

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

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Deputy of Criminal Affairs

**INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM**

Under the Inspection of Public Records Act (“IPRA”), the Office of the Attorney General (“OAG”) has the discretion and authority to enforce the IPRA’s provisions. NMSA 1978, § 14-2-12. Generally, the OAG reviews and issues determinations regarding whether public agencies have violated the IPRA. All IPRA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, IPRA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA’s purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

**INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM**

New Mexico Office of the Attorney General

Open Government Division

**YOUR CONTACT INFORMATION:**

First Name: Heath Last Name: Haussamen

Address: PO Box 16607

City: Las Cruces State: NM Zip Code: 88004

Phone Number: (575) 644-5129

Email: heath@haussamen.com

**IPRA REQUEST TO THE PUBLIC BODY:**

Name of the Public Body that is the subject of this complaint (including city/town, county or region, if applicable): New Mexico Spaceport Authority

Format of IPRA Request:  Written  Oral

Date IPRA Request was Submitted to the Public Body: March 12, 2017

Date of all Responses Received from the Public Body: March 14, 27, 31, 2017

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**ALLEGED VIOLATIONS OF IPRA BY THE PUBLIC BODY:** Please select from the following list the violations you allege the public body committed. Check all that apply.

RECORDS

No records were provided.

The agency provided some but not all of the records responsive to the request.

Records were provided, but they were not responsive to the request.

The public body does not have custody or responsibility for the records, and the records custodian did not forward the request to the proper custodian.

The request was for records in electronic format and although the records are available in electronic format, the copies of the public records were not provided in an electronic format.

## DENIED REQUESTS TO INSPECT PUBLIC RECORDS

\_\_\_\_\_ Although some records were provided, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records.

\_\_\_\_\_ No records were provided and the records custodian did not deliver or mail a written explanation to the requester within fifteen (15) calendar days after receiving the request that included a description of the records sought, the names and titles of each person responsible for denying the request, and a description of the reasons for the denial.

## NOTICE

\_\_\_\_\_ Public body did not post in a conspicuous location at its administrative office or on the public body's website a notice setting forth: the rights of any person to inspect the public body's public records, the public body's responsibility to make public records available for inspection, the procedures for requesting inspection of public records, the procedures for requesting copies of public records, and/or reasonable fees for copying public records

DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

\_\_\_\_\_ Inspection was not allowed within three (3) business days and the public body did not timely send a written "three-day letter" to the requester explaining when the records would be available or when the public body would respond to the request.

\_\_\_\_\_ The public body did not allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request.

## FEES

\_\_\_\_\_ The public body charged fees in excess of \$1.00 per printed page for documents 11"X17" or smaller, or charged fees that exceeded the actual costs to copy the records.

\_\_\_\_\_ The public body did not provide a receipt upon request.



## **Attachment to NMPolitics.net IPRA complaint related to Spaceport America economic impact request**

### **Submitted by Heath Haussamen**

On March 12, 2017, I requested all documents that went into Spaceport America Chief Financial Officer Zach De Gregorio's "economic impact" analysis (which is also attached to this email). I was exact in asking for "Any and all documents that support the analysis that in Fiscal Year 2016 the spaceport's economic impact was \$20.8 million." I asked for documents to back up "the estimates that the commercial spaceport industry generated \$11,021,000, that non-aerospace spaceport business was \$1,089,000, that tourism generated \$1,789,000, that additional taxes earned were \$861,000, that indirect purchases in N.M. businesses were \$3,852,000, and that investment in STEM education was \$2,200,000." Those numbers were included in De Gregorio's analysis.

I wanted to review financial records, including payments from Virgin Galactic and other companies doing business there, that appeared to be included in De Gregorio's analysis.

The agency provided nothing. "There are no additional documents," the agency responded on March 27. And Spaceport CEO Dan Hicks told me by phone that De Gregorio's notes were either destroyed or overwritten by future electronic versions of the analysis.

