



To: New Mexico Attorney General Hector Balderas
Open Government Division
PO Drawer 1508
Santa Fe, New Mexico 87504

From: Patrick Monroe Brenner
Rio Grande Foundation
400 Gold Ave SW, Suite 909
Albuquerque, New Mexico 87102

Subject: Governor Michelle Lujan Grisham Travel

Date: December 7, 2021

Mr. Balderas,

I am writing to inform you of what I believe to be an ongoing, widespread, and systemic circumvention of the Inspection of Public Records Act and what I see as a deliberate violation of the law.

On or around November 1, 2021, Governor Michelle Lujan Grisham and members of the administration attended the United Nations Climate Change Conference in Glasgow, Scotland. On November 2, 2021, the official Twitter account for Governor Michelle Lujan Grisham (@GovMLG) retweeted an update and a photograph of her attendance at the event. The original tweet is accessible at this link (<https://twitter.com/GovMLG/status/1455708807779155969>). In addition, the official Twitter account for Governor Michelle Lujan Grisham published an original content tweet with an update of the event. That update include the following text, verbatim:

“Tomorrow at #COP26: I'll be joining Special Presidential @ClimateEnvoy John Kerry, @LouisianaGov, and @CALtGovernor for a discussion on state and federal collaboration to confront the climate crisis. You can tune in to watch live at 6:30 AM MT.”

The inclusion of the event on the governor’s official gubernatorial Twitter account is separate from the Michelle Lujan Grisham election campaign Twitter account (@Michelle4NM). This inclusion sanctions the governor’s attendance at the event as official to the Office of Governor and as such certain documents related to the administration’s attendance at the event are subject to inspection under the Inspection of Public Records Act. Therefore, I submitted an official request to inspect certain records under the Inspection of Public Records Act to the custodian of public records of the Office of the Governor. There were two requests to inspect records. The first request was

submitted on November 1, 2021. The language of the original request is included here:

“My name is Patrick Brenner. My address is 400 Gold Ave SW, Suite 909, Albuquerque, New Mexico 87102. My phone number is 505-377-6273. I am a resident of the state of New Mexico and I am seeking to inspect certain public records. I would like to inspect documentation and receipts related to costs for Governor Michelle Lujan Grisham's attendance at the United Nations Climate Change Conference in Glasgow on or around November 1, 2021. These costs and receipts should include all travel expenses including (but not limited to) airfare, lodging, ground transportation, security, dining, liquor, etc.”

The language of the request was sufficiently specific, and included the requisite information to qualify as an official request to inspect public records. The request was acknowledged by Kyle P. Duffy, Associate General Counsel, and summarily denied with the following response:

“We have confirmed that no personal travel expenses incurred in connection with the Governor’s attendance at the United Nations Climate Change Conference (e.g., airfare, lodging, ground transportation, dining, etc.) has or will be paid for with public funds. Accordingly, records of those expenses do not constitute public records subject to inspection. See § 14-2-6(G). We now consider this request completed.”

However, the governor’s election campaign has not disclosed the expenses as campaign-related expenses or in-kind contributions in the Secretary of State’s Campaign Finance Information System for the reporting period ending December 2, 2021. Before the conclusion of the reporting period, I extended the breadth of the request and submitted an additional request to inspect public records on November 18, 2021. The language of the original request is included here:

“My name is Patrick Brenner. My address is 400 Gold Ave SW, Suite 909, Albuquerque, New Mexico 87102. My phone number is 505-377-6273. I am a resident of the state of New Mexico and I am seeking to inspect certain public records. I would like to inspect documentation and receipts related to costs for all state employees and all members of Governor Michelle Lujan Grisham administration for their attendance at the United Nations Climate Change Conference in Glasgow on or around November 1, 2021. These costs and receipts should include all travel expenses for each and every employee of the state and each and every member of the governor's administration, and shall include (but not be limited to) expenses related to airfare, lodging, ground transportation, dining, liquor, etc.”

