

ADMINISTRATION  
1101 NEW YORK AVENUE  
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US  
☎ (575) 437-7427  
📠 (575) 443-2928

March 2nd, 2021

Daniel A. McGrath, Esq.,  
American Oversight, Inc.  
1030 Fifteenth Street, N.W., Suite B255  
Washington, D.C. 20005

Via e-mail to [records@americanoversight.org](mailto:records@americanoversight.org)

Re: IPRA 21PRR040/Your Number NM-OTERO-21-0275

Dear Counselor:

This is to acknowledge that your request under the Inspection of Public Records Act dated March 1st was received yesterday. You requested information regarding Commissioner Couy Griffin's presence at the United States Capitol on January 6th, specifically:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Commissioner Griffin containing any of the key terms listed below.

Please provide all responsive records from January 1, 2021, through January 14, 2021.

Key terms:

- i. Capitol
- ii. "Stop the steal"
- iii. "Save America"
- iv. Storm
- v. Trump
- vi. Biden
- vii. Congress
- viii. DC
- ix. D.C.

- x. Washington
- xi. RNC
- xii. DNC
- xiii. Patriot
- xiv. Pelosi
- xv. Pence
- xvi. Schumer
- xvii. “Our House”
- xviii. MAGA
- xix. KAG
- xx. “great again”
- xxi. caravan

2. All text message threads/conversations, or message threads/conversations on similar applications (such as Signal, WhatsApp, or Facebook Messenger) sent to or received by Commissioner Griffin containing any of the key terms listed in Item 1 above.

Please provide all responsive records from January 1, 2021, through January 14, 2021.

3. Records reflecting any and all expenditures made and/or reimbursed by the county in connection with Commissioner Griffin’s trip on or about January 6, 2021 to Washington, DC, including, but not limited to, records of any reimbursements submitted by or on behalf of Commissioner Griffin.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; county-issued charge card or travel card reports; receipts from airlines, rental car, or other transportation companies; records reflecting the cost of government transportation; receipts or other records reflecting the cost of meals or refreshments; or records reflecting per diem payments.

Please provide all responsive records from January 1, 2021, through the date a search is conducted.

4. All photographs, videos or audio recordings taken on any device operated by Commissioner Griffin between January 4, 2021, and January 7, 2021.

The Inspection of Public Records Act says “public bodies” are “the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education.” N.M.S.A. 1978, § 14-2-6(F) (2018). Under the Act, “public records” are “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.” N.M.S.A. 1978, § 14-2-6(G) (2018).

Commissioner Griffin operates Cowboys for Trump, a private entity separate from Otero County and over which the county has no control. Through that entity, Commissioner Griffin has conducted private activities. Commissioner Griffin’s trip to Washington in January 2021 was done as a private citizen and had nothing to do with Otero County. Communications he may have had on his personal computers or communications devices related to this trip are his own business and Otero County has no access to this data. The Inspection of Public Records Act does not extend to this data as they are not “public records” as they were not created, received, maintained or held by Otero County, nor do they relate to public business.

For item one, searches will be made of Commissioner Griffin’s official e-mail by our I.T. department. Otero County has determined this an “excessively burdensome and broad request” and that additional time will be needed to produce this information. See N.M.S.A. 1978, § 14-2-10 (1993). Otero County will respond further by March 24th.

For item two, Otero County does not use Signal, WhatsApp, or Facebook Messenger in its official business. If Commissioner Griffin uses these services, then that is done as part of his private activities. These records are not public records under the terms of the Inspection of Public Records Act because they do not relate to public business nor are they in the possession of a public body. Therefore, Otero County denies most of this request. Investigations will be made into text messages on Commissioner Griffin’s official cell phone to determine if there are responsive records. As with item one, this is an “excessively burdensome and broad request” and that additional time will be needed to produce this information. See N.M.S.A. 1978, § 14-2-10 (1993). Otero County will respond further by March 24th.

For item three, there are no responsive records in Otero County’s possession. Otero County neither paid for nor reimbursed expenses for Commissioner Griffin’s trip to Washington in January. Commissioner Griffin made no application for reimbursement for this trip.

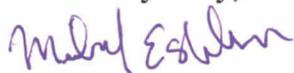
For item four, there are no responsive records in Otero County’s possession. Any photographs, videos, or audio recordings that may have been created by Commissioner Griffin during his trip to Washington were created in his private capacity. They do not constitute public records under the Inspection of Public Records Act because they do not relate to public business and they are not in the custody of a public body.

I will write you further about items one and two.

If you have any questions, please telephone me at 575-437-7427 or via e-mail to [meshleman@co.otero.nm.us](mailto:meshleman@co.otero.nm.us).

With warm regards, I am,

Yours very truly,



Michael Eshleman,  
Otero County Attorney

cc: Sylvia C. Tillbrook, Records Custodian