

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

JOSEPH HERRERA

Plaintiff,

v.

Case No.: D-101-CV-2025-02352

REGULATION & LICENSING DEPARTMENT

Defendant.

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
COUNT FOUR (IPRA VIOLATION)**

Plaintiff Joseph Herrera, through his counsel the Law Office of Matthew J. Bouillon Mascareñas LLC (Matthew J. Bouillon Mascareñas, Esq.), hereby moves this Court pursuant to Rule 1-056(C) NMRA for partial summary judgment on liability as to Count Four of his *Verified Complaint for Damages and for Declaratory and Injunctive Relief* (the “Complaint”) in that undisputed material facts demonstrate Defendant Regulation & Licensing Department (RLD) has violated the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (as amended through 2018), leaving no genuine issue of material fact as to liability for trial and entitling Mr. Herrera to judgment as a matter of law. Mr. Herrera also asks that his damages, costs, and attorney fees be determined at a later date, potentially in conjunction with related claims. In support thereof, Mr. Herrera states as follows:

STATEMENT OF UNDISPUTED MATERIAL FACTS (SMF)

1. Mr. Herrera received an NOV and CVD from the Construction Industries Division (CID) of the Regulation and Licensing Department on January 16, 2025. HERRERA AFF. SUPP. MOT. PARTIAL SUMM. J. COUNT FOUR, ¶ 2.

2. The same day, Mr. Herrera requested supporting documents pertaining to the allegations, but received none. *Id.* ¶ 3 (typo and irrelevant info redacted).

3. Mr. Herrera submitted an IPRA request to RLD on January 29, 2025, which sought *inter alia*: “For the period May 2022-present, any and all communications among CID staff regarding Ms. Garcia, Mr. Herrera, the subject matter of her complaint, Mr. Herrera’s response, the notice of violation, or, in general, any matters related to the property at 277 Tano Road, however tangentially.” *Id.* ¶ 4.

4. On February 14, 2025, RLD sent responsive documents to Mr. Herrera. *Id.* ¶ 5.

5. The document on page 48 of the department’s February 14 production showed an internal exchange regarding Mr. Herrera’s matter between CID Investigations Manager Carla Roybal and Investigator Mary Page. *Id.* ¶ 6.

6. At the bottom of page 48, Ms. Roybal stated to Ms. Page: “@Mary Page sent you an email, [*sic*] Martin feels we need to open a case and I have also sent this to Tamara to review as well.” *Id.* ¶ 7.

7. However, no such email was included in RLD’s production to Mr. Herrera. *Id.* ¶ 8.

8. The omitted email from Ms. Roybal to Ms. Page was responsive to Mr. Herrera’s IPRA request, but RLD did not give a written explanation for its denial or assert a claim of exemption. *Id.* ¶ 9.

9. Mr. Herrera filed his Complaint on September 15, 2025, alleging in Count Four that RLD’s failure to produce the email from Ms. Roybal to Ms. Page violated IPRA. *Id.* ¶ 10.

10. On September 26, 2025, RLD wrote to Mr. Herrera with the subject line “SUPPLEMENTAL Responsive Documents for IPRA request rec’d 01/29/2025.” *Id.* ¶ 11.

11. Page 13 of RLD’s supplemental production contained the missing email from Ms. Roybal to Ms. Page. *Id.* ¶ 12.

12. 224 days have elapsed from the date of RLD’s original response (Feb. 14, 2025) to its ultimate production of the missing email (Sept. 26, 2025). *Id.* ¶ 13.

