

STATE OF NEW MEXICO
OFFICE OF THE 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, April 17 and May 18, 2017

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

X 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

x 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 lease request

Submitted by Heath Haussamen

On March 12, 2017, I requested “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.” The agency provided lease agreements with all five companies, with redactions in four of them.

The agency charged me \$1 per page for copies of the leases. Based on your Aug. 14, 2017 determination letter related to Patrick Hayes’ complaint, I believe this may have violated IPRA’s provision related to charging only the actual cost of making copies. The records were provided to me in electronic form, with redactions, at \$1 per page – \$290 total, a cost I agreed to pay. I’m seeking clarification on whether the cost assessed violated IPRA.

In addition, I’m seeking clarification on whether the Spaceport Authority’s redactions in four of the leases were illegal. Redactions in some or all of the leases with SpaceX, Up Aerospace, EXOS Aerospace and EnergeticX included rent and fee information, sections that indicate where at Spaceport America companies are operating, insurance information – and, in the SpaceX lease, even the contact information for two company officials.

In its initial response, the Spaceport Authority cited “New Mexico Statutes 14-2-1 (A) (6) ‘Trade Secrets’ and 14-2-1 (A) (8) ‘Security’ ” to justify redactions. After I pointed out that section 6 applies to public hospitals, not the spaceport, and asked for clarification, the agency’s attorney, Mesilla K. Force, provided a new and different justification:

“We (like most public agencies) are relying on IPRA exception 8, ‘as otherwise provided by law,’ which incorporates limitations on access to public records found in other statutes and sources of legal authority,” Force wrote in a May 18, 2017 email. “Among the wide range and large number of statutes, constitutional provisions and rules that constitute accepted protections is Supreme Court Rule 11-508 on trade secrets, which provides that a ‘person may refuse to disclose and may prevent others from disclosing a trade secret owned by him.’”

“Under the New Mexico Uniform Trade Secrets Act, N.M. Stat. Ann. § 57-3A-2(D), ‘trade secrets’ encompass the highly sensitive strategic, monetary and developmental information, practices and methodology in our customers’ contracts that were redacted for this reason. As we discussed earlier, in the critical stages of technology development in which our customers and tenants are engaged, any information about the programs from which they are deriving economic value gives their competitors a competitive advantage. The statute requires our customers to affirmatively take reasonable efforts to maintain that secrecy, which includes its redaction from public records. It is the customers – not the Spaceport – that have this protection and they have the right to prevent the Spaceport from disclosing it (through redaction.),” Force wrote.

In the course of my reporting on Spaceport America's secrecy, I found no state officials other than spaceport employees who thought rent payments should be kept secret. I found many who believe rent information should be released, including Lt. Gov. John Sanchez, a non-voting member of the Spaceport Authority's board.

It's difficult to know the extent of what was redacted in the leases, because that information is blacked out. I'm seeking examination of and clarification about whether some or all of the redactions to the copies of the lease agreements I was provided were illegal.

In addition to my email correspondence with spaceport officials, which is attached, here are links to the five lease agreements, which are too large to email (Virgin Galactic's is the only that was not redacted):

Virgin Galactic:

<http://nmpolitics.net/index/wp-content/uploads/2017/08/Executed-VG-Lease.pdf>

SpaceX:

http://nmpolitics.net/index/wp-content/uploads/2017/08/SpaceX_Redacted.pdf

UP Aerospace:

<http://nmpolitics.net/index/wp-content/uploads/2017/08/Up-Agreement-Redacted.pdf>

EXOS Aerospace:

<http://nmpolitics.net/index/wp-content/uploads/2017/08/Exos-agreement-redacted.pdf>

EnergeticX:

<http://nmpolitics.net/index/wp-content/uploads/2017/08/Energeticx-Lease-IPRA-REDACTED.pdf>

And here are links to my two articles about the redactions:

<http://nmpolitics.net/index/2017/08/transparency-problems-plague-spaceport-america/>

<http://nmpolitics.net/index/2017/08/how-much-secrecy-does-spaceport-america-need/>

It's also noteworthy that Spaceport America hasn't always been so secretive. In addition to releasing Virgin Galactic's lease without redactions in the past, the agency has also shared details about its agreement with SpaceX. The current CEO's predecessor was quoted in 2013 as saying SpaceX would be paying \$6,600 a month for three years to lease a mobile mission control facility and \$25,000 per launch to test a reusable rocket. In other words, today the spaceport is trying to keep secret information it released to the public four years ago that's still available online:

<https://www.usnews.com/science/news/articles/2013/05/07/elon-musks-spacex-signs-lease-at-nm-spaceport?offset=60>.



