From: **Duffy, Kyle, GOV**
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY

Subject: ABQ Raw stuff
Date: February 3, 2024 at 12:56 PM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

Attached is the email I sent to you and Maddy last time this came up. I also came up with criteria that Maddy and them should follow. I sent this to her and Nora a while ago for their review and approval, but they never got back to me.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

--EDMessagePart-17851699548--EDMessagePart-17851699548

Re [EXT] Denied access for Governor events and violating o...

Press Credentialing Criteria.docx

From: **Agajanian, Holly, GOV** Holly.Agajanian@exec.nm.gov
Subject: FW: ABQ Raw stuff
Date: February 3, 2024 at 1:58 PM
To: Hayden, Maddy, GOV Maddy.Hayden@exec.nm.gov

AG

As you can see, we've been through this before with them.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Sent: Saturday, February 3, 2024 12:56 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: ABQ Raw stuff

Attached is the email I sent to you and Maddy last time this came up. I also came up with criteria that Maddy and them should follow. I sent this to her and Nora a while ago for their review and approval, but they never got back to me.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

--EDMessagePart-1784930973246--EDMessagePart-1784930973246

Re [EXT] Denied access for Governor events and violating o...
39 KB

Press Credentialing Criteria.docx

From: **Agajanian, Holly, GOV**
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=DA52669310864C449A77C39BB4E30793-HOLLY.AGAJA
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW
Date: February 9, 2024 at 4:10 PM
To: Herrera, Donicia, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=51d5ad45458b4e919f112befbed4d354-Donicia.Her

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Sent: Saturday, February 3, 2024 2:02 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: RE: [EXTERNAL] Press Conference Access for ABQ RAW

After reading the order, I think we are clearly distinguishable because ABQ had a significant and well documented history of beefing with this organization. My recommendation is to formally adopt the press credentialling criteria I put together (which the Seventh Circuit upheld in the attached opinion regarding the Wisconsin Governor's office in the exact same situation) and have Maddy/Lauren strictly comply with it going forward in determining which news outlets to grant access to. However, I think we should definitely add them to Maddy's general media distribution list for press-releases, as there is no harm in giving them access to that information and I'm pretty sure they send it to a ton of people already.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Saturday, February 3, 2024 12:57 PM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>

From: **Duffy, Kyle, GOV** Kyle.Duffy@exec.nm.gov
Subject: FW: [EXTERNAL] RE: ABQ Raw
Date: February 13, 2024 at 2:49 PM
To: Hayden, Maddy, GOV Maddy.Hayden@exec.nm.gov, Coleman, Michael, GOV michael.coleman@exec.nm.gov, Thorp, Lauren, GOV lauren.thorp@exec.nm.gov
Cc: Agajanian, Holly, GOV /o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

DG

Hey Commrades,

We should discuss sometime when Holly gets back next week.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Tuesday, February 13, 2024 2:40 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Hi Ryne,

As I'm sure you know, we are in the last 48 hours of the session (but who's counting). I'll be heading to California for a funeral as soon as the session ends but will be in touch in a week or so when I return.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Tuesday, February 13, 2024 2:15 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: [EXTERNAL] RE: ABQ Raw

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

There are no attachments in this message. Learn more.

From: "Duffy, Kyle, GOV" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY>
Subject: RE: [EXTERNAL] Press Conference Access for ABQ RAW
Date: Feb 5, 2024 at 10:29:00 AM
To: "Thorp, Lauren, GOV" </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6bc4be4be1fd4a5bae447ca0dfb3e91a-6bd8927a-1c>, "Agajanian, Holly, GOV" </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja>, "Hayden, Maddy, GOV" </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d88ff5a2c54143699741fe94b8750b01-Maddy.Hayde>

Hey Lauren,

Maddy is aware of this issue (they emailed her last week). I discussed it with Holly on Saturday too. I'll follow up with Holly after she gets out of her meeting to see how she'd like us to proceed.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Thorp, Lauren, GOV <lauren.thorp@exec.nm.gov>
Sent: Monday, February 5, 2024 10:26 AM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>; Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW

Hi all,
I received this email from an attorney regarding ABQ Raw's access? FYI this is the first piece of correspondence I've ever received regarding ABQ Raw's supposed request.
Lauren