LAW AND ARGUMENT

I. Standard of Review

a. Summary Judgment

Summary judgment is appropriate where “there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” Rule 1-056(C) NMRA. “An issue of fact is ‘material’ if the existence (or non-existence) of the fact is of consequence under the substantive rules of law governing the parties’ dispute.” *Oakey v. May Maple Pharm.*, 2017-NMCA-054, ¶ 15. The motion must present such evidence as is sufficient in law to raise a presumption of fact or establish the fact in question unless rebutted. *Id.* (internal citations and quotation marks omitted). If it does, the opposing party “must adduce evidence to justify a trial on the issues.” *Id.* (internal citations omitted).

b. IPRA

It is the public policy of the state of New Mexico that “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees.” NMSA 1978, § 14-2-5. “IPRA is intended to ensure that the public servants of New Mexico remain accountable to the people they serve.” *San Juan Agric. Water Users Ass’n v. KNME-TV (San Juan)*, 2011-NMSC-011, ¶ 16. IPRA represents “a policy of open government [...] intended to protect the public from having to rely solely on the representations of public

officials that they have acted appropriately.” *City of Farmington v. Daily Times*, 2009-NMCA-057, ¶ 17.

A public body violates IPRA as a matter of law when it provides an incomplete response to a public records request or otherwise fails to produce all responsive documents for inspection without asserting a written claim of exemption or providing an explanation of denial. *Britton v. Office of the AG of N.M.*, 2019-NMCA-002, ¶¶ 33, 36.

II. RLD violated IPRA

Contemporaneous with the NOV and CVD from RLD on January 16, 2025, Mr. Herrera requested supporting documents pertaining to the allegations, but the department did not provide them. SMF ¶¶ 1-2. Mr. Herrera then sought to inspect relevant public records in RLD’s possession on January 29, 2025. SMF ¶ 3. RLD produced some responsive records on February 14, 2025. SMF ¶ 4. However, the department withheld a responsive email between Ms. Roybal and Ms. Page that had been specifically referred to internally in another document which it had produced. SMF ¶¶ 5-7. The department asserted no claim or exemption for the email nor did it provide any written explanation of denial. SMF ¶ 8. RLD ultimately produced the withheld email 224 days after it should have and 11 days after Mr. Herrera filed his Complaint. SMF ¶¶ 9-12.

Since RLD’s February 14, 2025 response to Mr. Herrera was incomplete, and RLD made neither a written claim of exemption nor an explanation of denial for the withheld email, the department violated IPRA as a matter of law. *See Britton*, 2019-NMCA-002, ¶ 33. RLD’s intent is relevant only to damages under IPRA, not liability. NMSA 1978, § 14-2-11(C) (providing for damages up to \$100 per day if a denial is found to be unreasonable); *see Britton*, ¶ 36 (when the Attorney General’s Office failed to permit inspection of 350 records that were responsive to plaintiff’s request without asserting a claim of exemption or issuing a written explanation of denial,

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2025, the foregoing was electronically filed via the Odyssey File and Serve system, with a courtesy copy via email to:

James J. Grubel, Esq.
Park & Associates, LLC
jgrubel@parklawnm.com & jertsgaard@parklawnm.com

/s/ *MJBM*

Matthew J. Bouillon Mascareñas

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

JOSEPH HERRERA

Plaintiff,

v.

Case No.: D-101-CV-2025-02352

REGULATION & LICENSING DEPARTMENT

Defendant.

**AFFIDAVIT OF JOSEPH HERRERA IN SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT AS TO COUNT FOUR (IPRA VIOLATION)**

Joseph Herrera, being first duly sworn upon oath, deposes and states as follows:

1. I am the Plaintiff in the above-captioned matter. I am over the age of 18, of sound mind, and competent to testify to the matters stated herein, which are based on my personal knowledge unless otherwise indicated.

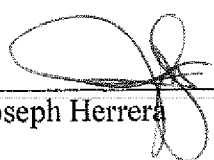
2. I received a Notice of Violation (NOV) and Code Violation Determination (CVD) from the Construction Industries Division (CID) of the Regulation and Licensing Department (RLD) on January 16, 2025. (Exhibit 1.)

