

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

NEW MEXICO FOUNDATION
FOR OPEN GOVERNMENT,

Plaintiff,

v.

No. D-202-CV-2025-07301

CITY OF ALBUQUERQUE
and ETHAN WATSON, records custodian,

Defendants.

COMPLAINT TO ENFORCE THE INSPECTION OF PUBLIC RECORDS ACT

Plaintiff New Mexico Foundation for Open Government (“NMFOG”), for its complaint against Defendants the City of Albuquerque (“the City”) and the City’s records custodian, Ethan Watson, alleges and states as follows:

Introduction

1. This case concerns a denial of the public’s right under the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 – 12 (“IPRA”), to inspect records of the City of Albuquerque, a municipality in New Mexico.
2. The Defendants wrongfully denied access to the City’s public records pertaining to two Albuquerque Police Department raids of an Albuquerque business suspected of illegal prostitution.

Parties

3. Plaintiff NMFOG is a New Mexico nonprofit, nonpartisan organization whose mission is to help individuals, businesses, students, educators, journalists, lawyers, and other engaged citizens understand, obtain, and exercise their rights under IPRA, the Open Meetings Act, the Arrest Record Information Act, the First Amendment to the United States Constitution

and Article II Section 17 of the New Mexico Constitution, as well as to help public officials understand and discharge their obligations under those statutes and constitutional provisions. NMFOG has its principal place of business in Bernalillo County, in the state of New Mexico.

4. Defendant City of Albuquerque is a municipality in the state of New Mexico and a “public body” within the meaning of IPRA, NMSA 1978, § 14-2-6(G) (2023).
5. On information and belief, at all material times, Defendant Watson has been the designated custodian of the City of Albuquerque’s public records. On information and belief, Defendant Watson is a resident of Bernalillo County.

Jurisdiction and Venue

6. The Court has jurisdiction over the parties and subject matter of the action under NMSA 1978, § 38-3-1.1 (1988) and § 14-2-12 (1993).
7. Venue is proper under NMSA 1978, § 38-3-1(A) (1988).

General Allegations

8. IPRA declares “all persons are entitled to the greatest possible information regarding the affairs of the government and the official acts of public officers and employees” and that “provid[ing] persons with such information is an essential function of a representative government.” NMSA 1978, § 14-2-5 (1993). Under IPRA, “the citizen’s right to know is the rule and secrecy is the exception.” *Republican Party of N.M. v. N.M. Tax’n & Revenue Dep’t*, 2012-NMSC-026, ¶ 12.
9. Defendants failed to comply with their statutory obligations under IPRA to allow inspection of the City’s public records.
10. On May 27, 2025, Plaintiff submitted a request to Defendant City to inspect the following public records:

Police reports, photos, and police video from the law enforcement raids of Jade Spa & Massage, at 1007 Luna Circle NW on March 26, 2025, and July 10, 2024.

11. On June 9, 2025, thirteen days after receiving Plaintiff's request, Renee Valdez, an employee of Defendant City responded to Plaintiff via the NextRequest IPRA portal with the following message:

On May 27, 2025 we received your public records request for the following:

Police reports, photos, and police video from the law enforcement raids of Jade Spa & Massage, at 1007 Luna Cir NW on March 26, 2025, and July 10, 2024.

We are requesting additional information from you because your request lacks "reasonable particularity." See NMSA 1978, § 14-2-8(C). In order for my office to understand what record(s) you are requesting, we need additional information. Please provide additional information on, or clarification of, the records you are seeking.

Please provide:
APD case numbers, etc.

If I do not receive your response within 2 business days I will close your request. If your request is closed, and you later obtain the information please submit a new request. Thank you in advance for any additional information you can provide to assist my office in searching for the requested records.

12. The following day, June 10, 2025, Plaintiff responded, indicating that the APD case numbers were unknown but clarifying that the law enforcement raids involved APD personnel and occurred on the dates and location indicated in the request.
13. On June 11, 2025, Ms. Valdez responded to Plaintiff, and informed Plaintiff that she had searched for responsive records, did not find any, and that the request was now closed. Ms. Valdez included two documents that indicated zero calls for the location of 1007 Luna Circle on July 10, 2024, and March 26, 2025.
14. That same day, Plaintiff responded to Ms. Valdez, asked her to look again for records, and explained that Albuquerque Police had filed criminal charges in connection with the law enforcement raids on these dates.
15. On June 12, 2025, Ms. Valdez responded and stated, "I ran a Calls for Service with dates

and address provided and there were no CAD entries available with the information provided.”

