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June 13, 2011

James McKay, General Counsel  
Shannon Garcia, Paralegal  
New Mexico Regulation and Licensing Department

**Via e-mail with additional attachment**

Dear Mr. McKay and Ms. Garcia,

I recently requested from Regulation & Licensing any current policies, memos or written directives establishing procedures for complying with the Inspection of Public Records Act. In response, Ms. Garcia provided the enclosed April 11 directive and a copy of the Attorney General's IPRA Compliance Guide.

I certainly appreciate that RLD has implemented a system to ensure that all public-records requests are tracked and fulfilled in a timely manner. However, I am concerned that the system may introduce some unnecessary delays, particularly when a request concerns routine public documents that are readily available for inspection in a division office.

The IPRA requires production of documents "immediately or as soon as practicable under the circumstances," (NMSA 14-2-8.D) but under the April 11 directive, it would be virtually impossible for a records liaison to fulfill a request immediately, given that prior to inspection, the documents must be sent to two other offices for review. If a citizen makes an in-person, verbal request for a public record that is immediately available, is that citizen expected to leave and come back once the request has been reviewed by two departments? (FOG received a complaint that this had in fact happened, which is what prompted my review of RLD's policy.) Surely some requested documents need to be reviewed by legal counsel to determine whether they contain exempt information, but not all requested documents. Empowering the on-site staff of individual divisions and field offices to provide regulatory and licensing documents that are clearly non-exempt would help members of the public obtain such information in a manner consistent with the purpose of IPRA.

Thank you very much for your time and consideration, and please don't hesitate to contact me to discuss this matter further.

Sincerely,

Sarah Welsh  
Executive Director