Heath Haussamen <heath@haussamen.com>

RE: NMPolitics.net and Spaceport America

1 message

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

Mon, Apr 17, 2017 at 4:24 PM

That is good. I will see you then.

From: Heath Haussamen [mailto:heath@haussamen.com]
Sent: Monday, April 17, 2017 4:23 PM
To: IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com>
Subject: Re: NMPolitics.net and Spaceport America

I'll come by about 11-11:15 am as soon as I get out of another appointment if that's ok with you. Let me know!

--

Heath Haussamen
Editor and publisher
NMPolitics.net

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On Apr 17, 2017, at 2:16 PM, IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com> wrote:

You can pick them up from our Las Cruces office on Tuesday. Let me know what time you want to arrive, and I can charge your card at that time.

Thank you!

Zach

From: Heath Haussamen [<mailto:heath@haussamen.com>]
Sent: Monday, April 17, 2017 11:34 AM
To: IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com>
Subject: Re: NMPolitics.net and Spaceport America

Thank you for getting back to me. I'd like the documents in electronic format, so let's do the \$292 cost for that and I'll pick them up so you don't have to ship them. Can I pick them up on Tuesday instead of Wednesday? If so, let me know what times work. Also, I can pay with a debit card or a check. Which works best for you? Can I pay in person when I pick them up?

thanks again.

On Mon, Apr 17, 2017 at 8:57 AM, IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com> wrote:

Hello Heath,

The contract documents are ready to be released. Please contact me below to provide payment with a major credit card. We can deliver the documents several ways:

1. Deliver you copies in person at the meeting on Wednesday \$290.00
2. Mail hard copies \$290.00 + UPS shipping \$8.00
3. Electronic copies \$290.00 + UPS shipping \$4.00 + thumb drive \$2.00

Thank you for your patience with this request. I look forward to speaking with you.

Zach De Gregorio, CPA

Chief Financial Officer

zach.degregorio@spaceportamerica.com

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

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

<image001.jpg>

New Mexico Spaceport Authority

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

Shop.SpaceportAmerica.com

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From: Heath Haussamen [mailto:heath@haussamen.com]
Sent: Tuesday, March 28, 2017 10:04 AM
To: IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com>
Subject: Re: NMPolitics.net and Spaceport America

Thank you for your response. Please proceed with preparing digital copies of the lease documents I requested. I agree to pay the \$290 fee for those documents.

On the second part, can you help me understand? Are there not, for example, documents that would detail the \$2.2 million investment in STEM cited in the economic impact analysis? And \$11,021 in money generated by the commercial spaceport industry is a very specific number. Wasn't Mr. De Gregorio looking at numbers and other data to make his assumptions and professional judgement? I believe those numbers and data he was looking at would be covered by my request -- and a response should either provide those or explain why they are exempt from release.

Please advise. Thanks!

On Mon, Mar 27, 2017 at 5:34 PM, IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com> wrote:

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]
Sent: Tuesday, March 14, 2017 6:27 PM
To: IPRA, NMSA, NMSA <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> 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>
Cc: Gutman, Bill, NMSA <bill.gutman@spaceportamerica.com>; DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>; Lonergan, Michael, GOV <Michael.Lonergan@state.nm.us>; Sanchez, Chris j, GOV <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 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> 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 Officerzach.degregorio@spaceportamerica.comOffice [+1 575 267 8510](tel:+15752678510)Mobile [+1 575 386 6221](tel:+15753866221)

<image001.jpg>

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From: Anderton, Tammara, NMSA**Sent:** Tuesday, February 14, 2017 5:43 PM**To:** Haussamen, Heath <heath@haussamen.com>**Cc:** Gutman, Bill, NMSA <bill.gutman@spaceportamerica.com>; DeGregorio, Zach, NMSA <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>**Date:** Monday, February 13, 2017 at 9:47 PM**To:** "Anderton, Tammara, NMSA" <Tammara.Anderton@spaceportamerica.com>**Cc:** "Dr. Bill Gutman" <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> 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