16. That same day, Plaintiff responded to Ms. Valdez and asked if there were other ways to search for responsive records.
17. Ms. Valdez responded and asked Plaintiff to provide the names and dates of birth of the “individuals.”
18. As Plaintiff did not have that specific information, Plaintiff provided links of news coverage of each of the law enforcement raids occurring at 1007 Luna Circle NW on July 10, 2024, and March 26, 2025. *See* Matthew Reisen, Woman accused of running illicit massage parlor near Downtown Albuquerque, ALBUQUERQUE JOURNAL (Jul. 11, 2024), [Woman accused of running illicit massage parlor near Downtown Albuquerque | News | abqjournal.com](#), and Kassi Foote, Local Massage Parlor Busted for Second Time in a Year (Mar. 27, 2025), KOB4, [Local massage parlor busted for second time in a year - KOB.com](#).
19. After Plaintiff’s last communication to the city on June 12, 2025, no one from Defendant City’s Records office responded again to Plaintiff’s request, and at no point have Defendants permitted inspection of the requested public records.
20. The names of individuals arrested during the raids are referenced in the news articles Plaintiff sent to Ms. Valdez. The Albuquerque Journal Article describes Albuquerque Police Department’s arrest of a woman named Mei Chien Wu, and the KOB article describes police’s arrest of a woman named Ichi Wu, at 1007 Luna Circle NW.
21. A review of online court records shows that on July 10, 2024, officers with the Albuquerque Police Department executed a search warrant at 1007 Luna Circle NW, arrested Mei Chien Wu, and charged her with the felony offense of Promoting Prostitution.
22. Further review of online court records shows that on March 26, 2025, officers with the

Albuquerque Police Department executed a search warrant at 1007 Luna Circle NW, arrested Ichi Wu, and charged her with the felony offense of Promoting Prostitution.

23. The Albuquerque Police Department is a department of Defendant City of Albuquerque.

Count I: Violations of the Inspection of Public Records Act

24. Section 14-2-1 of IPRA guarantees the right of every person to inspect public records of this state. NMSA 1978, § 14-2-1 (2025).

25. Section 14-2-5 of IPRA provides, “[...] all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.” NMSA 1978, § 14-2-5.

26. The New Mexico Supreme Court has held that “[a] citizen has a fundamental right to have access to public records. The citizen's right to know is the rule, and secrecy is the exception. Where there is no contrary statute or countervailing public policy, the right to inspect public records must be freely allowed.” *State ex rel. Newsome v. Alarid*, 1977-NMSC-076, ¶ 34, 568 P.2d 1236.

27. A person submitting a request to inspect public records “[...] shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity.” NMSA 1978, § 14-2-8 (2009).

28. A request for law enforcement video or audio shall specify at least one of the following: (1) the computer-aided dispatch record number; (2) the police report number; (3) the date or date range with reasonable specificity and at least one of the following: (a) the name of a

law enforcement officer or first responder; (b) the approximate time; or (c) the approximate location; or (4) other criteria established and published by a law enforcement agency to facilitate access to videos. NMSA 1978, § 14-2-1.2(B) (2023).

29. “A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request.” NMSA 1978, § 14-2-8.

30. “A custodian who does not deliver or mail a written explanation of denial within fifteen days after receipt of a written request for inspection is subject to an action to enforce the provisions of the Inspection of Public Records Act and the requester may be awarded damages,” and “[...] a written request for inspection of public records that has not been permitted within fifteen dates of receipt by the office of the custodian may be deemed denied. The person requesting the records may pursue the remedies provided in [IPRA].” NMSA 1978, § 14-2-11(A), (C) (1993).

31. Defendants violated Plaintiff’s right to inspect public records of Defendant City as provided in NMSA 1978, § 14-2-1 when they failed to allow inspection of the public records Plaintiff requested in its May 27, 2025 request: “Police reports, photos, and police video from the law enforcement raids of Jade Spa & Massage, at 1007 Luna Circle NW on March 26, 2025, and July 10, 2024.”

32. As evidenced by news coverage of the raids and New Mexico court records, Albuquerque Police officers were involved in the raids of the business at 1007 Luna Circle NW that occurred July 10, 2024, and March 26, 2025; therefore, Defendants possess the records requested by Plaintiff.

33. Plaintiff’s request was proper under §§ 14-2-1.2(B) and 14-2-8(C) of IPRA. Plaintiff’s request specified the date and location the police video was captured, as required by § 14-

2-1.2(B), and was otherwise sufficiently particular so as to put Defendants on plenty of notice as to what records Plaintiff sought to inspect.

34. Defendants failed to permit inspection of the requested records as required by NMSA 1978, § 14-2-8(D).

35. As Defendants did not permit inspection of the requested records within 15 days, Defendants have denied Plaintiff's request. NMSA 1978, § 14-2-11.

36. Defendants' violations of IPRA require a remedy under §§ 14-2-11(C) and 14-2-12(D) (1993).

Prayer for Relief

WHEREFORE, Plaintiff NMFOG prays that the Court enter judgment in Plaintiff's favor and against Defendants for the following relief:

- A. An order directing Defendants to satisfy the above-described IPRA requests in full;
- B. An award of damages, costs, and reasonable attorneys' fees under IPRA, NMSA 1978, §§ 14-2-11(C) and 14-2-12(D); and
- C. Such other relief as the Court deems just and proper.

Respectfully submitted,

NEW MEXICO FOUNDATION
FOR OPEN GOVERNMENT



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