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Monday, February 5, 2024 10:22 AM
To: Thorp, Lauren, GOV <lauren.thorp@exec.nm.gov>
Cc: Andrea V. Mora <Assistant@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Jessica Hernandez <jhernandez@kennedyhernandez.com>
Subject: [EXTERNAL] Press Conference Access for ABQ RAW

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

We are writing today on behalf of Mark Aragon and Nicholas Layman with ABQ RAW, a news outlet reporting on matters in Albuquerque and New Mexico more broadly. It has come to our attention that your office has not been timely providing our clients with the necessary information to attend press conferences. The result is that our clients have been effectively excluded from these events, which significantly impedes their ability to provide timely and comprehensive news coverage. This is in stark contrast to other media outlets that seem to receive full access to such events and information without issue.

From: **Sackett, Nora, GOV** Nora.Sackett@state.nm.us
Subject: Re: [EXT] Denied access for Governor events and violating our news organizations rights
Date: September 13, 2022 at 1:29 PM
To: Duffy, Kyle, GOV Kyle.Duffy@state.nm.us, Agajanian, Holly, GOV Holly.Agajanian@state.nm.us, Hayden, Maddy, GOV Maddy.Hayden1@state.nm.us, Dudley, Maria, GOV Maria.Dudley@state.nm.us

SG

Thank you Kyle! Your research was very helpful.in forming my language.

Nora Meyers Sackett (she/her)
Press Secretary | Office of the Governor
Governor Michelle Lujan Grisham
P: (505) 476-2237
C: (505) 690-7313
E: nora.sackett@state.nm.us
t: @GovMLG
f: GovMLG
governor.state.nm.us

From: Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Sent: Tuesday, September 13, 2022 1:16 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Hayden, Maddy, GOV <Maddy.Hayden1@state.nm.us>; Sackett, Nora, GOV <Nora.Sackett@state.nm.us>; Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Subject: RE: [EXT] Denied access for Governor events and violating our news organizations rights

I just saw the Reporter's story on this issue. Assuming we may get more questions (if not a lawsuit), I've taken the opportunity to memorialize the criteria discussed below that have been upheld by the federal courts. If we want to make this official, we can pdf it so Comms can provide it if requested.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 | Santa Fe, New Mexico 87501
P: 505-476-2210 | C: 505-690-6479

From: Duffy, Kyle, GOV
Sent: Thursday, September 1, 2022 1:12 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Hayden, Maddy, GOV <Maddy.Hayden1@state.nm.us>
Subject: FW: [EXT] Denied access for Governor events and violating our news organizations rights

Holly and Maddy,

Please see my email below (glad I saved it!). I'm sorry we never got around to developing this with you all, but we should address it now that the issue has come up again.

I checked the case I relied on for updates, and the district court dismissed the case using the same reasoning and the Seventh Circuit affirmed. *See John K. MacIver Inst. for Pub. Policy v. Evers*, No. 19-cv-649-jdp, 2020 U.S. Dist. LEXIS 67069 (W.D. Wis. Apr. 14, 2020); *John K. Maciver Inst. for Pub. Policy, Inc. v. Evers*, 994 F.3d 602 (7th Cir. 2021).

In that case, the Governor is Wisconsin's office denied press access to two "reporters" for MacIver News Services for an invitation-only press briefing at which the Governor's office would preview the major initiatives in his budget address scheduled for that same evening. Id. at 607. Additionally, the Office did not add the MacIver News Services to their media advisory list that would include invitations to non-public press events. Id. at 608. The Office denied the reporters access based on the list of criteria in my previous email, namely it "is not principally a news organization" and "their practices run afoul of the neutral factors." Id. at 606. Specifically, the Governor's office determined that the MacIver News Service made "no effort

Specifically, the Governor's office determined that the MacIver News Service made "no effort to distinguish itself from the overall organization mission" of the MacIver think tank which promotes free markets, individual freedom, personal liberty, and limited government. Id. at 611. The reporters subsequently sued for violation of their First Amendment rights. Id. at 608. The district court held that the press-only event were a non public forum and that the criteria the Governor's office used to screen news organizations for its media advisory list were constitutional because they were reasonable and viewpoint neutral. Id.

