

# New Mexico Foundation for Open Government

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Jan. 21, 2010

**Via e-mail**

Betsy Glenn  
Civil Division  
Office of the Attorney General  
P.O. Drawer 1508  
Santa Fe, NM 87504-1508

Dear Ms. Glenn,

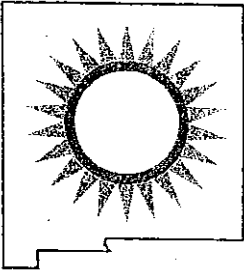
On behalf of the New Mexico Foundation for Open Government and its members, I respectfully request that your office review the enclosed materials and take any necessary action to enforce the Inspection of Public Records Act. I believe that what has happened is at best an attempt by the Office of the Governor to delay the release of information that belongs to the public and is of great public interest; at worst, we are experiencing outright obstruction in violation of the Act.

On Oct. 23, 2009, the Governor's office issued a press release informing the public that 59 exempt state employees had been notified of their impending separation from state government, effective Jan. 8, 2010. Several reporters contacted public-information officer Gilbert Gallegos to request the names, titles and salaries of the 59 employees. When they were rebuffed, they filed formal requests under the Inspection of Public Records Act. The Office of the Governor waited 15 days and then provided the original press release along with copies of e-mail correspondence, mostly to and from reporters, related to the release (see attached.) These documents were not responsive to the requests, which clearly sought the names, departments and salaries of affected employees; however, the Governor's office closed the requests. Records custodian Marcie Maestas did not forward the requests to other state agencies in possession of responsive documents, as mandated by law.

At least one reporter filed a separate formal IPRA request with the Department of Finance and Administration, and was told there were no documents responsive to his request. (see attached.) This request was also not forwarded to any other agencies. Once the Jan. 8 effective date of separation passed, still more requests were filed with DFA. Requestors are still waiting for responsive documents.

Therefore, to my knowledge, no documents identifying the 59 eliminated positions have been provided by state government to date. NM-FOG filed its own request but has not yet received any responsive documents (see attached.)

Your prompt assistance is greatly appreciated. As the legislature begins a difficult and urgent budget-balancing process, New Mexico taxpayers and their representatives have now been waiting nearly three months for public information which I believe was readily available on Oct. 23.



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Please contact me at (505) 764-3750 or [info@nmfog.org](mailto:info@nmfog.org) if you have any questions or require more information.

Sincerely,

Sarah Welsh  
Executive Director