



FOUNDATION FOR
OPEN GOVERNMENT

ANNUAL REPORT
NEW MEXICO FOUNDATION
FOR OPEN GOVERNMENT

LETTER FROM EXECUTIVE DIRECTOR



Melanie Majors
NMFOG Executive Director



The public has a right to know what our government is doing and how decisions are being made by the officials managing our tax dollars.

As the state's foremost nonprofit, nonpartisan, member-supported statewide organization on government transparency, the New Mexico Foundation for Open Government (FOG) has a single mission — to help the general public, students, educators, public officials, media and legal professionals understand, obtain and exercise their rights and responsibilities under New Mexico "sunshine laws" — the Inspection of Public Records Act, Open Meetings Act and Arrest Record Information Act.

At FOG, we know when the public is denied access to public records and government proceedings, it erodes the foundation on which our institutions are built. These violations are the seeds that grow distrust in our institutions and the people elected to serve us. And that distrust, according to pollsters like Gallup and others, is now at an all-time low.

FOG also knows there are consequences for this disenchantment including voter apathy, political anxiety and even increased polarization. Because of your financial support to FOG, we continue to work to work to solve these issues through our emphasis on transparency. Transparency and accountability are the basis of our democratic process and the underpinnings of how our civic institutions operate. The public has a right to know what our government is doing and how decisions are being made by the officials managing our tax dollars.

This year-end report outlines the activities, successes and challenges FOG faced in the past year. It is designed to give you, our supporters, a look at FOG's accomplishments and thank you for your continued support.

HIRING OF STAFF ATTORNEY



Amanda Lavin
Sunshine Attorney

Join us in welcoming Amanda Lavin as FOG's first Sunshine Attorney. Amanda was selected to join the FOG team in December. Her hiring is a fulfillment of a promise FOG made to its many supporters back in 2021 when it embarked on a campaign to raise \$300,000 to fund a "sunshine attorney."

Amanda most recently was a trial lawyer with the Office of the Federal Public Defender in Albuquerque. There she represented indigent criminal defendants facing federal felony charges in the United States District Court of New Mexico through all phases of the case, including pre-indictment, trial, and appeals in the United States Court of Appeals for the Tenth Circuit and United States Supreme Court. She also worked at the Law Offices

of the Public Defender in Albuquerque and Taos and for a private practice. She received her J.D. from the University of New Mexico School of Law in December 2012 and graduated from Montana State University in Bozeman with a dual major in Health and Human Development and Spanish.

Since its inception FOG has faithfully followed and fulfilled its mission to educate, advocate, and litigate for open government. We believe that the addition of Amanda as our attorney will allow FOG to become more aggressive in shining a light on government's actions as well as more strategic in pursuing a litigation strategy for bringing more sunshine to New Mexico. We should be afraid of the dark!

Lift the FOG

The New Mexico Foundation for Open Government is a nonpartisan, nonprofit organization dedicated to protecting your right to know what your government is doing. But the battles we fight aren't easy or cheap. We need your help.

Join us today.

Individual membership is only \$50 a year. Please visit our website to join or mail your check to: NMFOG 2333 Wisconsin St. NE, Albuquerque, NM 87110.

nmfog
FOUNDATION FOR OPEN GOVERNMENT
NMFOG.org
Hotline: 505-764-3750



Advocate, educate and litigate are the three underpins of the mission of FOG and for more than 34 years, FOG has worked to improve and expand public access to their government.

2023 EXECUTIVE COMMITTEE



Karen Moses
PRESIDENT
Retired Editor
Albuquerque Journal



Jessica Onsurez
VICE-PRESIDENT
News Director
USA Today Network,
New Mexico



Sammy Lopez
TREASURER
Executive Director
New Mexico Press Association



Rashad Mahmood
SECRETARY
Co-Director
New Mexico Local
News Fund



Kathi Bearden
**IMMEDIATE PAST
PRESIDENT**
Retired Publisher



Paula Maes
AT-LARGE MEMBER
President New Mexico
Broadcasters Association



Daniel Yohalem
AT-LARGE MEMBER
Law Office of Daniel Yohalem

At the end of 2023, the FOG board voted in new officers that include Jessica Onsurez as president, Karen Moses as past president and Mary Lynn Roper to replace Paula Maes as executive committee at-large member. The rest of the 2024 executive committee remains the same as the 2023 executive committee.