In affirming, the Seventh Circuit concluded the press-only event was a non-public forum because it was "not, by tradition or designation, a forum for public communication, and is open only for selective access." Id. at 609-10; see also id. ("When the government limits participation only to 'appropriate' participants or has extensive admission criteria, it has not created a public forum."). Because of this, the Governor's office could exclude individuals "as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view." Id. at 609. In holding that the Governor's access criteria met this test, the court noted that the Governor's office created its list of criteria "to consider limited space constraints, address security concerns, and ensure that those in attendance will maximize the public's access to newsworthy information, and be more likely to abide by professional journalistic standards such as honoring embargoes and off-the-record communications" and "the resulting list of qualified media personnel includes a wide variety of news organizations and journalists from across the state and nation." Id. The court further explained:

> The first three of the criteria listed in the memorandum are reasonably related to the viewpoint-neutral goal of increasing the journalistic impact of the Governor's messages by including media that focus primarily on news dissemination, have some longevity in the business, and possess the ability to craft newsworthy stories. The list prioritizes access by journalists whose reporting will reach wider audiences, while also allowing room for smaller media outlets (such as tribal publications). The criteria listed in numbers four and five of the memorandum are reasonably related to the viewpoint-neutral goal of increasing journalistic integrity by favoring media that avoid real or perceived conflicts of interest or entanglement with special interest groups, or those that engage in advocacy or lobbying. Similar standards are also used by other governmental bodies such as the United States Congress.

Id. at 610-11. The court also noted that McIver provided no evidence that the Governor's Office applied these criteria in a manner that discriminated against conservative media or that its exclusion was ideologically motivated. Id. at 611. Accordingly, the court held that the Governor's office did not violate the First Amendment. Id. at 615.

While the situation yesterday is distinguishable in the sense that the excluded "reporters" were still able to access the event, I believe the Seventh Circuit's analysis is still useful. I suggest we adopt the criteria below going forward. Additionally, when formulating a response to reporters, we should be careful to explain that the decision to exclude them as members of the press was based on neutral criteria—namely, (if accurate) they only have a small online presence and they are not bona fide correspondents of repute in their profession.

Perhaps we should discuss more to fully think through the issues.

Kyle

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 | Santa Fe, New Mexico 87501
P: 505-476-2210 | C: 505-690-6479

From: Duffy, Kyle, GOV
Sent: Friday, November 13, 2020 4:21 PM

To: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Subject: FW: [EXT] Denied access for Governor events and violating our news organizations rights

Holly and Maria,

While definitely not a pressing issue (no pun intended), I think it is worth looking into creating an internal memo for the media team for guidance for determining how and when media is granted access to the Governor for exclusive/limited-access events. I found a recent case on point (John K. Maciver Inst. for Pub. Policy v. Evers, No. 19-cv-649-jdp, 2020 U.S. Dist. LEXIS 57316, at *7-8 (W.D. Wis. Mar. 31, 2020)) involving the Wisconsin Governor's Office and their legal team advised the communications staff that in response to requests for access, communication staff should consider the following non-exhaustive factors:

1. Is the petitioner employed by or affiliated with an organization whose principal business is news dissemination?
2. Does the parent news organization meet the following criteria?
    a. It has published news continuously for at least 18 months, and;
    b. It has a periodical publication component or an established television or radio presence.
3. Is the petitioner a paid or full-time correspondent, or if not, is acting on behalf of a student-run news organization affiliated with a Wisconsin high school, university, or college?
4. Is the petitioner a bona fide correspondent of repute in their profession, and do they and their employing organization exhibit the following characteristics?
    a. Both avoid real or perceived conflicts of interest;
    b. Both are free of associations that would compromise journalistic integrity or damage credibility;
    c. Both decline compensation, favors, special treatment, secondary employment, or political involvement where doing so would compromise journalistic integrity; and
    d. Both resist pressures from advertisers, donors, or any other special interests to influence coverage.
5. Is the petitioner or its employing organization engaged in any lobbying, paid advocacy, advertising, publicity or promotion work for any individual, political party, corporation or organization?

These factors were based on the Wisconsin legislature and Congress's press-access standards. While only addressed at the preliminary injunction stage, the court held that the press policy was likely to pass constitutional muster. I think it might be worth looking into adopting something similar to protect ourselves from any future first amendment challenges. Let me know, and I'll make it a side research project.