3. The same day, I requested supporting documents from Ms. Roybal at CID pertaining to the allegations in the NOV and CVD, but received none. (*See* Exhibit 2.)

4. I submitted an Inspection of Public Records Act (IPRA) request to RLD on January 29, 2025, seeking *inter alia* the following documents: “For the period May 2022-present, any and all communications among CID staff regarding Ms. Garcia, Mr. Herrera, the subject matter of her complaint, Mr. Herrera’s response, the notice of violation, or, in general, any matters related to the property at 277 Tano Road, however tangentially.” (Exhibit 3.)

- 5. On February 14, 2025, RLD sent responsive documents to me. (Exhibit 3.)
- 6. The document on page 48 of the department's February 14 production showed internal comments by and between CID Investigations Manager Carla Roybal and Investigator Mary Page regarding my matter. (Exhibit 4.)
- 7. At the bottom of page 48, Ms. Roybal stated to Ms. Page: "@Mary Page sent you an email, [sic] Martin feels we need to open a case and I have also sent this to Tamara to review as well." *Id.*
- 8. However, no such email was included in RLD's February 14 production to me.
- 9. This email from Ms. Roybal to Ms. Page was responsive to my IPRA request, but RLD never gave a written explanation for its denial or nor asserted a claim of exemption. (See Exhibit 3.)
- 10. I filed my *Verified Complaint for Damages and for Declaratory and Injunctive Relief* on September 15, 2025, alleging in Count Four that the failure to produce the email from Ms. Roybal to Ms. Page on February 14 violated IPRA. (Doc. 1.)
- 11. On September 26, 2025, RLD wrote to me with the subject line "SUPPLEMENTAL Responsive Documents for IPRA request rec'd 01/29/2025." (Exhibit 5.)
- 12. Page 13 of RLD's supplemental production contained the missing email from Ms. Roybal to Ms. Page. (Exhibit 6.)
- 13. 224 days have elapsed from the date of RLD's original response (Feb. 14, 2025) to its ultimate production of the missing email (Sept. 26, 2025).
- 14. The facts stated herein are true and correct to the best of my knowledge and belief.

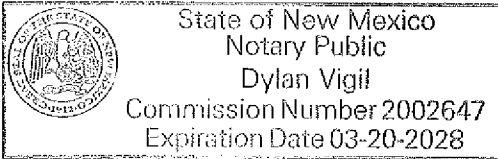
FURTHER AFFIANT SAYETH NAUGHT.




Joseph Herrera

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

This Affidavit of Joseph Herrera in Support of Motion for Partial Summary Judgment as to Count Four (IPRA Violation) was signed and sworn to before me on October 6, 2025 by Joseph Herrera.





Notary Public

My commission expires: 03.20.2028

NOTICE OF VIOLATION

01-16-2025

INVESTIGATION CASE NUMBER: 105-24-03
LICENSE NO. 361866
Qualifying Party: Joseph Herrera #252662

Joseph Herrera
Santa Fe Sustainable Living by J LLC
110 Spruce Street
Santa Fe, NM 87501

LOCATION OF VIOLATION: 277 Tano Road Santa Fe, NM 87506

CORRECTION DUE DATE: February 16, 2025

You are receiving this Notice due to the Construction Industries Division (CID) compliance investigation has resulted in confirmation of the following code violation(s) at the location noted above.

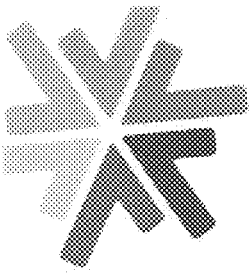
Failure to correct the violation(s) and have the work re-inspected by CID **BEFORE** the correction due date noted above will subject you to disciplinary action.