BOARD OF DIRECTORS



Dede Feldman
Consultant
Former State Senator



Nate Gentry
Attorney at Law
Former State Representative



Christopher Keller
Data and Graphics Reporter
The Associated Press



Henry Lopez
Digital Editor
Santa Fe New Mexican



Lucas Peerman
Sports Editor
Albuquerque Journal



Charles Peifer
Senior Partner
Peifer, Hanson Mullins
& Baker, P.A.



Charles "Kip" Purcell
Attorney and Director
Rodey, Dickason, Sloan,
Akin & Robb P.A.



Mary Lynn Roper
Retired General Manager
KOAT-TV



Daniel Russell
Publisher
Hobbs News-Sun



Kristelle Siarza
CEO
Siarza Social Digital



Rebecca Valdez
Assistant News Director
KOB-TV 4



Greg Williams
Attorney at Law
Peifer, Hanson, Mullins
& Baker, P.A.

In January 2024, the board welcomed Wende Schwingendorf, managing editor of Albuquerque Business First, and Barbara Vigil, former N.M. Supreme Court chief justice and former secretary of CYFD, to the FOG board. We thank outgoing board members Henry Lopez and Dede Feldman for their years of valuable service.

WHAT WE DO

FOG advocates, educates and litigates to improve and expand public access to the public's government.

ADVOCATE

Webster's Dictionary defines advocacy as "the act of arguing in favor of something such as a cause, idea or policy." During the past year, FOG's advocacy activities included the following:

- Building relationships with elected officials' representatives. FOG has also met with legislators, city council members, county commissioners, water association personnel and school board members.
- Commenting on changes to rules and regulations was important during the 2023 New Mexico Legislature. FOG provided guidance to legislators when drafting bills. We provided input to a number of bills to expand your right to know. We worked with legislators to draft language. We even testified against proposed legislation that would have limited the public's access.

OTHER ACTIVITIES:

- The Farmington Police Department provided a local reporter with documents after FOG sent a letter to the department reminding it of its obligations to provide records even if the investigation was "ongoing."
- The Tatum Town Council changed a meeting venue after FOG reached out to remind officials that the Open Meetings Act is very specific about the public's right to 'attend and listen.'
- The Hobbs Municipal School Superintendent met with FOG in a productive meeting after we questioned the procedures taken by the school board in a meeting limiting the time allotted for individuals to address the body.
- In addition, FOG issued numerous statements to the media to bring public attention to government agencies actions including when the Public Regulation Commissioners (PRC) voted unanimously in favor of a plan to hold fewer public meetings and more executive sessions, or talks held behind closed doors, and when Children Youth and Families Department Advisory Council chair announced its meetings will be closed to the public - as the council chair said public meetings would not be productive.



B O O T C A M P

EDUCATE

FOG continues to offer a free course for citizens, journalists, attorneys and educators and public officials, aimed to provide guidance on compliance with IPRA and OMA.

These open government "Bootcamp" presentations reinforce the important role government officials serve and their responsibilities under our state's sunshine laws. In 2023 FOG offered Bootcamp training to records custodians, elected officials, citizens and members of the media periodically throughout the year.

Bootcamp is now available as a virtual course and as an in-person presentation. The presentation includes background about the procedures to access government information and what to do if requests are denied.

FOG has established a speaker's bureau offering free presentations about open government, transparency and accountability. The presentations are tailored to the individual group's goals and objectives.

FOG has a new video. With the assistance of a team from Siarza Digital, a new FOG video debuted at the 2023 Dixon Awards Luncheon. The video is available on the website along with other useful information including the AG's IPRA and OMA guides, and a list of all of the state's records custodians.

The NMFOG Hotline is one of the most important services we offer. 505.764.3750



You have a fundamental right to know what your government is doing, and that includes the right to inspect public records and the right to attend public meetings.

LITIGATE

Along with advocacy and education, FOG is focused on litigation, which is reserved as a final step - but a crucial one. Our friend of court (amicus) briefs filed in the New Mexico Court of Appeals and Supreme Court have been instrumental in shaping transparency law in the state. When FOG speaks, the appellate courts listen.

In 2021, FOG embarked on a campaign to raise \$300,000 to fund a "sunshine attorney," and that attorney is now on the job.