I believe the agency possesses records that factored into the analysis and that those documents, in addition to De Gregorio's notes, should have been provided in response to my request, so the agency's response violated IPRA.



Heath Haussamen &lt;heath@haussamen.com&gt;

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**RE: NMPolitics.net and Spaceport America**

1 message

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**IPRA, NMSA, NMSA** <NMSA.IPRA@spaceportamerica.com>  
To: "Haussamen, Heath" <heath@haussamen.com>

Mon, Mar 27, 2017 at 5:34 PM

Mr. Haussamen:

We have identified the lease documents you requested under IPRA. The documents include 290 pages. According to our policy, the copy fees to prepare these documents will be \$290.00.

Additionally, we have identified these documents contain information exempt from IPRA under New Mexico Statutes 14-2-1 (A) (6) "Trade Secrets" and 14-2-1 (A) (8) "Security." Limited portions of these documents will need to be redacted before delivery to you. We need an additional three weeks for our legal team to review and ensure we are in compliance with state laws and do not violate our customer's rights under IPRA (Section 14-2-10). We anticipate delivery of the documents on Monday, April 17, 2017 and every attempt will be made to complete the request prior to this date if possible.

Please respond that you accept, and we will continue to process your request.

With regards to your request on the Spaceport's economic impact, we have already responded to this request. There are no additional documents. The economic impact values are based on assumptions using the professional judgement of Spaceport America's CFO, Zach De Gregorio. Given the level of activity at the Spaceport in FY16, these are conservative values aligned with other economic analysis performed in the region.

Sincerely,

Records Custodian

**From:** Heath Haussamen [mailto:[heath@haussamen.com](mailto:heath@haussamen.com)]  
**Sent:** Tuesday, March 14, 2017 6:27 PM  
**To:** IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto:NMSA.IPRA@spaceportamerica.com)>  
**Subject:** Re: NMPolitics.net and Spaceport America

Thank you for your response. Please let me know the estimated number of pages and cost when you can, and whether there will be any redactions.

On Tue, Mar 14, 2017 at 7:03 AM, IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto:NMSA.IPRA@spaceportamerica.com)> wrote:

Mr. Haussamen:

Thank you for your request. We need some additional time to gather all the requested documents. I anticipate having a response by Monday Mar 27, 2017.

Please be aware of our policy concerning copy charges as posted on our website:

In compliance with the Inspection of Public Records Act (NMSA 1978, chapter 14, Article 2, Section 14-2-9), NMSA allows three alternatives for records requests:

- The requestor can choose to schedule a time to review the documents in person at NMSA offices in Las Cruces, NM. This alternative is available at no charge.
- The requestor can choose to receive printed copies. Printed copies will be charged at \$1.00 per page. Any mailing charges will be billed at actual cost.
- The requestor can choose to receive digital copies. The process of copying and scanning to create a digital file will be charged at \$1.00 per page.

Upon making an IPRA request, NMSA staff will identify the documents and provide the requestor with an estimate to create copies. Payment in full must be received before the documents are delivered.

Sincerely,

Records Custodian

**From:** Heath Haussamen [<mailto:heath@haussamen.com>]

**Sent:** Sunday, March 12, 2017 8:56 PM

**To:** Anderton, Tammara, NMSA <[Tammara.Anderton@spaceportamerica.com](mailto:Tammara.Anderton@spaceportamerica.com)>

**Cc:** Gutman, Bill, NMSA <[bill.gutman@spaceportamerica.com](mailto:bill.gutman@spaceportamerica.com)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>; Lonergan, Michael, GOV <[Michael.Lonergan@state.nm.us](mailto:Michael.Lonergan@state.nm.us)>; Sanchez, Chris j, GOV <[Chrisj.Sanchez3@state.nm.us](mailto:Chrisj.Sanchez3@state.nm.us)>

**Subject:** Re: NMPolitics.net and Spaceport America

Hello,

Please consider this a formal request under the state's Inspection of Public Records Act for the following documents:

- Any and all lease and other agreements between Spaceport America and all "permanent tenants" at Spaceport America, including, but not limited to, Virgin Galactic, Space-X, Up Aerospace, EXOS Aerospace, and EnergeticX.

