

November 21, 2018

Nicholas T. Hart  
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Re: *Requests to Inspect UNM Lobo Club Records*

Dear Mr. Hart:

My name is Marshall Ray. I represent the UNM Lobo Club with respect to your client's recent requests for information. You assert that the Inspection of Public Records Act obligates the Lobo Club to provide various categories of documents, including financial information, communications, minutes, and donor lists. Your arguments notwithstanding, there are various good public policy reasons why the information you have requested is not subject to disclosure under IPRA and is protected from disclosure by other provisions of law.

*Libit v. UNM Foundation* does not have much bearing on your requests to the UNM Lobo Club. The Lobo Club was not a party to the matter and operates independently of both the UNM Foundation and the University. Additionally, *Libit v. UNM Foundation* is not binding precedent, and does not appear to have a final order. In any event, Judge Franchini's order was fact-specific, and it is not apparent that her analysis applies to the Lobo Club or the specific information requests at issue here. In particular, she has not addressed a critical issue which is not lost you: The Lobo Club's donor lists are not public information, regardless whether the Lobo Club is subject to IPRA. Nor are any documents that indirectly jeopardize the anonymity of donors.

Leaving those issues aside, there are various categories of information that the UNM Lobo Club is able to make available, and in fact, does make available to all of its members. The Lobo Club can make the same information available to your client as a courtesy. With the understanding that the Lobo Club cannot violate the anonymity of its donors, I ask that you supplement your November 6, 2018 letter with the specific concerns or information requests you have so that the Lobo Club can identify and provide those documents which do not violate, directly, or indirectly, the anonymity of donors. Furthermore, enclosed with this letter is a copy of the Lobo Club's most recent 990 tax return, which contains extensive financial information regarding the Lobo Club. I have also included the Lobo Club's most recent operating budget and fundraising information. The Lobo Club is additionally working to gather other information that it believes would be responsive to your request, again, as a courtesy and to assist your client in understanding how the Lobo Club operates. I have been informed that redacted minutes have already been provided to your client.

I look forward to hearing from you for clarification regarding your client's specific concerns.

Sincerely,

A handwritten signature in black ink that reads "Marshall Ray". The signature is written in a cursive style with a prominent loop at the end of the word "Ray".

Marshall J. Ray