



National Freedom of
Information Coalition

<http://nfoic.org/>

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NFOIC awards Knight FOI Fund litigation grant in New Mexico public records suit

Complaint alleges that Northern New Mexico College has repeatedly ignored requests for public records on the grounds that the college is too busy to bother with responding.

COLUMBIA, Mo. (August 27, 2010) – A weekly newspaper in New Mexico has been awarded a litigation grant from the Knight FOI Fund to press a legal action against a state college for disregarding basic requirements of that state’s “sunshine law.”

The \$11,000 grant to the *Rio Grande Sun* newspaper was announced by the National Freedom of Information Coalition (NFOIC), which administers the Fund that was created by the John S. and James L. Knight Foundation. The grant was the first awarded for a New Mexico case since the Fund was established.

The award was made to defray the *Rio Grande Sun*’s legal costs in a lawsuit brought against the Board of Regents and administration of Northern New Mexico College, a four-year, state-supported institution that has campuses in Española, NM, and El Rito, NM.

According to the complaint filed in Rio Arriba County District Court, the college has for more than six months ignored and rebuffed reporter Louis Mattei’s requests for records, disregarding the New Mexico Inspection of Public Record Act’s disclosure requirement and even its statutory response deadlines.

The complaint says that reporter Mattei began investigating the school’s spending on capital projects and on its recruitment efforts to find a new president “in the winter of 2009.” In a January 20 records request, he asked for “a list of the college’s accounts payable” for the prior month.

The college never responded at all to that request, nor to two other written requests Mattei submitted on February 24 and May 28.

The February request had asked for pay and expense vouchers for the month of February—including those related to the presidential search—and for bank, investment account, debit card and credit card statements for 2009. The May request asked for “emails and other correspondence” between college officials and a consulting firm working with them on a feasibility study regarding plans to build new residence halls.

The college virtually ignored all three written requests, never acknowledging them in writing, asking for more time to comply, or explaining any grounds upon which it felt the records shouldn't be disclosed.

“The allegations in the complaint are outrageous. This kind of blatant disregard for public disclosure laws cannot be tolerated,” said Kenneth F. Bunting, executive director of the NFOIC. “The Knight FOI Fund is there to make certain that, even in tough economic times, challenges of this sort get made, and that public officials who don't understand their obligation to be forthcoming about the public's business do not get to make up their rules.”

The NFOIC, a nonpartisan coalition of open government groups and advocates headquartered at the Missouri School of Journalism, administers the Knight FOI Fund, which is part of a \$2 million, three-year grant from the John S. and James L. Knight Foundation announced in January, 2010.

The Fund is intended to fuel the pursuit of important FOI cases by helping to defray upfront costs such as filing fees, depositions, court costs and other expenses associated with legal actions. The Fund does not cover attorney's fees.

“No one undertakes these suits lightly, as they are costly and time consuming,” Sarah Welsh, executive director of the New Mexico Foundation for Open Government (a member of NFOIC), said in endorsing the newspaper's grant application. “It is disappointing that this suit has to be brought.”

The complaint names the college, its Board of Regents, and Mitchel Stanfield, the college's Director of Public Affairs and “custodian of the public records” of the college. The *Sun's* suit seeks not only the documents at issue, but also an order mandating the adoption of policies, procedures and training sufficient to address the underlying problem.

“This was a very important grant in that it helps small businesses like mine go after a huge higher education department backed by a team of lawyers and taxpayer money to fund their fight,” said Robert B. Trapp, managing editor of the *Rio Grande Sun*. “It's great that a group like the Coalition has stepped up to help force a public agency share the public's information.”

For more information on the **Knight FOI Fund**, including the selection process for grants and how to apply, see <http://www.nfoic.org/knight-foi-fund>.

The **John S. and James L. Knight Foundation** advances journalism in the digital age and invests in the vitality of communities where the Knight brothers owned newspapers. Since 1950, the Foundation has granted more than \$400 million to advance quality journalism and freedom of expression. Knight Foundation focuses on projects that promote community engagement and lead to transformational change. For more, visit <http://www.knightfdn.org/>.

The New Mexico Foundation for Open Government (NM-FOG) is an educational and charitable organization with a single mission—to help the general public, students, educators, public officials, media and legal professionals understand, obtain and exercise: their rights and responsibilities under the New Mexico Inspection of Public Records, Open Meetings and Arrest Record Information Acts; their rights under the federal Freedom of Information Act, and; their First Amendment rights. NM-FOG began this work in 1990 and will continue it into the foreseeable future. For more, visit <http://www.nmfog.org/>.

The **National Freedom of Information Coalition** is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute. NFOIC is based at the University of Missouri, home to the nation's oldest Freedom of Information Center. For more, visit <http://www.nfoic.org/>.

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