- Any and all documents that support the analysis that in Fiscal Year 2016 the spaceport's economic impact was \$20.8 million – including, but not limited to, the estimates that the commercial spaceport industry generated \$11,021,000, that non-aerospace spaceport business was \$1,089,000, that tourism generated \$1,789,000, that additional taxes earned were \$861,000, that indirect purchases in N.M. businesses were \$3,852,000, and that investment in STEM education was \$2,200,000.

I request that you provide the documents in electronic form if they exist in that form. Please let me know the cost of the documents before preparing them for me. If you have any questions, please email me at [heath@haussamen](mailto:heath@haussamen) or call me at (575) 644-5129.

Thank you.

On Tue, Feb 14, 2017 at 5:46 PM, DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)> wrote:

Hello,

Attached please find the detail behind the economic impact slide. This slide presentation was briefed to the NMFA Oversight Committee in Las Cruces, NM on Sept 21, 2016.

Thank you!

**Zach De Gregorio, CPA**

**Chief Financial Officer**

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)



**New Mexico Spaceport Authority**

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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**From:** Anderton, Tammara, NMSA  
**Sent:** Tuesday, February 14, 2017 5:43 PM  
**To:** Haussamen, Heath <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Cc:** Gutman, Bill, NMSA <[bill.gutman@spaceportamerica.com](mailto:bill.gutman@spaceportamerica.com)>; DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>  
**Subject:** Re: NMPolitics.net and Spaceport America

Hello Heath,

I'll respond in blue below:

---

**From:** Heath Haussamen <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Date:** Monday, February 13, 2017 at 9:47 PM  
**To:** "Anderton, Tammara, NMSA" <[Tammara.Anderton@spaceportamerica.com](mailto:Tammara.Anderton@spaceportamerica.com)>  
**Cc:** "Dr. Bill Gutman" <[bill.gutman@spaceportamerica.com](mailto:bill.gutman@spaceportamerica.com)>  
**Subject:** Re: NMPolitics.net and Spaceport America

Thanks! Looking forward to meeting you too. Three more questions:

- I see the economic impact graphic, but I'd like to see the actual data that led to that, the analysis that shows in more detail where those incoming dollars came from. Can you provide those documents? [I've copied Zach DeGregorio our CFO who compiled the data and he will try to help you.](#)

- I see the list of six customers, but can you tell me which are the permanent tenants, what "permanent tenant" means, and what exactly those companies are each doing at Spaceport America? [Permanent Tenants: Virgin Galactic/Horizontal Launch, Space-X/Vertical Launch, Up Aerospace/Vertical Launch, EXOS Aerospace/Vertical Launch, EnergeticX/Vertical Launch](#)

- Also, can you explain to me in a little more detail your resistance to releasing lease or rent information for those tenants? Is that information protected by law from public disclosure, and if so, which provision in state law? Or is it simply information you'd rather not release because, as you all said today, showing your rates to your competitors could be harmful? [It makes us non-competitive to other spaceports across the country. And our existing and especially potential customers become unhappy as they are also working in an entrepreneurial marketplace and expect us to be able to keep their proprietary and other mission information confidential so that they can compete. It penalizes Spaceport America and the State of New Mexico and makes us far less competitive as a state.](#)

Wishing you well,

Tammara

Thanks! It was good to chat today.

