



Minutes
NMFOG Board of Directors Meeting
Friday, August 25, 2023
12 – 2 p.m.
NMFOG Office and via Zoom

Directors in attendance in person: Sammy Lopez, Paula Maes, Karen Moses, Rashad Mahmood, Lucas Peerman, Greg Williams and Daniel Yohalem.

Directors in attendance via Zoom: Kathi Bearden, Kristelle Siarza, Charles Peifer, Dede Feldman, Chris Keller, Daniel Russell, Jessica Onsurez, Kip Purcell and Rebecca Valdez,

Staff in attendance in person: Melanie J. Majors. Jason Espinoza, lobbyist.

Not Present: Nate Gentry, Henry Lopez and Mary Lynn Roper. Albuquerque City Clerk Ethan Watson and Phillip Baca and Thomas Mescall, attorneys attended the meeting.

A quorum of the FOG Board of Directors being present in person and online, President Moses called the meeting to order at 12 p.m. In her opening remarks, she congratulated Ms. Maes on her induction into the New Mexico Broadcasters Hall of Fame. The NMBA gave Ms. Maes the honor at its annual convention on August 11. Ms. Moses thanked board members for their time and energy. She also welcomed Lucas Peerman, Albuquerque Journal, to the board.

Ms. Moses asked to make a change in the order of the agenda to push Mr. Watson's presentation after the committee reports as he had an emergency. Mr. Yohalem made a motion to approve the change and Mr. Lopez seconded the motion, motion carried.

Mr. Mahmood presented the minutes. Mr. Yohalem made a motion to approve the minutes which were seconded by Mr. Mahmood, motion carried.

Treasurer Sammy Lopez gave the financial report was unable to attend the meeting and Ms. Majors presented the financial report. The report included the quarterly financials and budget vs. actuals. FOG has current assets of \$371,334.99 with \$197,683.32 earmarked for the sunshine attorney in an investment account. Mr. Lopez reported \$57,469.65 in the checking account. The total liabilities and equity are \$403,443.58 Mr. Williams made a motion to accept the financial report which was seconded by Ms. Feldman, motion carried.

Committee Reports

Legal Search Committee – Mr. Peifer said the legal committee is advertising and trying to find a Legal Director for FOG. He said the process has been difficult. He said the organization has interviewed several attorneys. He said FOG can't wait too long to use the money FOG has raised to hire a director or other options. He said the committee is looking at putting a plan in place to use the money – including hiring a legal director, contracting with a small law firm to be regular legal counsel to FOG, part time lawyers or partnering with another organization. He said the salary range is \$80,000 to \$120,000. Ms. Moses asked that the committee schedule a brainstorming meeting with the committee by the end of September. Ms. Feldman asked about the possibility of working with the Reporter's Committee as a partner. Mr. Peifer said that idea has not been rejected and pointed out one issue is that the Reporter's Committee has a narrow mission that does not include the general population.

Legal Committee – Mr. Williams gave an update on the Libbett v University of New Mexico lawsuit, A-1-CA-38255 and said the Supreme Court was set to hear oral arguments in the case on Sept. 11. Libbett has sued UNM for non-release of records involving the university's Lobo Club and Foundation. FOG filed an amicus brief in this case. Mr. Williams also talked about several cases that have come out of the Court of Appeals that he calls problematic. These are centered on the extent to which employment records of public officials are exempt from IPRA. Mr. Yohalem suggested if the Supreme Court does not take the appeal on the employment records, FOG pursue strategy in the fall and get the Legislature thinking about the problems with the issue. This item will be added to the Legislature's agenda for the fall.

Legal CLE

Ms. Majors was directed to contact the Bar Association about possible dates to hold the CLE.

Fundraising – Rashad Mahmood indicated the committee would be meeting soon and was working on contributions for the Silent Auction.

Marketing Committee – Ms. Siarza updated the board about FOG's marketing efforts. She said the committee is working hard on revamping and producing a donor video. After Ms. Siarza's demonstration, Ms. Moses said that she was going to begin archiving the FOG information that is now stored in multiple filing cabinets. She asked if it could be stored on the website.

Dixon – Ms. Majors provided the board with the recommendations for the 2023 Dixon Award recipients. Two individuals will be singled out as Lifetime Achievement Recipients – They are Billie Blair and Susan Boe, both of Santa Fe. The 2023 recipients include: Maralyn Beck, citizen; Sen. Nancy Rodriguez, government; Matthew Beck, law; and D'Val Westphal, media. Jason Leopold, an investigative journalist at Bloomberg News who aggressively uses the Freedom of Information Act to push for greater transparency, will be the keynote speaker for the 2023 New Mexico Foundation for Open Government William S. Dixon First Amendment Awards luncheon on Oct. 17, 2023 at the Sandia Golf Club in Albuquerque. Sponsorships are available and every board member was reminded they need to purchase a ticket for the luncheon.

Presentation – Ethan Watson, Albuquerque City Clerk, made a presentation to the Board. The presentation centered on the number of personnel now answering requests, the number of requests submitted, what organizations are filing requests. He pointed out that the majority of

requests come from three groups – attorneys, financial institutions and insurance companies. Media takes up no more than four percent of the overall requests. He said 74 percent of the requests come from 15 requesters. He also said there are a total of 59 lawsuits underway.

NEW Business

Phillip Baca, attorney, addressed the board concerning several ongoing IPRA cases. He said two were on appeal, two going to trial. A discussion ensued about records, restrictions, punitive damages and exceptions. Ms. Majors was directed to send information to Mr. Baca concerning settlements.

With no other business, Mr. Williams moved to adjourn the meeting and Mr. Lopez seconded the motion. The meeting adjourned at 2:15 p.m.