Kyle

Kyle P. Duffy
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 I Santa Fe, New Mexico 87501
P: 505-476-2210 I C: 505-690-6479

From: Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Sent: Friday, November 13, 2020 3:07 PM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Sackett, Nora, GOV <Nora.Sackett@state.nm.us>
Cc: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Subject: Re: [EXT] Denied access for Governor events and violating our news organizations rights

Call you in 5

Tripp Stelnicki

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXTERNAL] Press Conference Access for ABQ RAW
Date: February 3, 2024 at 2:02 PM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

After reading the order, I think we are clearly distinguishable because ABQ had a significant and well documented history of beefing with this organization. My recommendation is to formally adopt the press credentialling criteria I put together (which the Seventh Circuit upheld in the attached opinion regarding the Wisconsin Governor's office in the exact same situation) and have Maddy/Lauren strictly comply with it going forward in determining which news outlets to grant access to. However, I think we should definitely add them to Maddy's general media distribution list for press-releases, as there is no harm in giving them access to that information and I'm pretty sure they send it to a ton of people already.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Saturday, February 3, 2024 12:57 PM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Sent: Friday, February 2, 2024 5:28 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW

Maddy Hayden
Director of Communications
Office of Governor Michelle Lujan Grisham
505.231.8800 I maddy.hayden@exec.nm.gov
governor.state.nm.us

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Friday, February 2, 2024 5:12 PM
To: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Sweeney, Caroline, GOV

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXTERNAL] Press Conference Access for ABQ RAW
Date: February 5, 2024 at 11:57 AM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

What about the following response:

Good afternoon,

Our Office is in receipt of your email. We can confirm that your clients' organization is, and has been, included on our press release distribution list. However, that does not mean that your clients are entitled to access to press conferences that are not otherwise open to the public (e.g., press conferences held within the Office of the Governor). Our Office simply cannot invite every individual or organization who wishes to attend such events given the limited space and time for questioning. To help ensure the most widespread and accurate coverage, our communications staff follows the attached list of criteria when determining whether an individual may attend a non-public press conference. Importantly, this list of criteria is nearly identical to one that the Seventh Circuit Court of Appeals concluded was "reasonable and content-neutral," and therefore constitutional. *John K. MacIver Inst. for Pub. Policy, Inc. v. Evers*, 994 F.3d 602, 613 (7th Cir. 2021).

Our Office has determined your clients do not meet these criteria at this time. If you feel this decision is in error, you are welcome to submit to us evidence supporting each criterion. However, please note that not every individual or organization that meets these criteria will be invited to every non-public press event due to time and space constraints.

Also, please be sure to refrain from contacting staff members of the Office of the Governor about this matter without including myself or my deputy, Kyle Duffy, as required per Rule 16-402 NMRA.

Thank you.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Thorp, Lauren, GOV <lauren.thorp@exec.nm.gov>
Sent: Monday, February 5, 2024 10:26 AM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>; Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Subject: FW: [EXTERNAL] Press Conference Access for ABQ RAW

Hi all,
I received this email from an attorney regarding ABQ Raw's access? FYI this is the first piece of correspondence I've ever received regarding ABQ Raw's supposed request.
Lauren

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Monday, February 5, 2024 10:22 AM

From: **Duffy, Kyle, GOV** Kyle.Duffy@exec.nm.gov
Subject: RE: Need access to shared document
Date: March 7, 2024 at 1:51 PM
To: Hayden, Maddy, GOV Maddy.Hayden@exec.nm.gov, Thorp, Lauren, GOV lauren.thorp@exec.nm.gov
Cc: Coleman, Michael, GOV /o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=e7a2ae465cb04c3d9686935bd0c7c1d5-7d286076-9c, Agajanian, Holly, GOV /o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja, Herrera, Donicia, GOV /o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=51d5ad45458b4e919f112befbed4d354-Donicia.Her

Following up on this. Thanks!

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Duffy, Kyle, GOV
Sent: Thursday, February 29, 2024 4:07 PM
To: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Thorp, Lauren, GOV <lauren.thorp@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>; Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: Need access to shared document

Maddy,

Can you give me access to the attached shared document so we can confirm if this is the same press credentialing criteria we sent you all? This is for an IPRA related to the ABQRaw dispute. Thanks!