On Mon, Feb 13, 2017 at 5:30 PM, Anderton, Tammara, NMSA <[Tammara.Anderton@spaceportamerica.com](mailto:Tammara.Anderton@spaceportamerica.com)> wrote:

Hello Heath,

It was great speaking with you today. Please find our February 2017 Talking Points at this Dropbox link.  
<https://www.dropbox.com/s/3gj2g6fw2w2tkmp/SA%20Talking%20Points%20Feb%202017.pdf?dl=0>

In addition, to all the other Aerospace activity we spoke about, we were successful in bringing the Spaceport America Cup to New Mexico. There will be over 100 aerospace engineering teams (1,000+ students) from universities across 11 countries here with us for one week in June! We will be opening up the vertical launch area to over a 1,000 spectators. These students are our future customers, colleagues and employees across the aerospace industry.

<https://www.youtube.com/watch?v=BM09AOlmyuk>

<http://spaceportamericacup.com/>

These annual signature events are not only economic impact drivers for NM but also a way to reach out to people from all walks of life so that they can be exposed to the future of space exploration and New Mexico's role in it.

Looking forward to meeting you sometime.

All the best,

Tammara

**Tammara Anderton**

**Vice President of Business Development**



**Spaceport America**

Tel: +1.575.649.5467



Join us for the Spaceport America Relay Race on April 8-9, 2017 along the historic El Camino Real de Tierra Adentro trail.

[spaceportamericarelayrace.com](http://spaceportamericarelayrace.com)



Don't miss the world's largest Intercollegiate Rocket Engineering Competition with 110 teams from over 11 countries - June 22-24, 2017.

[spaceportamericacup.com](http://spaceportamericacup.com)



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**From:** Heath Haussamen <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Date:** Monday, February 13, 2017 at 2:58 PM  
**To:** "Anderton, Tammara, NMSA" <[Tammara.Anderton@spaceportamerica.com](mailto:Tammara.Anderton@spaceportamerica.com)>  
**Subject:** NMPolitics.net

Tammara,

Thanks again for reaching out. Here's all my contact info. Please send information about the five permanent tenants and the fiscal impact information you mentioned when you can.

Thanks!

--

**Heath Haussamen**  
Editor and publisher

[NMPolitics.net](http://NMPolitics.net)

Mobile: [\(575\) 644-5129](tel:5756445129)  
Twitter: [@haussamen](https://twitter.com/haussamen)  
Facebook: [/haussamen](https://facebook.com/haussamen)  
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**Heath Haussamen**  
Editor and publisher

[NMPolitics.net](http://NMPolitics.net)

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9/11/2017

Heath Haussamen Mail - RE: NMPolitics.net and Spaceport America

**Heath Haussamen**  
Editor and publisher

[NMPolitics.net](http://NMPolitics.net)

Mobile: [\(575\) 644-5129](tel:(575)644-5129)

Twitter: [@haussamen](https://twitter.com/haussamen)

Facebook: [/haussamen](https://facebook.com/haussamen)

[haussamen.com](http://haussamen.com)

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Heath Haussamen &lt;heath@haussamen.com&gt;

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## Spaceport America Economic Analysis

1 message

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**DeGregorio, Zach, NMSA** <zach.degregorio@spaceportamerica.com>  
To: "Haussamen, Heath" <heath@haussamen.com>

Fri, Mar 31, 2017 at 4:15 PM

Hello Heath,

Thank you for your interest in the \$20M of economic impact of Spaceport America in FY16. Let me share with you a little about my background. I have a Master's of Accounting from the University of New Mexico and a MBA with a Finance specialization from Arizona State University. I am a Certified Public Accountant (CPA) with 15 years of relevant work experience in accounting and corporate finance. In 2014, I published the book "On Wolves and Finance" on financial modeling and economic analysis.

At the end of FY16, I performed an economic analysis to evaluate the economic impact of Spaceport America. The process involved interviewing local hotel operators, local restaurants, city officials, customers, and Spaceport America management. These anecdotal discussions gave me a sense of the activity at Spaceport America throughout the year. I used this information, along with my professional judgement, to develop the \$20M economic impact for FY16. Some of the activities include:

- Multiple aerospace operations including test flights by Virgin Galactic
- 50 Full time aerospace jobs
- Two film shoots
- Two tour companies
- STEM activities with over 2,000 6<sup>th</sup> graders

The specific values are detailed in the economic impact presentation presented to the NMFA oversight committee on Sept 21, 2016. These detail values were the result of an iterative process of management discussions through multiple drafts. The final numbers that were presented are my own assumptions of the economic activity, and I stand behind my analysis.

