

**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: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

**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)

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**New Mexico Spaceport Authority**

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strictly forbidden and may be unlawful. If you are a party to a written Non-Disclosure Agreement (NDA) with NMSA or the State of New Mexico, you should maintain the contents of this communication and any attachments in confidence to the full extent specified in the NDA

---

**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)

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

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9/11/2017

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

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

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## Spaceport America Economic Analysis

1 message

---

**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)

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**New Mexico Spaceport Authority**

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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**



**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: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

**IPRA REQUEST TO THE PUBLIC BODY:**

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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

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\_\_\_\_\_ 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.

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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.

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## **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](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 &lt;heath@haussamen.com&gt;

---

**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](mailto:heath@haussamen.com)]  
**Sent:** Monday, April 17, 2017 4:23 PM  
**To:** IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto: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](http://NMPolitics.net)

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

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

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On Apr 17, 2017, at 2:16 PM, IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto: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](mailto:NMSA.IPRA@spaceportamerica.com)>  
**Subject:** Re: [NMPolitics.net](http://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](mailto: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](mailto:zach.degregorio@spaceportamerica.com)

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

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

<image001.jpg>

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**From:** Heath Haussamen [mailto:[heath@haussamen.com](mailto:heath@haussamen.com)]  
**Sent:** Tuesday, March 28, 2017 10:04 AM  
**To:** IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto:NMSA.IPRA@spaceportamerica.com)>  
**Subject:** Re: [NMPolitics.net](http://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](mailto: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](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](http://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](http://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)

&lt;image001.jpg&gt;

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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](http://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](http://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**

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

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

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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](http://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)

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

---

**Re: Meeting this week**

1 message

---

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

Thu, May 18, 2017 at 4:39 PM

To: "Haussamen, Heath" &lt;heath@haussamen.com&gt;, "Hicks, Daniel, NMSA" &lt;daniel.hicks@spaceportamerica.com&gt;

Cc: "DeGregorio, Zach, NMSA" &lt;zach.degregorio@spaceportamerica.com&gt;, "Anderton, Tammara, NMSA" &lt;Tammara.Anderton@spaceportamerica.com&gt;

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.com](mailto:melissa.force@spaceportamerica.com)Office [+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

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**From:** Heath Haussamen <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Date:** Thursday, May 18, 2017 at 9:05 AM  
**To:** "Hicks, Daniel, NMSA" <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>  
**Cc:** "DeGregorio, Zach, NMSA" <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>, "Lopez, Chris, NMSA" <[chris.lopez@spaceportamerica.com](mailto:chris.lopez@spaceportamerica.com)>, "Force, Melissa, NMSA" <[melissa.force@spaceportamerica.com](mailto: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](mailto: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**

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

Office [+1 575 267 8599](tel:+15752678599)

Mobile [+1 575 520 6208](tel:+15755206208)



**New Mexico Spaceport Authority**

901 E. University Ave, Suite 965L

Las Cruces, NM 88001

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

[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)

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**New Mexico Spaceport Authority**

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

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

**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto:daniel.hicks@spaceportamerica.com)>

**Cc:** DeGregorio, Zach, NMSA <[zach.degregorio@spaceportamerica.com](mailto:zach.degregorio@spaceportamerica.com)>; Lopez, Chris, NMSA <[chris.lopez@spaceportamerica.com](mailto: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](mailto: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](mailto:heath@haussamen.com)]  
**Sent:** Sunday, May 14, 2017 7:27 PM  
**To:** Hicks, Daniel, NMSA <[daniel.hicks@spaceportamerica.com](mailto: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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**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: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

**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: June 28, 2017

Date of all Responses Received from the Public Body: June 29, 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.

**DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS** (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

I discovered in June 2017 that the N.M. Spaceport Authority had blocked me from following its Twitter account — from seeing or responding to its tweets. So on June 28 I filed an IPRA request for a complete list of Twitter accounts the agency had blocked. Such a list is accessible in the agency's Twitter account settings and can be preserved as a screen shot, PDF or other document. The agency refused to hand over the list, responding by saying IPRA "does not reference Twitter." I believe such a list, like a public official's email, even when hosted on a private server, is subject to IPRA. I'm seeking clarification on whether the agency violated IPRA by denying my request.

**ADDITIONAL INFORMATION**: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.



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

---

**Re: Records request**

1 message

---

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

Thu, Jun 29, 2017 at 9:42 PM

Thank you for your response. Please preserve the @spaceport\_nm Twitter account's list of blocked accounts as it existed at the date/time of my request, as I'm seeking advice on the legality of your response.

On Thu, Jun 29, 2017 at 6:38 PM, IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com> wrote:

Mr. Haussamen:

Thank you for your request. No such document exists. The Inspection of Public Records Act does not reference Twitter.

Sincerely,

Records Custodian

---

**From:** Heath Haussamen [mailto:[heath@haussamen.com](mailto:heath@haussamen.com)]  
**Sent:** Wednesday, June 28, 2017 6:17 PM  
**To:** IPRA, NMSA, NMSA <[NMSA.IPRA@spaceportamerica.com](mailto:NMSA.IPRA@spaceportamerica.com)>  
**Cc:** Haussamen, Heath <[heath@haussamen.com](mailto:heath@haussamen.com)>  
**Subject:** Records request

Hello,

Please consider this a formal request under the state's Inspection of Public Records Act for the complete list of Twitter accounts that Spaceport America's Twitter account (@Spaceport\_NM) has blocked from following @Spaceport\_NM or seeing that account's tweets.