Similarly, the language of the request was sufficiently specific, and included the requisite information to qualify as an official request to inspect public records. The request was acknowledged by Kyle P. Duffy, Associate General Counsel, and summarily denied with the following response:

“We have confirmed that no personal travel expenses incurred by any state employee or member of Governor Michelle Lujan Grisham’s administration in connection with the United Nations Climate Change Conference (e.g., airfare, lodging, ground transportation, dining, etc.) has or will be paid for with public funds. Accordingly, records of those expenses do not constitute public records subject to inspection. See § 14-2-6(G). With regard to records of expenses relating to the Governor’s security detail, we forwarded your previous request to the New Mexico Department of Public Safety for response on November 4, 2021, because our Office is not the custodian of, nor in possession of, those records. We now consider this request completed.”

As you are aware, “public records” means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained.

To date, these records have not been disclosed by the Office of the Governor nor by the New Mexico Department of Public Safety. These records exist: someone paid for the administration to attend the conference in their official capacities. Governor Michelle Lujan Grisham and her administration sanctioned the attendance at the conference as an official attendance by the governor in her official capacity on behalf of New Mexico by including updates and photographs of the attendance on the official gubernatorial Twitter account with tweets containing original text and retweets from other conference attendees appearing on the account during the days of the conference and using the associated hashtags with the conference (#COP26).

I implore that you review these concerns promptly and without bias.

Your friend in liberty,

A handwritten signature in black ink, appearing to read 'Patrick B', written in a cursive style.

Patrick Monroe Brenner
Vice President, Rio Grande Foundation
(505) 386-1139
pbrenner@riograndefoundation.org

Complaint submitted to NM Office of the Attorney General

Thank you for your complaint submission.

ECS Reference Number	NMOAG-ECS-20211209-c981
-----------------------------	-------------------------

Final Submit Date	12/9/2021 10:36:47 AM
--------------------------	-----------------------

When inquiring about your complaint, please refer to the reference number listed above.

State of New Mexico
Office of the Attorney General
www.nmag.gov (<https://www.nmag.gov>)
1-844-255-9210 (Toll Free)

Please note - This complaint submission can no longer be edited.

© 2021 - NM Office of Attorney General

www.nmag.gov (<https://www.nmag.gov>)

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

Electronic Complaint Submission

Submission Detail

ECS Reference Number	NMOAG-ECS-20211209-c981
Final Submit Date	12/9/2021 10:36:47 AM

Disclosure of your complaint: This complaint is a public record, thus available under provisions of the NM Inspection of Public Records Act.

Disclosure to other entities: This complaint, its content, and other information may be disclosed to other law enforcement and regulatory agencies.

I understand this complaint and any submitted documents are public record and may be shared with other law enforcement and regulatory agencies.

DECLARATION: By submitting this form, I attest that the information in this complaint is true and accurate to the best of my knowledge. I further understand that by submitting this form I may be called to testify as a witness in this matter.

I understand declaration statement.

The New Mexico Office of the Attorney General cannot give legal advice regarding this complaint and will not act as your personal attorney. If you have questions regarding your rights please contact a private attorney.

Submission of this complaint is not confirmation that an investigation will be initiated.

Complaint Detail

Complaint Type Inspection of Public Records (IPRA) Complaint

Retained Attorney

Parties

Complainant

Mr. Patrick Monroe Brenner

Person

Address

400 Gold Ave SW, Suite 909
Albuquerque, New Mexico 87102

Contact information

pbrenner@riograndefoundation.org
(505) 386-1139

Complaint against

Governor Michelle Lujan Grisham - Donicia Herrera, Records Custodian

Public Body (Government Entity)

Address

490 Old Santa Fe Trail, Suite 400
Santa Fe, New Mexico 87501

Contact information

donicia.herrera@state.nm.us
(505) 476-2210

Complaint Specifics

Format of IPRA request: Written

Date IPRA request was submitted to the public body: November 1, 2021 and November 18, 2021

Date of all responses received from the public body: November 4, 2021 November 16, 2021 November 23, 2021

Records No records were provided.

Transaction

Documents



Attorney General Complaint_ Gov MLG Travel (2).pdf

Complaint

Comments

*** END OF COMPLAINT ***