TRADE BUREAU CODE/ ADMINISTRATIVE VIOLATIONS:

PLEASE SEE ATTACHED

To schedule a re-inspection, you must do the following:

1. Contact the project owner to schedule the correction work.
2. Fully perform the correction work
3. Pay a re-inspection fee at any of the CID locations:
 - o Albuquerque -- 5500 San Antonio Drive NE
 - o Santa Fe - 2550 Cerrillos Road
 - o Las Cruces - 505 S. Main St., Suite 103
4. Call the call center to schedule a final inspection (505) 222-9813.



STATE OF NEW MEXICO
Regulations & Licensing Department
MICHELLE LUJAN GRISHAM, GOVERNOR
Clay Bailey, Superintendent

ALL RE-INSPECTION FEES MUST BE PAID BY CONTRACTOR PRIOR TO SCHEDULING.

The investigator will send an Amended Notice of Violation if code violations still exist after the re-inspection.

If you have questions, please contact me at the email provided below.

Sincerely,

Carla Roybal

Carla Roybal- Carla.Roybal@rld.nm.gov
Investigations Manager
Construction Industries Division
Investigations and Enforcement
505-231-1438
5500 San Antonio Dr. NE
Albuquerque, NM 87109

CODE VIOLATION DETERMINATION

DATE: 04-01-2024 General build

Initial

Final

INVESTIGATION NO: 105-24-03

LICENSEE; 361866 Santa Fe Sustainable living by J. llc

PROJECT ADDRESS; 277 Tano Rd Sant Fe NM 87506 (outside of SF)

Homeowner Phone 505-470-0684

- No code violation confirmed
 Code violation(s) confirmed

1. 703.1.1 / 2015 Water Resistance.

Location: Entire House

Description: Contractor did not provide a water resistance barrier that prevents the accumulation of water from entering the wall assembly. The exterior wall envelope is not preventing the accumulation of water within the wall assembly. There is no water-resistant barrier behind the exterior veneer preventing water from entering and passing through the wall assembly as required by Section R703.2. Water accumulating behind the exterior veneer does not properly drain to the exterior of the enter assembly.

2. R703.4 / 2015 Flashing

Location: Windows

Description: The flashing was not applied in shingle-fashion to prevent entry of water into the wall cavity or penetration of water to the building structural framing components

3. R703.4.1 Flashing #1.1.

Location: Windows

Description: The fenestration manufacturer's installation and flashing instructions were not followed or if flashing instructions or details were not provided, the pan flashing should have been installed at the sill of exterior window and door openings and the pan flashing should have been sealed or

CODE VIOLATION DETERMINATION

sloped in such a manner as to direct water to the resistive barrier for subsequent drainage. There was no uninterrupted resistive water barrier for the purpose of direct water to the exterior for subsequent drainage

4. R703.4.1 Flashing #3

Location: Exterior wall to slab transition

Description: Flashing is required under and at the ends of masonry sills. There is not a flashing or seal at the transition from concrete slab to the vertical wall assembly, this is allowing water to enter under the wall seal.

- Undetermined
- Code violations corrected

Inspector Signature: *Cedric Chavez* Print Name: Cedric Chavez

Date of Inspection: 10/11/24

Chief Initials: MR Date: 12-10-2024

Roybal, Carla, RLD

From: lynnrene@mjbm.law
Sent: Thursday, January 16, 2025 3:21 PM
To: Roybal, Carla, RLD
Subject: [EXTERNAL] Re: test

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hi Carla,

We represent Joseph Herrera. I spoke with Matt, and he asks that you email us the Notice of Violation, a list of violations, and their supporting documents so that we can respond to you in writing.

Please call our office with any questions.

Regards,

LynnRené Diamond, Paralegal
Law Office of Matthew J. Bouillon Mascarenas, LLC
500 Marquette Avenue NW, Suite 1200
Albuquerque, NM 87102
505-317-6953
lynnrene@mjbm.law

NOTICE OF CONFIDENTIALITY: This email and any attachments are intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email and any attachments is strictly prohibited. If you have received this email in error, please notify the sender by email or telephone and permanently delete the original and any copies thereof.