Throughout our history, FOG has been on the front lines leading the fight for transparency and accountability. What you do not know will hurt you! FOG has been instrumental in the development and protection of IPRA and Open OMA laws—both legislatively and in the courts. This has occurred thanks to an outstanding panel of volunteer lawyers—pro bono attorneys who have remained tireless and tenacious in their pursuit of government accountability, and a team now ready to train a full-time FOG lawyer. On countless occasions throughout the year, this panel—which collectively would cost FOG at least \$1,200 per hour—convenes on conference calls or participates in email threads in high-level discussions concerning open government situations in New Mexico.

2023 1ST AMENDMENT DIXON LUNCHEON

The public's right to know was front and center from Keynote Speaker Jason Leopold's remarks to the speeches from each of the Dixon Award recipients - Maralyn Beck, citizen; Sen. Nancy Rodriguez, government; Matthew Beck, law; and D'Val Westphal, media. Lifetime Achievement Awards were presented to Billie Blair and Susan Boe. Each woman delivered powerful statements about the importance of democracy and transparency.

“ Each year, through our William S. Dixon First Amendment Freedom awards, we honor those New Mexicans who advance transparency in the areas of law, journalism, education, government and business.

William S. Dixon First Amendment Freedom Award Recipients 2023



CITIZEN
MARALYN BECK



GOVERNMENT
STATE SEN.
NANCY RODRIGUEZ

LIFETIME ACHIEVEMENT



Susan Boe and Billie Blair at the 2023 Dixon awards



LAW
MATTHEW BECK



MEDIA
D'VAL WESTPHAL



Past and current Dixon Award recipients gathered at the 2023 luncheon.

Because no one knows what goes on behind closed doors.

The New Mexico Foundation for Open Government is a nonpartisan, nonprofit organization dedicated to protecting your right to know what your government is doing. But the battles we fight aren't easy or cheap. We need your help.

Join us today.

Individual membership is only \$50 a year. Please visit our website to join or mail your check to NMFOG, 2333 Wisconsin St. NE, Albuquerque, NM 87110.

SUPPORT NM FOG

NMFOG is New Mexico's leading advocate for transparency in government. Its mission is to defend the public's right to know and to educate citizens and government agencies about their rights and responsibilities under New Mexico's open meetings and open-records laws. We are a statewide nonprofit, nonpartisan, member-supported organization that draws broad support from the general public, business community, elected officials, journalists and lawyers.

We are engaged in this critical work because of YOU. Your donations are needed now more than ever because our mission has become more critical to democracy. Please use donate online at [NMFOG.org/donate](https://nmfog.org/donate). You may donate on a monthly basis, quarterly or annually - or through your employer contributions. Together, we can increase public access to government. We thank all of you who made contributions in 2023. Please continue your support in 2024.



Use the camera on your smart phone to scan the QR code or visit:

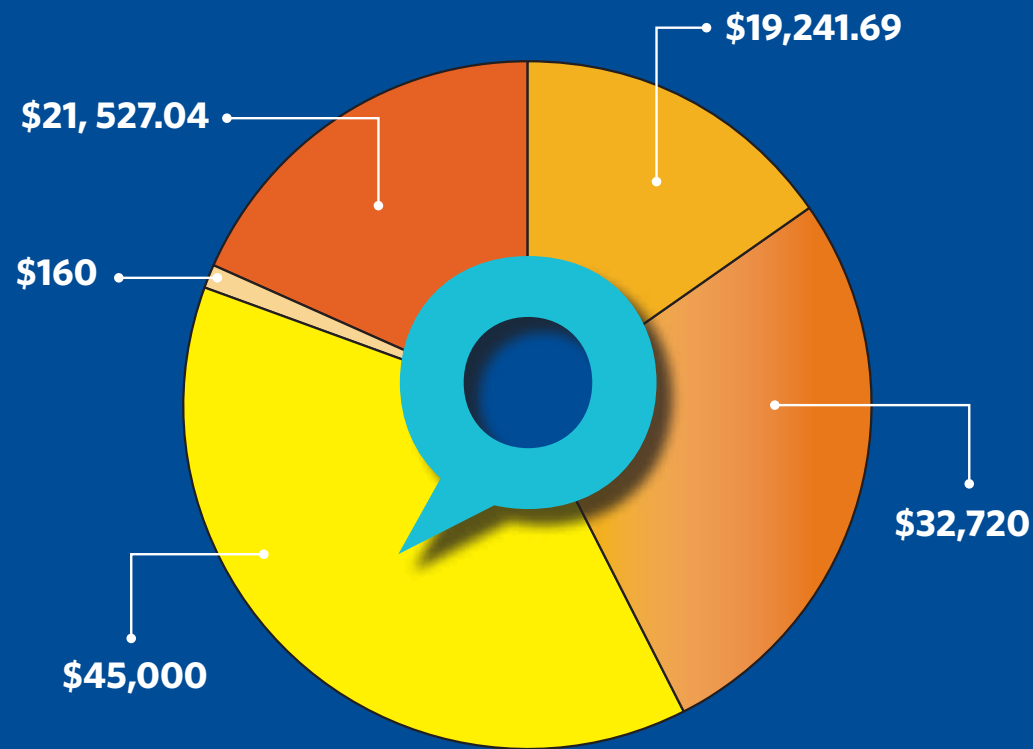
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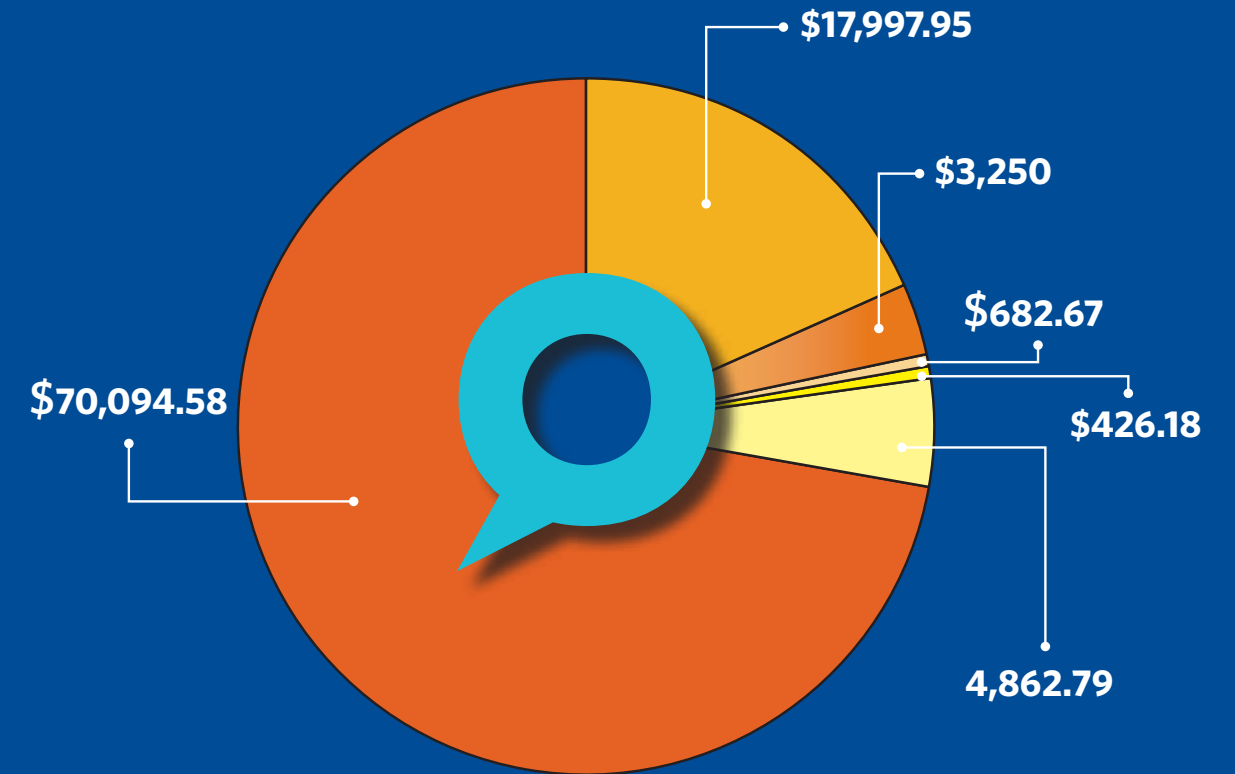
INCOME



- Memberships, contributions and donations \$19,241.69
- Income from events \$32,720
- Grants \$45,000
- Other \$160
- Other income - investment, dividends \$21,527.04

TOTAL INCOME \$109,121.69

EXPENSES



- Expenses from events \$17,997.95
- Fund raising expenses \$3,250
- Office expenses, computer, hotline telephone, video conferencing, liability insurance \$426.18
- Website \$682.67
- Professional Services \$4,862.79
- Salary and benefits \$70,094.58

TOTAL EXPENSES \$105,447.46



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