

December 18, 2024

New Mexico Foundation for Open Government
Attn: Executive Director and Board of Directors
2333 Wisconsin St NE
Albuquerque, NM 87110

Dear Executive Director and Members of the Board:

I write to you today as President of the Southwest Public Policy Institute (SPPI) to respectfully request your intervention regarding the ongoing failure of the City of Albuquerque, Mayor Tim Keller, and City Clerk Ethan Watson to uphold their legal obligations under New Mexico's Inspection of Public Records Act (IPRA). These repeated and flagrant violations undermine the principles of transparency and open government that NMFOG has long championed.

The Southwest Public Policy Institute has filed **two separate lawsuits** against the City of Albuquerque and Mr. Watson for failure to comply with IPRA. Despite precise statutory requirements and the Institute's efforts to obtain public records in good faith, Mr. Watson has consistently responded with obstruction, unnecessary delays, and convoluted refusals that defy both the letter and spirit of the law.

The investigative reporting by *City Desk ABQ* in February of 2024 underscores the severity of this issue. During an eighteen-month period, Albuquerque taxpayers have paid **over \$1.4 million** in settlements resulting from IPRA-related lawsuits. This alarming figure reflects a systemic failure within the City to prioritize transparency and accountability, with Mr. Watson at the center of this dysfunction.

Given that Mr. Watson was previously honored with NMFOG's **Dixon Award** for alleged contributions to open government, his current actions are particularly troubling. The contrast between his past recognition and present performance cannot be ignored. The City Clerk's persistent refusal to produce records – often through broad, unsubstantiated claims of “burden” and legal wordplay – directly opposes the values that the Dixon Award and NMFOG represent. His approach has created a culture of obfuscation that erodes public trust and undermines government accountability.

Despite previous conversations with former Executive Director Melanie Majors and NMFOG board member Charles R. Peifer, more progress must be made in addressing this serious issue. I now call on NMFOG to take a public and forceful stance in holding Mr. Watson, Mayor Keller, and the City of Albuquerque accountable. Your advocacy is critical to ensuring that New Mexico's transparency laws are not just words on paper but living principles that protect the public's right to know.

We believe NMFOG's intervention can help shine a much-needed spotlight on these failures and encourage the City to adopt a new, legally compliant approach to public records requests. Albuquerque residents deserve better, and as an organization committed to government transparency, NMFOG is positioned to demand accountability.

Thank you for your time and attention to this matter. I look forward to your response and am available to provide any additional information.

Sincerely,



Patrick M. Brenner
President