<image002.png>

Spaceport America

Tel: [+1.575.649.5467](tel:+1.575.649.5467)

<image003.png>

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

<image004.png>

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

spaceportamericacup.com

<image005.png><image006.png><image007.png><image008.png><image009.png>

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From: Heath Haussamen <heath@haussamen.com>
Date: Monday, February 13, 2017 at 2:58 PM
To: "Anderton, Tammara, NMSA" <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

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Heath Haussamen <heath@haussamen.com>

Re: Meeting this week

1 message

Force, Melissa, NMSA <melissa.force@spaceportamerica.com>

Thu, May 18, 2017 at 4:39 PM

To: "Haussamen, Heath" <heath@haussamen.com>, "Hicks, Daniel, NMSA" <daniel.hicks@spaceportamerica.com>

Cc: "DeGregorio, Zach, NMSA" <zach.degregorio@spaceportamerica.com>, "Anderton, Tammara, NMSA" <Tammara.Anderton@spaceportamerica.com>

Hi Heath, I can try to respond to your question about the IPRA exception we are working under. We (like most public agencies) are relying on IPRA exception 8, "as otherwise provided by law," which incorporates limitations on access to public records found in other statutes and sources of legal authority. Among the wide range and large number of statutes, constitutional provisions and rules that constitute accepted protections is Supreme Court Rule 11-508 on trade secrets, which provides that a "person may refuse to disclose and may prevent others from disclosing a trade secret owned by him."

Under the New Mexico Uniform Trade Secrets Act, N.M. Stat. Ann. § 57-3A-2(D), "trade secrets" encompass the highly sensitive strategic, monetary and developmental information, practices and methodology in our customers' contracts that were redacted for this reason. As we discussed earlier, in the critical stages of technology development in which our customers and tenants are engaged, any information about the programs from which they are deriving economic value gives their competitors a competitive advantage. The statute requires our customers to affirmatively take reasonable efforts to maintain that secrecy, which includes its redaction from public records. It is the customers – not the Spaceport – that have this protection and they have the right to prevent the Spaceport from disclosing it (through redaction.)

Heath, I hope this candid response further demonstrates that our actions are not intended to obfuscate but designed to honor the rights that New Mexican state law provides to innovators, developers and entrepreneurs who seek to move their operations to our state and, hopefully, create jobs, boost the economy and help us become a leader in the space industry. My intent here is to help you better understand what we are doing and, also, to thank you for permitting us an opportunity to contribute our perspective in order to shape a fair view of the Spaceport as a positive force in the state.

Melissa K. Force**General Counsel**melissa.force@spaceportamerica.comOffice [+1 575 267 8558](tel:+15752678558)Mobile [+1 575 915 4470](tel:+15759154470)**New Mexico Spaceport Authority**

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

From: Heath Haussamen <heath@haussamen.com>
Date: Thursday, May 18, 2017 at 9:05 AM
To: "Hicks, Daniel, NMSA" <daniel.hicks@spaceportamerica.com>
Cc: "DeGregorio, Zach, NMSA" <zach.degregorio@spaceportamerica.com>, "Lopez, Chris, NMSA" <chris.lopez@spaceportamerica.com>, "Force, Melissa, NMSA" <melissa.force@spaceportamerica.com>
Subject: Re: Meeting this week

Definitely. I could do 1 p.m. or 3:30 p.m. Will one of those work?

On Thu, May 18, 2017 at 8:57 AM, Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com> wrote:

Heath,

It was great to visit with you yesterday. Thank you for taking the time, and your journalistic due diligence as you investigate/write stories. I wish you were the norm, but unfortunately in today's journalistic world you might be the exception.

I will get with our General Counsel and get back with you tomorrow. Is there a good time tomorrow afternoon for a call?

Best,

Dan

Daniel Hicks

Chief Executive Officer

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New Mexico Spaceport Authority

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Las Cruces, NM 88001

From: Heath Haussamen [mailto:heath@haussamen.com]
Sent: Wednesday, May 17, 2017 4:20 PM
To: Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>
Cc: DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>; Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>
Subject: Re: Meeting this week

Hey there,

Thanks so much again for taking the time to meet today. It was informative and good to chat face-to-face.