I am confident if you hired an independent economist to perform the same analysis, they would also conclude a \$20M economic impact in FY16, if not an even greater impact given the conservative nature of my assumptions. In fact, there is supporting evidence for this conclusion. When our new CEO, Dan Hicks, joined Spaceport America three months ago, he informed us of an economic impact study performed by U.S. Army White Sands Missile Range for 2013. This report contains a detailed economic impact analysis of Spaceport America performed by economists from New Mexico State University. The report identifies Spaceport America's economic impact at \$19M in 2013, a period with much less activity than FY16. This was a study performed completely independent from my own analysis that derived similar results.

It is important to not lose perspective on the point of the Economic Impact analysis... Spaceport America is fully operational. In FY16, Spaceport America brought in 2.3M in customer revenue and saw an increase of 135% in new business. Today there are 5 permanent aerospace customers at Spaceport America. There have been 39 vertical launches to date and 7 aerial missions from the horizontal launch area. The entire team at Spaceport America has done a fantastic job at achieving these results, and New Mexico should be proud of this national treasure.

**Zach De Gregorio, CPA**

**Chief Financial Officer**

[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)

Office [+1 575 267 8510](tel:+15752678510)

Mobile [+1 575 386 6221](tel:+15753866221)



**New Mexico Spaceport Authority**

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

[Shop.SpaceportAmerica.com](http://Shop.SpaceportAmerica.com)

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# ECONOMIC DEVELOPMENT IMPACT FOR NEW MEXICO

**Zach De Gregorio**  
**Chief Financial Officer**



# ECONOMIC IMPACT (FY16)



- FY16 INVESTMENT FROM NM GENERAL FUND \$944K
- FY16 ECONOMIC IMPACT \$20.8M
- **EVERY DOLLAR INVESTED HAS 20X RETURN**

FY16 NM State Investment		FY16 Economic Impact	
NM General Fund	944,000	Commercial Space Industry (Spaceport and other companies)	11,021,000
		Non-aerospace Spaceport Business	1,089,000
		Tourism	1,798,000
		Additional Taxes Earned	861,000
		Indirect Purchases in NM Businesses	3,852,000
		Investment in STEM Education	2,200,000
<b>Total</b>	<b>944,000</b>	<b>Total</b>	<b>20,821,000</b>

- ASSUMPTIONS BASED OFF CONSERVATIVE ECONOMIC MODEL USED BY THE ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

# SPACEPORT AMERICA AEROSPACE CUSTOMERS IMPACT (FY16)

- AEROSPACE CUSTOMER DIRECT SPEND 11M
- 0.3X MULTIPLIER FOR INDIRECT SPEND 3.2M
- ADDITIONAL NM TAX REVENUE 700K
- 50 FULL TIME JOBS (SPACEPORT AMERICA AND VIRGIN GALACTIC)

## Aerospace NM Direct Spend by Source



# SPACEPORT AMERICA NON-AEROSPACE BUSINESS (FY16)

- **FILM AND COMMERCIAL SHOOTS DIRECT SPEND 1.1M**  
Film Shoot “The Space Between Us”  
Commercial photo shoot “Chicco Strollers”
- **0.3X MULTIPLIER  
FOR INDIRECT  
SPEND 325K**



# SPACEPORT AMERICA TOURISM (FY16)

- **TOUR OPERATORS DIRECT SPEND 1M**  
Follow the Sun - Spaceport America Tour Operator  
Ted Turner Expedition – Niche market Tour Operator  
Visitor Center opened June 26, 2015
- **0.3X MULTIPLIER**  
**FOR INDIRECT**  
**SPEND 302K**
- **MEALS AND**  
**HOTELS 790K**

