discontinuation of the SJCFD Support Member program.

The SJCFD Administrative Regulations mentioned in SJCFD Policy Number 101-01 Authority.

My personnel file from SJCFD.

Documentation that shows SJCFD Support Members are not allowed to vote.

Agendas and minutes for SJC Fire Chiefs Association meetings Jan.1,2009 through Dec. 31, 2009.

Agendas and minutes for SJC Fire Chiefs Association meetings Jan. 1,2011 through Dec. 31,2011.

Documentation showing that the SJC Executive Officer reviewed and approved the SJC Fire Department Annexes.

Thank you.

Reva Ray

7309 Hwy. 64  
Bloomfield, NM 87413  
[ismay2012@hotmail.com](mailto:ismay2012@hotmail.com)