

April 2024

FOG Light

April 2024 newsletter

SOS Releases Audits

A Former FOG Board Member reached out to FOG in mid-March regarding a denial of a public records request the former board member made to the Secretary of State (SOS) for normalization spreadsheets from the 2022 and 2023 election audits. FOG Legal Director Amanda Lavin said the exception the SOS relied on to deny providing responsive records was that the information was proprietary and a trade secret. Lavin explained FOG believed the requested records did not fit the cited exception. Peter Auh, the SOS general counsel, agreed with FOG's analysis and disclosed the spreadsheets in an unlocked format. The SOS released the 2023 records with a separate record containing the formulas and indicated the other records will be provided soon.

DOJ Investigations

The New Mexico Department of Justice (Attorney General) is investigating whether the Bernalillo County Commission violated the Open Meetings Act by engaging in a rolling quorum before its April 9, 2024 meeting.

DOJ launched the investigation after FOG and others filed complaints alleging a possible violation. The complaints centered on a Commission resolution creating a search committee to decide how to fill the county manager position. The current county manager is set to retire in June.

The DOJ agreed with FOG's position that the Eastern New Mexico University (ENMU) Board of Regents violated the Open Meeting Act during their Jan. 17, 2024, meeting by taking a final action to approve a contract renewal for ENMU President/Chancellor James Johnston during a closed executive session. FOG and Eastern New Mexico News Editor David Stevens filed complaints pointing out the violation after the regents' January meeting. The DOJ letter shows the minutes from the meeting indicate the Regents took an "invalid action by voting to approve the President's contract during a closed executive session. The voting on the approval of the President's contract, and similarly the faculty retention matter, were required to be held during the open portion of

the Board of Regents meeting, allowing the public to observe the individual votes of the individual Regents. Publishing the votes taken in a closed session by the individual Regents in the meeting minutes does not cure these invalid final actions.”

FOG Hotline

The situations outlined above are just a few of the many calls FOG receives each year via email and its telephone hotline. The free hotline is one of the most important services FOG offers. Each year we answer questions from all over New Mexico. Questions come over the phone at 505-764-3750 and through the email at info@nmfog.org.

Bootcamp

Do you want to keep New Mexico State government open and accountable? Join us on Tuesday, April 23, 2024, at 10 a.m. for basic training and learn about IPRA, OMA and your rights. It's free. Register at info@nmfog.org. Contact FOG to schedule a Bootcamp training session for your agency or organization.

FOG at the Mike

Thank you to the Kiwanis Club of Albuquerque for inviting the FOG Executive Director to speak at its April 15, 2024 meeting. The 107-year-old organization is part of Kiwanis International, an organization dedicated to improving the world, one child and one community at a time.

To request a FOG speaker to address your group, please email FOG at info@nmfog.org. We are happy to share our message of transparency and accountability.

2024 Dixon Awards

Now is the time to start thinking about potential nominees for the annual FOG Dixon Award. FOG is finishing the criteria for this year's honors and will have the forms available soon. The Dixon Luncheon will be held on Oct. 15, 2024, at the Sandia Golf Club in Albuquerque.

Time to Pay Your 2024 Dues

To all of you who have paid your dues, thank you. Contact FOG at info@nmfog.org if you are unsure of your dues status. Or, pay online at nmfo.org.

Do you know someone who should be a member of FOG? Please invite them to join.

Upcoming Board Meeting

The next meeting of the FOG board of directors will be held on Friday, April 26, 2024, at 12 p.m. Meetings are open to the public. Direct requests to attend to info@nmfog.org.

Open-government questions? Call 505-764-3750