



State of New Mexico
Office of the Lieutenant Governor

Diane D. Denish
Lieutenant Governor

505-476-2250

January 29, 2010

Dear Mr. Weh:

We are in receipt of your letter dated January 20, 2010.

Regarding your records request of November 6, 2009, the Office of the Lt. Governor provided you with all of the responsive documents that were maintained and kept by our office. We have recently learned that this office should have been aware that another state agency, the Department of Finance and Administration (DFA), had additional responsive documents at the time of our earlier response to you and should have referred your request to the custodian at DFA at that time. We inadvertently failed to do so. We have now forwarded your request to the custodian at DFA, Nicole Gillespie, 180 Battan Building, Santa Fe NM 87501. The reason these additional records are not maintained by our office is that DFA maintains financial control for all executive branch agencies.

Regarding your records request of November 11, 2009, we received your request on November 16, 2009. On November 19, 2009 we acknowledged your request to inspect certain records and asked you to clarify this request. (See attachment A).

On November 23, 2009 we received clarification about the records you were seeking to request. (See Attachment B). On December 1, 2009 we acknowledged the receipt of the clarification and at that time we informed you that we considered the request to be excessively burdensome and stated we would attempt to respond to your request in 90 days if not sooner. (See Attachment C)

The Inspection of Public Records Act, Chapter 14 Article 2, NMSA 1978 allows for a reasonable amount of time for a request to be granted if the request is thought to be excessively burdensome:

14-2-10. Procedure for Excessively Burdensome or Broad Requests.

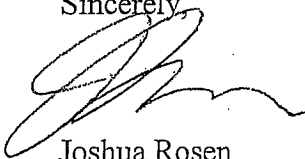
If a custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The custodian shall provide written notification to the requester within fifteen days of receipt of

the request that additional time will be needed to respond to the written request. The requester may deem the request denied and may pursue the remedies available pursuant to the Inspection of Public Records Act if the custodian does not permit the records to be inspected in a reasonable period of time.

Since November 23, 2009 to the present, we continue to diligently locate all records that are in our possession that are responsive to your request. Your request therefore has not been denied, but is ongoing. The very expansive nature of your request overwhelms our small staff and limited resources, and therefore is excessively burdensome.

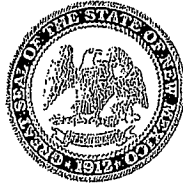
In sum, we expect that once DFA provides documents responsive to your request of November 6, that issue will be resolved. And, given the burden of responding to your November 11, 2009, request, when we produce those documents to you within ninety days of our December 1, 2009, letter to you, we will have fully complied with that request.

Sincerely

A handwritten signature in black ink, appearing to read 'Joshua Rosen', written over the word 'Sincerely'.

Joshua Rosen
Chief of Staff

ATTACHMENT A



State of New Mexico
Office of the Lieutenant Governor

Diane D. Denish
Lieutenant Governor

505-476-2250

November 19, 2009

Allen Weh
6001 San Mateo NE Ste F2
Albuquerque, NM 87109

Re: Request to Inspect Public Records

Dear Mr. Weh:

On November 16, 2009, we received your request to inspect the following records:

A copy of all contracts entered into between the Lt. Governor's office and any vendor of any nature that provided her office either a service or a product between January 2002 and present;
A copy of all billings or invoices including all supporting receipts, time sheets and attachments to such billings or invoices;

A copy of any and all memos, correspondence or any other document discussing the expenditure, invoicing or payment of such sums to any third party;

A copy of any request for proposal or any solicitation that purported to seek a lower or lowest bid for the provision of the service or work procured;

Copies of all checks, purchase orders or other indicia or payment by the Lt. Governor's office, or the state, for such services or work.

Please provide written clarification to the following questions:

Regarding the dates referenced in item 1 of your request, Lt. Governor Denish did not take office until January 2003. Do you want the contracts entered into since January 2002 or January 2003?

Do your requests referenced in items 3, 4 and 5 pertain to the contracts referenced in item 1?

Once clarification has been received we will respond to your request within the required time frame.

Sincerely,

*Carmella E Casador on behalf of
Sam Thompson*

Sam Thompson
Records Custodian

ATTACHMENT B

Allen Weh



**GOVERNOR
2010**

CC:PHJ 60.8Z AON
THINK DIFFERENT

65:54J 60.8Z AON

November 23, 2009

Custodian of Public Records
Lt Governor Office
State Capitol Building, Suite 417
Santa Fe, NM 87501

Dear Custodian:

In regards to your response to our records request on November 11, 2009:

We are referencing:

A copy of all contracts entered into between the Lt. Governor's office and any vendor of any nature that provided her office either a service or a product between January 2003 and present.

Also, items 3, 4, and 5 of the same letter reference to the documents in item 1.

Sincerely,

Allen Weh

ATTACHMENT C



State of New Mexico
Office of the Lieutenant Governor

505-476-2250

Diane D. Denish
Lieutenant Governor

December 1, 2009

Allen Weh
6001 San Mateo NE Ste F2
Albuquerque, NM 87109

Re: Request to Inspect Public Records

Dear Mr. Weh:

On November 16, 2009, we received your request to inspect the following records:

A copy of all contracts entered into between the Lt. Governor's office and any vendor of any nature that provided her office either a service or a product between January 2003 and present;
A copy of all billings or invoices including all supporting receipts, time sheets and attachments to such billings or invoices;
A copy of any and all memos, correspondence or any other document discussing the expenditure, invoicing or payment of such sums to any third party;
A copy of any request for proposal or any solicitation that purported to seek a lower or lowest bid for the provision of the service or work procured;
Copies of all checks, purchase orders or other indicia or payment by the Lt. Governor's office, or the state, for such services or work.

Thank you for the recent clarification on this request. This request is excessively burdensome and broad and we will require additional time to respond. Our objective is to respond in 90 days or sooner, if possible.

Sincerely,

Caruella E. Casador on behalf of

Sam Thompson

Sam Thompson
Records Custodian



THINK DIFFERENT

January 20, 2010

Custodian of Public Records
Lt Governor Office
State Capitol Building, Suite 417
Santa Fe, NM 87501

Dear Custodian:

On November 5, 2009, I requested that your office produce a copy of all documents relating to the \$225,000 of federal fiscal stimulus funds transferred to the New Mexico Treasury under the 2003 Jobs and Growth Tax Relief Reconciliation Act and which was reportedly used or spent by the Lt. Governor.

Your office only released an accounting for \$86,270.71, leaving approximately \$139,000 of these funds unaccounted for. Due to this denial, your office is currently in violation of the Inspection of Public Records Act, Chapter 14, Article 2 NMSA 1978.

On November 11, 2009, I requested copies of all contracts entered in to by the Lt. Governor's office and their supporting documents. However, your indication that your "objective is to respond in 90 days" is not responsive and appears to be a denial of this request, and again places your office in violation of the Inspection of Public Records Act, Chapter 14, Article 2 NMSA 1978.

If you are unable to respond fully to both pending requests within 15 days of this correspondence, we will deem your responses a denial and proceed in accordance with the law to enforce our requests.

Sincerely,

Allen E. Weh

Attachments (2)

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Paid For by Allen Weh 2010, Brandi A. Perca, Treasurer