



STATE OF NEW MEXICO

*Educational Retirement Board*

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June 25, 2009

Heath Haussamen  
New Mexico Politics

VIA E-MAIL: [heath@hai](mailto:heath@hai)

RE: May 15, 2009 IPRA Request for a Copy of Subpoenas

Dear Mr. Haussamen:

This letter is the Educational Retirement Board's ("ERB") supplemental request you submitted on May 15, 2009 pursuant to the Inspection of Public NMSA 1978, §14-2-1 *et seq.* ("IPRA"), to inspect and obtain a copy of any "sub correspondence received by the [ERB] and its staff from the U.S. attorney's office, jury, the FBI and the Securities and Exchange Commission." The ERB has received grand jury subpoenas. On May 29, 2009, the ERB denied IRPA requests to inspect subject subpoenas. Those denials were based upon §14-2-1(12) (exception to public records "as otherwise provided by law") and the guidance provided by the Supreme Court. *State ex rel. Newsome v. Alarid*, 90 NM 790, 797-98 (1991) (circumstances under which information in a public record can be justifiably ("Alarid").

Since May 29, 2009, additional information relevant to the release of the subpoenas has become available to the ERB. After reviewing that information, I determined that it will release copies of the requested subpoenas. The copies are attached by e-mail transmitting this letter. In taking this action, the ERB is not waiving any right to refuse to allow inspection of public records pursuant to §14-2-1(12) and *Alarid* in future IPRA requests where the facts, applicable law, and public policy warrant it. Having provided this response, the ERB will close its file on your May 15, 2009 request.

Sincerely,

*Clara Mares*

Clara Mares  
Records Custodian

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