[REDACTED]

 Outlook

COMPLETED Responsive Documents for IPRA request rec'd 1/29/2025

From IPRA, RLD, RLD <RLD.IPRA@rld.nm.gov>

Date Fri 2/14/2025 3:47 PM

To matt@mjbm.law <matt@mjbm.law>

Cc cidiprarequests, RLD <CID.IPRA@state.nm.us>; Garcia, Felicia, RLD <felicia.garcia@rld.nm.gov>

 3 attachments (17 MB)

IPRA request rec'd 01-29-2025 Mascarenas.pdf; Proof of Payment.pdf; Mascarenas, Matthew IPRA REQUEST rec'd 01.29.2025_Redacted-.pdf;

Dear **Matthew Mascarenas**:

The New Mexico Regulation and Licensing Department (RLD) is in receipt of your Inspection of Public Records Act (IPRA) request.

Attached are your responsive documents and proof of payment. Please be advised the following that Protected Personal Identifier information has been redacted pursuant to the Inspection of Public Records Act, Section 14-2-1(B) NMSA 1978. The RLD has received your payment of **\$25.75** for the cost of document production.

Please contact **Felicia Garcia** at felicia.garcia@rld.nm.gov should you have any questions.

By disclosing this information, the RLD has complied with the IPRA and now considers your request fulfilled.

Thank you,

Danica Valdez
Office of the Superintendent
2550 Cerrillos Road | Santa Fe, NM
<https://www.rld.nm.gov/>

From: IPRA, RLD, RLD

Sent: Tuesday, February 11, 2025 10:00 AM

To: matt@mjbm.law

Cc: cidiprarequests, RLD <CID.IPRA@state.nm.us>; Garcia, Felicia, RLD <felicia.garcia@rld.nm.gov>

Subject: FEE REQUEST for Responsive Documents for IPRA request rec'd 1/29/2025

Dear Matthew Mascarenas,

The New Mexico Regulation and Licensing Department (RLD) is in receipt of your Inspection of Public Records Act (IPRA) request and has compiled the records responsive to your IPRA requests.

The records in question had to be physically scanned as those records were not originally in electronic format. The RLD charges \$0.25 per page for records requiring scanning/copying. There are a total number of **103** pages meeting this criterion; therefore, a payment of **\$25.75** will need to be received before the records will be released via email, U.S. Mail or facsimile. If you would like the records copied to a USB and mailed to you, there is an additional fee of \$7.00.

The RLD does not accept cash or credit/debit card payments, but does accept checks and money orders payable to:
New Mexico Regulation and Licensing Department.

Please mail your payment to:
New Mexico Regulation and Licensing Department
Office of the Superintendent & General Counsel
Attn: Heather Sanchez Martinez
P.O. Box 25101
Santa Fe, NM 87504

Please include a copy of the request with your payment.

If you should have any questions, please feel free to email me at rid.ipra@rid.nm.gov or call me at (505) 695-3567.

Thank you,

Danica Valdez
Office of the Superintendent
2550 Cerrillos Road | Santa Fe, NM
<https://www.rld.nm.gov/>

From: Matthew Bouillon Mascareñas <mailservices@sks.com>
Sent: Wednesday, January 29, 2025 12:35 PM
To: IPRA, RLD, RLD <RLD.IPRA@rid.nm.gov>
Subject: [EXTERNAL] Inspection of Public Records Request

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

DATE:

01/29/2025

NMRLD DIVISION:

CID

REQUESTOR INFORMATION (please print)

Name:

Matthew Bouillon Mascareñas

Address:

500 Marquette Ave NW, Ste 1200
Albuquerque, New Mexico 87102

United States

Matt H

Phone:

(505) 317-6953

Email Address:

matt@mjbmlaw

Please check the appropriate box and be as specific as possible on documents:

OBTAIN COPIES

Please identify the records sought with reasonable particularity:

On March 29, 2024, Santa Fe Sustainable Living by J, LLC and its qualifying party Joseph Herrera received a notice of investigation from the Construction Industries Division. The notice sought responses from Mr. Herrera regarding a complaint that had been lodged with it by Ms. Julie Garcia regarding the single family residence at 277 Tano Road, Santa Fe, NM 87506. This property had already passed CID inspections, and the division had already issued a certificate of occupancy for it on March 21, 2024 bearing no. 32476, although the name of the inspector on the certificate is illegible.