Given that the list exists in electronic format, I'm requesting that you provide the list electronically, as is required by law if I request it. I'm also expecting that there will be no cost for this document and you should be able to provide it immediately, given that a PDF or screen shot of the list can be easily made and emailed to me.

Thank you for your prompt attention to this matter.

--

Heath Haussamen

Editor and publisher

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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: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

**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: May 4, 2017

Date of all Responses Received from the Public Body: May 18 (phone)

May 19 (written)

**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)

**X** \_\_\_\_\_ 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.

**DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS** (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

I filed an IPRA request by email on May 4, 2017 for minutes of the Spaceport Authority's March 29 meeting. My request went unanswered (no three-day response). When I spoke with Spaceport CEO Dan Hicks by phone on May 18 (I called him), he apologized for the lack of response and said the draft minutes weren't yet ready, though OMA required that they be ready by April 8. Hicks provided the draft minutes to me the next day, on May 19, 2017. I believe the lack of response to my written request violated IPRA.

**ADDITIONAL INFORMATION**: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.



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

---

**IPRA request**

1 message

---

**Heath Haussamen** <heath@haussamen.com>

Thu, May 4, 2017 at 11:08 AM

To: "IPRA, NMSA, NMSA" &lt;NMSA.IPRA@spaceportamerica.com&gt;

Cc: "Hicks, Daniel, NMSA" &lt;daniel.hicks@spaceportamerica.com&gt;

Hello,

Under the state's Inspection of Public Records Act, I wish to obtain copies of the following documents:

- Your agency's current IPRA policy.
- The agenda and minutes for all meetings at which the policy was discussed, approved, and/or amended. This does not need to include the agenda and minutes from the Dec. 7, 2016 meeting, as those documents are online and I already have copies.
- Minutes from the March 29, 2017 meeting. If these minutes have not been approved yet, I'm requesting them in draft form.

I request that you provide these documents in electronic form if possible. Please let me know of any costs before making copies.

Thank you.

--

**Heath Haussamen**  
Editor and publisher  
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**OPEN MEETING ACT (“OMA”) COMPLAINT FORM**

New Mexico Office of the Attorney General

Open Government Division

**Your Contact Information:**

First Name: Heath Last Name: Haussamen

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

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

Specific date(s) of OMA violation(s): May 4, 2017

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

DEFICIENCIES IN NOTICE OF THE MEETING

Notice did not comply with the deadlines or procedures for meeting notices adopted by the public body, or with the reasonable notice requirement in the OMA

Notice did not include date, time, and/or location of the meeting

Notice was not published or posted in a place and manner accessible to the public

Notice did not include an agenda or information on how the public may obtain a copy of the agenda

A meeting was reconvened by the public body, but notice of the date, time, and place of the reconvened meeting was not placed on or near the door of the place where the original meeting was held or in at least one other location appropriate to provide public notice

AGENDA

Agenda was not available seventy-two (72) hours prior to the meeting

- Agenda did not include a list of specific items the public body intended to discuss or transact at the meeting or the items listed and acted upon were not listed with reasonable specificity
- Public body took action on items that were not listed on the agenda
  
- In a reconvened meeting, the public body discussed or took action on items not appearing on the agenda of the original meeting

#### MINUTES

- The minutes did not contain the date, time, and/or place of meeting, the name of all members of the public body attending the meeting and those absent
- The minutes did not contain a description of the substance of all proposals considered during the meeting or a record of any decisions made and votes taken
- A draft copy of the minutes was not available within ten (10) working days of the meeting
- The minutes were not approved, amended, or disapproved at the next meeting where a quorum of the public body was present

#### CLOSED MEETINGS

- The public body did not follow the required closing procedures to close a meeting (e.g., did not list the items they were going to discuss in the motion to close, or the motion to close did not contain the provision of law permitting the closing of the meeting)
  
- The public body closed the meeting to discuss an issue not covered by one of OMA's exceptions
  
- Matters not stated in the motion to close were discussed in the closed session.
- Final action was taken by the public body in the closed meeting

#### CONDUCTING/DISCUSSING BUSINESS OUTSIDE OF AN OPEN MEETING

- A quorum of the public body formulated policy, discussed public business, or took action outside of an open meeting
  
- A "rolling quorum" was used to discuss public business (i.e., a quorum may exist even when the members are not physically present at the same place, such as discussing public business in a series of telephone or email conversations)
  
- A committee was created by the public body that constitutes a policymaking body that formulated recommendations that were binding on the public body or otherwise established policy for the public body, outside of an open meeting

**DETAILED EXPLANATION OF ALLEGED OMA VIOLATIONS:** Please provide a description of the actions taken by the public body that violated the OMA, including specific dates and times, and why you believe the OMA has been violated.

I filed an IPRA request by email on May 4, 2017 for minutes of the Spaceport Authority's March 29 meeting. My request went unanswered. When I spoke with Spaceport CEO Dan Hicks by phone on May 18, he apologized for the lack of response and said the draft minutes weren't yet ready, though OMA required that they be ready by April 8. Hicks provided the draft minutes to me the next day, on May 19, 2017. I believe OMA required that the minutes be available for inspection weeks before they were made available on May 19, so the delay violated OMA.

**ADDITIONAL INFORMATION:** Please attach any documentation or evidence you have regarding the alleged OMA violation.