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

--EDMessagePart-1785777300190--EDMessagePart-1785777300190

RE Hayden, Maddy, GOV shared Press Credentialing Criteria wit...
46 KB

From: **Dudley, Maria, GOV** Maria.Dudley@state.nm.us
Subject: RE: Attorney-Client Privilege--FW: [EXT] Resolution not met
Date: November 16, 2020 at 11:45 AM
To: Sackett, Nora, GOV Nora.Sackett@state.nm.us, Stelnicki, Tripp, GOV Tripp.Stelnicki@state.nm.us
Cc: Agajanian, Holly, GOV
/o=State of New Mexico/ou=Exchange Administrative Group /cn=Recipients/cn=be8c9cb39bb64edd896ba41745a9abce-Holl, Duffy, Kyle, GOV /o=State of New Mexico/ou=External /cn=Recipients/cn=d0d7830d625145849e30bbc0a9bc5751, Kennedy, Vanessa, GOV /o=State of New Mexico/ou=External /cn=Recipients/cn=235fd19ce41a4121817bdde4bb986fb5

Thank you, Nora. I just sent Mr. Layman a response informing him that I can only discuss this matter with his attorney. If he sends any new e-mails about being denied access to the press conference just to you or Tripp, please let me know. I'll keep you posted on whether I hear from any lawyers this issue. Assuming ABQ RAW does have counsel, we can require that all communication on this issue occur solely between counsel.

Thanks,
Maria

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>
Sent: Monday, November 16, 2020 11:28 AM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Cc: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Subject: Re: Attorney-Client Privilege--FW: [EXT] Resolution not met

Hi Maria,

Yes, I've made sure that the ABQ Raw email has been added to the press list. I'll send you the email I sent him – I told him I was happy to answer any questions and he did not send any press questions to be answered.

Nora Meyers Sackett (she/her)
Press Secretary I Office of the Governor
Governor Michelle Lujan Grisham

P: (505) 476-2237
C: (505) 690-7313
E: nora.sackett@state.nm.us

t: @GovMLG
f: GovMLG
governor.state.nm.us

From: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Sent: Monday, November 16, 2020 11:25 AM
To: Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>; Sackett, Nora, GOV

<Nora.Sackett@state.nm.us>
Cc: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Subject: Attorney-Client Privilege--FW: [EXT] Resolution not met

Hi Tripp and Nora,

Is it possible that we could add Mr. Layman to the list serve for the press releases? Anyone can be added to the press release list serve, right? Or are we worried that he might start spamming it? Also, Nora please send me your e-mail to Mr. Layman regarding these complaints when you get a chance.

Thanks,
Maria

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: ABQ RAW <abqraw505@gmail.com>
Sent: Monday, November 16, 2020 11:16 AM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Cc: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Subject: [EXT] Resolution not met

Hello Counsel,

Nora reached out with a how she can help us email with no real follow up to our requests.

We have acquired legal counsel on this matter and are simply requesting:

1) Access to Governor's pressers with the ability to ask questions
2) Being put on an email list serve for the press updates.

We are working toward a resolution and not wanting to go the legal court route.

Thank you for your time.

Best,

Nick Layman

ABQ RAW

On Fri, Nov 13, 2020 at 2:50 PM ABQ RAW <abqraw505@gmail.com> wrote:

> Hello Counsel

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: Additional considerations for ABQ Raw issue
Date: February 14, 2024 at 2:42 PM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

Cool. I took the liberty of updating our criteria guidance to outline the process. Let me know what you think.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Wednesday, February 14, 2024 1:31 PM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: RE: Additional considerations for ABQ Raw issue

Agreed, that works for me.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Sent: Wednesday, February 14, 2024 1:27 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: Additional considerations for ABQ Raw issue

Holly,

I've done a bunch of research on similar issues with online news organizations and other government offices. While I still believe our criteria are valid, I've discovered that most courts require that we publish these criteria, provide written explanations for our denials, and allow for an informal appeal to satisfy due process. There is no Tenth Circuit case law on point. However, the D.C. Circuit was the first to hold this in *Sherrill v. Knight*, 569 F.2d 124 (D.C. Cir. 1977). There, the court held that the White House "must publish or otherwise make publicly known the actual standard employed in determining whether an otherwise eligible journalist will obtain a White House press pass" and "the procedural requirements of notice of the factual bases for denial, an opportunity for the applicant to respond to these, and a final written statement of the reasons for denial are compelled by the foregoing determination that the interest of a bona fide Washington correspondent in obtaining a White House press pass is protected by the first amendment." *Id.* at 130; *see also Getty Images News Services Corp. v. Dept. of Def.*, 193 F. Supp. 2d 112, 121 (D.D.C. 2002) (citing *Sherrill* and stating that "[t]he sensible way to gather this information and to satisfy the due process concerns implicated by restrictions on First Amendment rights is to publish (i.e., make available to potentially

interested parties in writing or otherwise) the criteria used in [the government's] selection process and provide a way for applicant media organizations to submit information demonstrating that they satisfy the criteria").