On April 18, 2024, this firm responded to CID by addressing each of the contentions raised in the notice of investigation. As we stated in our response, the complaint mostly consisted of conclusory allegations that lacked factual support and moot issues which Mr. Herrera had already offered to resolve at his expense.

We did not receive any further information about this matter from CID until January 16, 2025 when Ms. Carla Roybal provided this office with a notice of violation addressed to Mr. Herrera and his LLC. Our office sought, but was not provided, supporting documents pertaining to this notice of violation. The notice of violation states that the property at 277 Tano Road was inspected again by Cedric Chavez on October 11, 2024; that the notice was initialed by chief "MR" on December 10, 2024; and that Mr. Herrera has until February 16, 2025 to correct four alleged code violations. Evidently, these purported code violations were discovered more than six months after CID had conducted all relevant inspections of the property and issued a certificate of occupancy.

The information we seek is as follows:

1. For the period May 2022-present, any and all communications between CID staff and Ms. Garcia (or any other person purporting to act in her stead).
2. For the period May 2022-present, any and all communications among CID staff regarding Ms. Garcia, Mr. Herrera, the subject matter of her complaint, Mr. Herrera's response, the notice of violation, or, in general, any matters related to the property at 277 Tano Road, however tangentially.
3. The name of the person who signed the original certificate of occupancy for 277 Tano Road, issued on March 21, 2024.
4. Documents substantiating the alleged code violations referenced in the notice of violation dated January 16, 2025.

We appreciate your attention to this matter.

Sincerely,

Law Office of Matthew J. Bouillon Mascareñas LLC

I would like to receive the requested documents via:

EMAIL

Print Name of Requestor

Signature of Requestor

Exhibit 4 to Herrera Affidavit

Carla Roybal



✓ December 17, 2024 at 3:36 PM

📧 To: Internal

received cvd, called and left vm for HO to get update, looking to see if this has a court case before CVD is sent out.



Mary Page



> April 19, 2024 at 2:25 PM

📧 FW CVD request case 105-24-03 confirming to CNX posted

Mary Page



> April 11, 2024 at 8:20 AM

📧 RE EXTERNAL Case 105-24-03 Tano List posted

Mary Page



✓ April 2, 2024 at 10:04 AM

📧 To: Internal

house has a lock box on door, if inspectors need it to do the inspections please contact homeowners at (505) 470-0684



Mary Page



> April 1, 2024 at 11:58 AM

📧 RECD CASE, SET UP FILE. Attached HO email. send out NOI AND 2 CVDS.

Carla Roybal



✓ March 29, 2024 at 9:23 AM

📧 To: Internal

@Mary Page sent you an email. Martin feels we need to open a case and I have also sent this to Tamara to review as well.

Outlook

SUPPLEMENTAL Responsive Documents for IPRA request rec'd 01/29/2025

From IPRA, RLD, RLD <RLD.IPRA@rld.nm.gov>

Date Fri 9/26/2025 1:39 PM

To 'matt@mjbm.law' <matt@mjbm.law>

Cc cidiprarequests, RLD <CID.IPRA@state.nm.us>; Casados, Eliza, RLD <Eliza.Casados@rld.nm.gov>; Garcia, Felicia, RLD <felicia.garcia@rld.nm.gov>

 2 attachments (4 MB)

Supplemental Responsive Documents.zip; IPRA request rec'd 01-29-2025 Mascarenas.pdf;

