



State of New Mexico
Judicial Standards Commission

JAMES A. NOEL
EXECUTIVE DIRECTOR
GENERAL COUNSEL

POST OFFICE BOX 27248
ALBUQUERQUE, NEW MEXICO 87125-7248
(505) 222-9353

RANDALL D. ROYBAL
DEPUTY DIRECTOR
CHIEF STAFF ATTORNEY

May 14, 2007

Hon. Gary King
Attorney General
State of New Mexico
P.O. Drawer 1508
Santa Fe, NM 87504-1508

RE: April 2, 2007 Letter to Attorney General King from Richard Hermann

Dear Attorney General King:

I would like to take this opportunity to express my support for your commitment to open access to state records and to the activities of public officials, particularly through the publication on your web site of complaints against public agencies for alleged violations of the New Mexico *Inspection of Public Records Act* ("IPRA"), §14-2-1 *et seq.*, NMSA 1978, and the *Open Meetings Act* ("OPA"), §10-15-1 *et seq.*, NMSA 1978.

I only recently became aware of the publication of such complaints after being contacted by a member of the press on May 9, 2007, who informed me that the individual referenced above, Richard Hermann, had sent you a letter alleging violations of both the IPRA and OMA by this agency.

After reviewing Mr. Hermann's letter, it became clear that he included a much broader range of issues than simply the IPRA and the OMA. It also became clear that Mr. Hermann harbors a number of misperceptions about the operations of this office and other related matters. I will spare you the details of this agency's differences with Mr. Hermann, but one significant point is that at the time Mr. Hermann wrote his letter to you (April 2, 2007) he had made *no* public records request of this office. Moreover, he had made *no* inquiries or requests regarding Commission meetings. It was not until I informed one of your staff of Mr. Hermann's omission (who it would appear conveyed my comment to Mr. Hermann) that Mr. Hermann took the time to actually make a public records request of this office, which we received on May 7, 2007.

I want to say up front that the Judicial Standards Commission remains committed to open government, and to providing the citizens of the state direct access to the efforts and operations of this agency to the fullest extent possible without violating


state law. The work of this agency, however, is strictly regulated by Art. VI, §32 of the state constitution, which provides that all matters before the Commission, and all papers filed with the Commission are confidential, and remain so unless and until the Commission files a petition for the discipline, removal, or retirement of a judge in the state Supreme Court. Even then, only the materials filed in the Supreme Court become public, not the Commission's files.

With that said, this agency stands prepared to address any questions you or your staff may have regarding our record of compliance with the referenced sunshine laws. I can categorically state that this agency has been in compliance with these laws to the extent they apply, and will remain in compliance to the extent we can without violating the state constitution.

Again, I applaud your commitment to open government, and I hope that in that same spirit of full disclosure you will publish this letter on your web site next to Mr. Hermann's. In sending my highest and best regards, I remain,

Most sincerely yours,

NM JUDICIAL STANDARDS COMMISSION



James A. Noel
Executive Director & General Counsel

cc:

Richard J. Herman


Hon. Al Park
Chairman, House Judiciary Committee
New Mexico State House of Representatives
1840 Dakota NE
Albuquerque, NM 87110

Hon. Thomas Swisstack
New Mexico State House of Representatives
300 Encantado Ridge Court
Rio Rancho, NM 87124

Matt Brix
New Mexico Common Cause
P.O. Box 4067
Albuquerque, NM 87196-4067

Bob Johnson
NM Foundation for Open Government
P. O. Box 92197
Albuquerque, NM 87199

Leslie Cumiford
Center for Family Justice
P.O. Box 21996
Albuquerque, NM 87154



State of New Mexico
Judicial Standards Commission
P.O. Box 27248
Albuquerque, N.M. 87125-7248

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Leslie Cumiford
Center for Family Justice
P.O. Box 21996
Albuquerque, NM 87154

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