Most, if not all, other courts addressing similar situations have adopted *Sherrill*'s holding. For example, one court relied on *Sherrill* to hold that the Alaska governor's office was violating an online media reporter's due process rights when it randomly stopped inviting him to press briefings, didn't provide any reasons why, and didn't have any memorialized criteria. *See Alaska Landmine, LLC v. Dunleavy*, 514 F. Supp. 3d 1123, 1133 (D. Alaska 2021). In contrast, another court relied on *Sherrill* to hold that Maricopa County did *not* violate an online reporter's due process rights because they published their criteria (which are pretty much identical to ours) and notified him in writing why he was denied and provided the reporter with an opportunity to appeal the denial by providing reasons why they should reconsider their decision. *See TGP Communications LLC v. Sellers*, 642 F. Supp. 3d 957, 967 (D. Ariz. 2022).

Given the foregoing, I think we should (1) publish the criteria on our website, (2) inform ABQ Raw's attorneys which criteria we believe they do not satisfy; and (3) allow ABQ Raw's attorneys to provide evidence countering our conclusion. We can discuss more next week or whenever we meet with Maddy and them to discuss. In the meantime, let me know if you have any questions or concerns.

Kyle

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

--EDMessagePart-1786657277104--EDMessagePart-1786657277104

Press Credentialing Criteria.docx
95 KB

From: **Coleman, Michael, GOV** michael.coleman@exec.nm.gov
Subject: Re: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-
Date: December 4, 2024 at 4:41 PM
To: Agajanian, Holly, GOV Holly.Agajanian@exec.nm.gov, Duffy, Kyle, GOV Kyle.Duffy@exec.nm.gov, McGinnisPorter, Jodi, GOV jodi.mcginnisporter@exec.nm.gov, Thorp, Lauren, GOV Lauren.Thorp@exec.nm.gov

Happy to help – and to discuss in person if more helpful.

Michael Coleman
Communications Director
Office of New Mexico Gov. Michelle Lujan Grisham

From: Holly Agajanian <Holly.Agajanian@exec.nm.gov>
Date: Wednesday, December 4, 2024 at 4:38 PM
To: "Coleman, Michael, GOV" <michael.coleman@exec.nm.gov>, Kyle Duffy <Kyle.Duffy@exec.nm.gov>, "McGinnisPorter, Jodi, GOV" <jodi.mcginnisporter@exec.nm.gov>, Lauren Thorp <Lauren.Thorp@exec.nm.gov>
Subject: RE: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-

Thanks Mike, that will be an important caveat in our response to this interrogatory.

Holly Agajanian
Chief General Counsel | Office of the Governor
Governor Michelle Lujan Grisham
holly.agajanian@exec.nm.gov
505-476-2210

t: @GovMLG
f: GovMLG
w: governor.state.nm.us

From: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Sent: Wednesday, December 4, 2024 4:38 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; McGinnisPorter, Jodi, GOV <jodi.mcginnisporter@exec.nm.gov>; Thorp, Lauren, GOV <Lauren.Thorp@exec.nm.gov>
Subject: Re: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-

I have not had any conversations about credentials or access to news conferences with any other outlet aside from ABQ RAW since I started in mid-February.

Michael Coleman
Communications Director
Office of New Mexico Gov. Michelle Lujan Grisham

From: Holly Agajanian <Holly.Agajanian@exec.nm.gov>
Date: Wednesday, December 4, 2024 at 4:10 PM
To: "Coleman, Michael, GOV" <michael.coleman@exec.nm.gov>, Kyle Duffy <Kyle.Duffy@exec.nm.gov>, "McGinnisPorter, Jodi, GOV" <jodi.mcginnisporter@exec.nm.gov>, Lauren Thorp <Lauren.Thorp@exec.nm.gov>
Subject: RE: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-

I would like to get a little more info…has anybody new asked for credentials? Have we granted or denied any new credentials since February? And if so, to whom?