Dear Matthew Mascarenas,

The New Mexico Regulation and Licensing Department (“RLD”) is in receipt of your request The New Mexico Regulation and Licensing Department (“RLD”) is in receipt of your request for records pursuant to the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12, NMSA 1978 (“IPRA”), dated August 27, 2025, where you have requested:

“On March 29, 2024, Santa Fe Sustainable Living by J, LLC and its qualifying party Joseph Herrera received a notice of investigation from the Construction Industries Division. The notice sought responses from Mr. Herrera regarding a complaint that had been lodged with it by Ms. Julie Garcia regarding the single family residence at 277 Tano Road, Santa Fe, NM 87506. This property had already passed CID inspections, and the division had already issued a certificate of occupancy for it on March 21, 2024 bearing no. 32476, although the name of the inspector on the certificate is illegible.

On April 18, 2024, this firm responded to CID by addressing each of the contentions raised in the notice of investigation. As we stated in our response, the complaint mostly consisted of conclusory allegations that lacked factual support and moot issues which Mr. Herrera had already offered to resolve at his expense.

We did not receive any further information about this matter from CID until January 16, 2025 when Ms. Carla Roybal provided this office with a notice of violation addressed to Mr. Herrera and his LLC. Our office sought, but was not provided, supporting documents pertaining to this notice of violation. The notice of violation states that the property at 277 Tano Road was inspected again by Cedric Chavez on October 11, 2024; that the notice was initialed by chief "MR" on December 10, 2024; and that Mr. Herrera has until February 16, 2025 to correct four alleged code violations. Evidently, these purported code violations were discovered more than six months after CID had conducted all relevant inspections of the property and issued a certificate of occupancy.

The information we seek is as follows:

- 1. For the period May 2022-present, any and all communications between CID staff and Ms. Garcia (or any other person purporting to act in her stead).*
- 2. For the period May 2022-present, any and all communications among CID staff regarding Ms. Garcia, Mr. Herrera, the subject matter of her complaint, Mr. Herrera's response, the notice of violation, or, in general, any matters related to the property at 277 Tano Road, however tangentially.*
- 3. The name of the person who signed the original certificate of occupancy for 277 Tano Road, issued on March 21, 2024.*

4. Documents substantiating the alleged code violations referenced in the notice of violation dated January 16, 2025.”

Attached are the supplemental responsive documents from the Construction Industries Division (CID). Please be advised the following that Protected Personal Identifier information has been redacted pursuant to the Inspection of Public Records Act, Section 14-2-1(B) NMSA 1978.

If you should have any questions, please feel free to contact Eliza Casados at CID.IPRA@state.nm.us. By disclosing this information, the RLD has complied with the IPRA and now considers your request fulfilled and closed.

Thank you,

Heather Sanchez Martinez
Office of the Superintendent
[2550 Cerrillos Road | Santa Fe, NM](https://www.rld.nm.gov/)
<https://www.rld.nm.gov/>

From: IPRA, RLD, RLD
Sent: Wednesday, January 29, 2025 2:40 PM
To: 'matt@mjbm.law' <matt@mjbm.law>
Subject: Initial Response to IPRA request rec'd 01/29/2025

Dear Matthew Mascarenas,

The New Mexico Regulation and Licensing Department (RLD) is in receipt of your Inspection of Public Records Act (IPRA) requests.

We need additional time to ensure that the RLD complies with all the information you have requested.

Please expect a response on, or before 02/13/2025.

If you should have any questions, please contact me at rld.ipra@rld.nm.gov or by telephone phone at (505) 695-3567.