The questions I said I would send via email are these below. You'll see I have a question about one of the two exemptions you cited.

My questions:

You have redacted rent and location information from the lease agreements you provided me based on IPRA exemptions that appear to protect public hospitals from having to release trade secrets and state agencies from having to release “tactical response plans or procedures” that “could be used to facilitate the planning or execution of a terrorist attack.” How does the spaceport qualify for an exemption that’s for hospitals, and how does rent and location info qualify as “tactical response plans or procedures?” In other words, can you explain to me how your agency interprets these two exemptions to allow the redacting of the information you redacted from the lease agreements?

For some context, here's what the AG's IPRA compliance guide (<http://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Inspection%20of%20Public%20Records%20Compliance%20Guide%202015.pdf>) states about exemption 6:

6. Public Hospital Records

The Law

Trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting.

Commentary

Under this exception, the governing body of a public hospital may keep confidential information in its records that was discussed in a properly closed meeting when the information to be kept confidential pertains to trade secrets, is protected by the privilege for attorney-client communications or relates to the hospital's long-range or strategic business plans. The exception corresponds to a similar exception in the Open Meetings Act (NMSA 1978, § 10-15-1(H)(9)) that permits public hospital boards to discuss the same information in closed meetings. To constitute a “properly closed meeting” for purposes of the exception, the meeting where the topics covered by the exception are discussed must be closed according to the requirements of the Open Meetings Act.

And here's what the IPRA guide states about exemption 7 related to tactical plans. Your agency cited "security" and exemption 8, "Protected Personal Identifier Information," which is not about security, so I'm assuming you meant exemption 7. But let me know if it's something else. Here's what the guide says about 7:

7. Tactical Response Plans

The Law

Tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack.

Commentary

Particularly since the September 11, 2001 terrorist attacks, state and local governments have focused on the development and refinement of plans and procedures for responding to emergencies, including potential terrorist attacks. This exception is intended to protect New Mexico state and local government tactical response plans or procedures that, if made public, could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used by terrorists to plan or carry out an attack. Information sought to be protected under the exception must be included in a governmental tactical response plan or procedure. Otherwise, it is not sufficient to deny an inspection request that the requested records could conceivably be useful to terrorists planning an attack.

Thank you! If you can get back to me by Friday, that would be excellent.

On Tue, May 16, 2017 at 6:04 PM, Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com> wrote:

Hello Heath,

Either way is fine with us. We can do on the record here and go eat if you like.

Best,

Dan

Daniel Hicks

Chief Executive Officer

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**New Mexico Spaceport Authority**

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Las Cruces, NM 88001

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

Sent: Monday, May 15, 2017 6:10 PM

To: Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>

Cc: DeGregorio, Zach, NMSA <zach.degregorio@spaceportamerica.com>; Lopez, Chris, NMSA <chris.lopez@spaceportamerica.com>

Subject: Re: Meeting this week

11 on Wednesday is good. Are you thinking we'll do the on-the-record interview at your office before heading over for lunch, or interview at lunch? Should I plan for about two hours? Some other time period?

Thanks.

On Mon, May 15, 2017 at 5:34 PM, Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com> wrote:

Hello Heath,

Hopefully you got my other email. let's plan on 1100 hours Wednesday to meet here and then go to the Game for food and discussion.

Best,

Dan

Daniel Hicks

Chief Executive Officer

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**New Mexico Spaceport Authority**

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

From: Heath Haussamen [mailto:heath@haussamen.com]
Sent: Sunday, May 14, 2017 7:27 PM
To: Hicks, Daniel, NMSA <daniel.hicks@spaceportamerica.com>
Subject: Meeting this week

Hey there, I want to meet once more but I need to be able to schedule a time. I haven't heard back from you to set a time on Monday, and at this point my Monday is too full to meet with you. So I need to find another day that works for both of us. Other times this week I can meet:

- Wednesday between 10 and 2.

- Thursday between 10 and 2.

- Friday between 10 and 1.

I hope a time in that range works for you. Let me know what time works for you and where you'd like to meet, and I'll put it in my calendar. Please let me know by close of business on Monday so I'm able to schedule the other appointments I need to do this week.

Thanks.

--

Heath Haussamen

Editor and publisher

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