



Patrick Brenner <pbrenner@southwestpolicy.com>

[Records Center] Public Records Request :: R004435-092722

Patrick Brenner <pbrenner@southwestpolicy.com>

Tue, Jan 3, 2023 at 4:44 PM

To: NM TAX & REV Public Records Center - IPRA <newmexicotax@govqa.us>

Cc: Jordon George <jordon@amgjlaw.com>

Good afternoon,

On October 7, 2022, you wrote "We will continue to work with IT in order to provide the remainder of documents responsive to your request by November 10th, 2022."

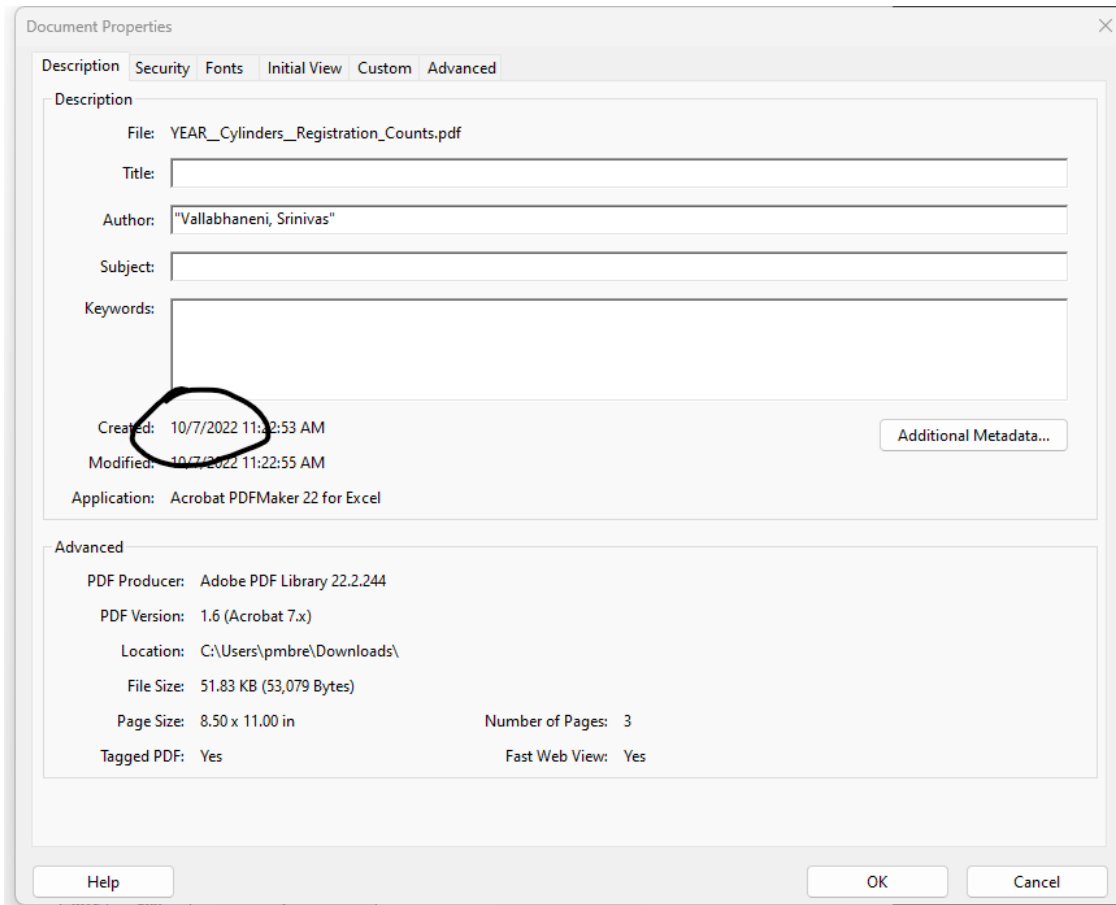
However, I have not received any additional communication nor has the Public Records Center been updated with any additional information, leaving the request entirely unresolved as no relevant documents have been produced so far.

Of note, a PDF was produced in response to a separate request, but the PDF included counts for vehicles that had 600 or more cylinders. No known vehicle on the planet has 600 cylinders; thus, this report stands woefully insufficient when considering the original request for an opportunity to inspect the database. But also, the information produced is grossly inaccurate and reflects poorly on the department's record-keeping practices. Furthermore, this report was created in response to a records request. As identified under the law, a requester cannot compel the creation of a public record.

Upon further inspection of the PDF's metadata, I have determined that the document was not in existence when the request was submitted. It was created *after* the request was submitted. Therefore, this action constitutes the furnishing of a document that did not exist at the time a request was submitted in response to said request. From the New Mexico Attorney General's IPRA Compliance Guide: "The right to inspect applies to any nonexempt public record that exists at the time of the request. A records custodian or public body is not required to compile information from the public body's records or otherwise create a new public record in response to a request." The actions of the department clearly violate this directive. The only conclusion I can draw from this scenario is that the Department of Taxation and Revenue is continuing to hold public records hostage.

Additionally, promising to return responsive records immediately *following* the date of the general election (November 8th) in New Mexico implies a motive of political nature. For the record, the Southwest Public Policy Institute is not a political organization by any standard or definition, and it pains me to see that the Department of Taxation and Revenue has sought to entangle the Institute in "political activity" by the very nature of the promised resolution date.

I implore that the department immediately produce the records originally requested: "The New Mexico Motor Vehicle Division maintains a database of registered vehicles. I am seeking an opportunity to inspect the entire database."



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