



State of New Mexico  
County of Otero

**PUBLIC RECORDS REQUEST**

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please check at least one of the following:

I want to inspect/review this information in your office.

I would like copies of this information.

Public information sought (be specific as possible)

I understand that I will be required to pay the fees imposed by the County of Otero pursuant to the Inspection of Public Records Act. The County of Otero has agreed to provide me with a schedule of its fees for copying public records, and upon request, will provide me with an estimate of the costs for copies of the records I am requesting. I understand this is only an estimate and that I will not receive copies of any public record until I have paid the applicable fees. I also understand some of the materials enclosed may be provided to me as a community service and that the County of Otero is not responsible for any error or liability contained therein, or any use or misuse of this information.

1st Taylor Stoneman  
Signature

FOR COUNTY USE ONLY		
Date of Receipt: _____	Time of Receipt: _____	Department: _____
Employee Name: _____	Title: _____	

**NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS**  
**AND ASSOCIATED FEES**

By law, under the Inspection of Public Records Act, every person has the right to inspect public records of Otero County, New Mexico. The Act also makes compliance with requests to inspect records an integral part of the routine duties of the officers and employees of Otero County, New Mexico.

Requests to inspect public records should be submitted to the records custodian, located at:

1101 New York Avenue  
Alamogordo, NM 88310-6935  
Telephone: (575) 437-7427  
Fax: (575) 443-2904

A person desiring to inspect public records must submit a request form, available from the Otero County Administration Office, or from our website at <http://co.otero.nm.us> to the records custodian. All procedures and penalties prescribed by the Act apply to the request. The request must contain the name, address, and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the records custodian received the inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for the inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the records custodian received the request for inspection.

If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged. The fee for documents eleven inches by seventeen inches or smaller is \$0.25 cents per page. The fee for larger documents is \$0.75 cents per page. For records other than documents, the reasonable fee is \$4.00 dollars each. The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.



June 27, 2024

**VIA FAX**

Otero County  
1101 New York Avenue  
Alamogordo, NM 88310-6935  
Fax: (575) 443-2904

**Re: Public Records Act Request**

Dear Custodian of Public Records:

Pursuant to the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978, Chapter 14, Article 2, American Oversight makes the following request for copies of public records.

**Requested Records**

American Oversight requests that your office produce the following records within three business days:<sup>1</sup>

All email communications (including emails, email attachments, complete email chains, and calendar invitations) between (a) the county officials listed below and (b) the external individuals listed below:

**County Officials**

1. Commissioner Gerald Matherly
2. Commissioner Amy Barela
3. Commissioner Vickie Marquardt
4. Clerk Robyn Holmes
5. Deputy Clerk Denise Guerra

**External Entities**

- a. America First Policy Institute ([americafirstpolicy.com](http://americafirstpolicy.com))
- b. Check My Vote ([checkmyvote.org](http://checkmyvote.org))
- c. Cleta Mitchell ([cleta@cletamitchell.com](mailto:cleta@cletamitchell.com), [cmitchell@foley.com](mailto:cmitchell@foley.com))
- d. Doug Frank ([drdouglasfrank@protonmail.com](mailto:drdouglasfrank@protonmail.com), [drdouglasfrank@outlook.com](mailto:drdouglasfrank@outlook.com))
- e. EagleAI NETwork ([eagleai.pro](http://eagleai.pro))
- f. Rick Richards ([dronline@me.com](mailto:dronline@me.com))
- g. Election Integrity Network ([electionintegrity.network](http://electionintegrity.network), [whoscounting.us](http://whoscounting.us))

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<sup>1</sup> If the inspection is not permitted within three business days, please explain in writing when the records will be available or when you will respond to the request and make the records available no later than fifteen days after receipt of this request. NMSA § 14-2-8.



- h. Election Integrity Network of New Mexico ([ContactEINNM@gmail.com](mailto:ContactEINNM@gmail.com), ein-nm.org)
- i. Election Transparency Initiative (electiontransparency.org)
- j. Heritage Foundation (heritage.org, heritageaction.com)
- k. Honest Elections Project (honestelections.org)
- l. Phani Mantravadi
- m. Public Interest Legal Foundation (publicinterestlegal.org, electionlawcenter.com)
- n. Republican Party of New Mexico (newmexico.gop)
- o. Restoring Integrity and Trust in Elections (riteusa.org)
- p. Thomas Wood ([thomas.wood@usa4freedom.org](mailto:thomas.wood@usa4freedom.org)), and/or anyone communicating on behalf of United Sovereign Americans (unite4freedom.com, usa4freedom.org)
- q. Tim Vetter
- r. True the Vote (truethevote.org)
- s. Virginia Institute of Public Policy (virginiainstitute.org)
- t. Voter Reference Foundation (voteref.com, voterreferencefoundation.com)
- u. David Clements ([davidkclements13@protonmail.com](mailto:davidkclements13@protonmail.com), [dkc@theprofessor.srecord.com](mailto:dkc@theprofessor.srecord.com))
- v. Erin Hughs ([erin.hughs@yahoo.com](mailto:erin.hughs@yahoo.com))

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a specified county official received a mass-distribution news clip email from True the Vote that initial email would not be responsive to this request. However, if the specified county official forwarded that email to another listed individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

**Please provide all responsive records from November 1, 2023, through the date the search is conducted.**

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted.

To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the IPRA.<sup>2</sup>
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.<sup>3</sup> If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Conclusion**

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or

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<sup>2</sup> See Office of the New Mexico Attorney General, *Inspection of Public Records Act Compliance Guide* at 26 (8th ed. 2015) (“if email is used to conduct public business, the email is a public record even though a personal account is used”).

<sup>3</sup> NMSA § 14-2-9(A).

other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).<sup>4</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>4</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 10, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 10, 2024).