Thank you,

Heather Sanchez Martinez
Office of the Superintendent
2550 Cerrillos Road | Santa Fe, NM
<https://www.rld.nm.gov/>

From: MatthewBouillon Mascareñas <mailservices@sk.com>
Sent: Wednesday, January 29, 2025 12:35 PM
To: IPRA, RLD, RLD <RLD.IPRA@rld.nm.gov>
Subject: [EXTERNAL] Inspection of Public Records Request

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

DATE:

01/29/2025

NMRLD DIVISION:

CID

REQUESTOR INFORMATION (please print)

Name:

Matthew Bouillon Mascareñas

Address:

500 Marquette Ave NW, Ste 1200
Albuquerque, New Mexico 87102
United States
[Map It](#)

Phone:

(505) 317-6953

Email Address:

matt@mjbm.law

Please check the appropriate box and be as specific as possible on documents:

OBTAIN COPIES

Please identify the records sought with reasonable particularity:

On March 29, 2024, Santa Fe Sustainable Living by J, LLC and its qualifying party Joseph Herrera received a notice of investigation from the Construction Industries Division. The notice sought responses from Mr. Herrera regarding a complaint that had been lodged with it by Ms. Julie Garcia regarding the single family residence at 277 Tano Road, Santa Fe, NM 87506. This property had already passed CID inspections, and the division had already issued a certificate of occupancy for it on March 21, 2024 bearing no. 32476, although the name of the inspector on the certificate is illegible.

On April 18, 2024, this firm responded to CID by addressing each of the contentions raised in the notice of investigation. As we stated in our response, the complaint mostly consisted of conclusory allegations that lacked factual support and moot issues which Mr. Herrera had already offered to resolve at his expense.

We did not receive any further information about this matter from CID until January 16, 2025 when Ms. Carla Roybal provided this office with a notice of violation addressed to Mr. Herrera and his LLC. Our office sought, but was not provided, supporting documents pertaining to this notice of violation. The notice of violation states that the property at 277 Tano Road was inspected again by Cedric Chavez on October 11, 2024; that the notice was initialed by chief "MR" on December 10, 2024; and that Mr. Herrera has until February 16, 2025 to correct four alleged code violations. Evidently, these purported code violations were discovered more than six months after CID had conducted all relevant inspections of the property and issued a certificate of occupancy.

The information we seek is as follows:

1. For the period May 2022-present, any and all communications between CID staff and Ms. Garcia (or any other person purporting to act in her stead).
2. For the period May 2022-present, any and all communications among CID staff regarding Ms. Garcia, Mr. Herrera, the subject matter of her complaint, Mr. Herrera's response, the notice of violation, or, in general, any matters related to the property at 277 Tano Road, however tangentially.
3. The name of the person who signed the original certificate of occupancy for 277 Tano Road, issued on March 21, 2024.

4. Documents substantiating the alleged code violations referenced in the notice of violation dated January 16, 2025.

We appreciate your attention to this matter.

Sincerely,

Law Office of Matthew J. Bouillon Mascareñas LLC

I would like to receive the requested documents via:

EMAIL

Print Name of Requestor

Matthew Bouillon

Signature of Requestor



Roybal, Carla, RLD

From: Roybal, Carla, RLD
Sent: Friday, March 29, 2024 10:20 AM
To: Page, Mary, RLD
Subject: FW: Request #16282
Attachments: Request #16282.pdf

Per Martin, he feels we need to open case up and have CVD for GB and possible MM, talk to Tamara on this if she wants a CVD.

From: Roybal, Carla, RLD
Sent: Friday, March 29, 2024 10:18 AM
To: Kuykendall, Tamara, RLD
Subject: FW: Request #16282

I will be opening a case on this per Martin, and he believes we also need to include the Plumbing side as well.

From: Roybal, Carla, RLD
Sent: Friday, March 29, 2024 10:06 AM
To: Romero, Martin, RLD <Martin.Romero@rld.nm.gov>
Subject: Request #16282

Martin, can you review this complaint and see if you would like to move forward on it. The CO was issued by CID. Reminder you can view the attachment in the complaint by clicking the related tab and then click on the file. Let me know what you think.

Carla