Holly Agajanian
Chief General Counsel | Office of the Governor
Governor Michelle Lujan Grisham
holly.agajanian@exec.nm.gov
505-476-2210

t: @GovMLG
f: GovMLG
w: governor.state.nm.us

From: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Sent: Wednesday, December 4, 2024 3:46 PM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; McGinnisPorter, Jodi, GOV <jodi.mcginnisporter@exec.nm.gov>; Thorp, Lauren, GOV <Lauren.Thorp@exec.nm.gov>
Cc: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: Re: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-

The answer to the question in bold is no.

Michael Coleman
Communications Director
Office of New Mexico Gov. Michelle Lujan Grisham

From: Kyle Duffy <Kyle.Duffy@exec.nm.gov>
Date: Wednesday, December 4, 2024 at 2:38 PM
To: "Coleman, Michael, GOV" <michael.coleman@exec.nm.gov>, "McGinnisPorter, Jodi, GOV" <jodi.mcginnisporter@exec.nm.gov>, Lauren Thorp <Lauren.Thorp@exec.nm.gov>
Cc: Holly Agajanian <Holly.Agajanian@exec.nm.gov>
Subject: ABQRAW v. Office of the Governor discovery questions -Attorney-client privilege-

-Attorney-client privilege-

Good afternoon,

As you know, we have been sued by the folks at ABQRAW for not letting them into the Governor's non-public press conferences. We have now entered the discovery phase of the lawsuit where the parties exchange questions and requests for information and documents. One of their questions is **whether our Office has evaluated any individuals or entities using the attached Press Credentialing Criteria after we denied ABQRAW admission February 6, 2024?** And if so, when and who were those individuals/entities?

Please let us know the answers to the foregoing questions at your earliest convenience. And as a reminder, please strictly adhere to these criteria in making decisions on whether to allow members of the press to attend non-public press conferences going forward.

Thank you!

Kyle P. Duffy
Deputy General Counsel | Office of the Governor
Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Ste. 400
Santa Fe, NM 87501

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x: @GovMLG
f: GovMLG
w: governor.state.nm.us

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From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXTERNAL] RE: ABQ Raw
Date: February 29, 2024 at 10:40 AM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

What about this?

Good afternoon, Ryne,

Thank you for your patience. Our Office has determined that your clients do not meet criteria 2-5 based on the information available to us. However, we would be happy to consider an affirmation by your clients confirming that they meet these criteria, as well as any evidence supporting their affirmation. It would be especially helpful if your clients could provide references from individuals employed by local news organizations that can confirm that your clients meet these criteria, and, in particular, the fourth criterion.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Duffy, Kyle, GOV
Sent: Thursday, February 29, 2024 10:08 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

What about this response? It puts the ball back in their court and complies with the due process requirement that courts have required. *See, e.g.*, *Getty Images News Services Corp. v. Dept. of Def.*, 193 F. Supp. 2d 112, 121 (D.D.C. 2002) (citing Sherrill and stating that "[t]he sensible way to gather this information and to satisfy the due process concerns implicated by restrictions on First Amendment rights is to publish (i.e., make available to potentially interested parties in writing or otherwise) the criteria used in [the government's] selection process and provide a way for applicant media organizations to submit information demonstrating that they satisfy the criteria").

We can then make a determination based on their response. I imagine they will "affirm" they meet the criteria (besides the second one, which requires a "periodical publication component or an established television or radio presence"). However, I don't think they will be able to provide any references from local news organizations that will say they meet the fourth criterion (i.e., they are a "bona fide correspondent of repute in their profession."). If they provide some qualified references, we can call and ask them and maybe reach out to some other reporters who we trust to get their take. At that point, assuming they can't meet the criteria or we aren't satisfied with the references etc., we can then deny them. Based on my research, this should be sufficient to satisfy due process and show to the court that we are not engaging in any viewpoint discrimination.

The only issue I see is that we haven't required this of other "similar" news organizations that don't have a periodical/tv/radio component, like SourceNM (who I assume gets invited to our press events). But I think we can just explain that our communications staff was able to

press events). But I think we can just explain that our communications staff was able to readily confirm that those news organizations met the criteria. Thoughts?

RESPONSE:

Good afternoon, Ryne,

Thank you for your patience. Our Office has not been able to confirm that your clients meet criteria 2-5 based on publicly available information available to us. Can your clients affirm that they meet these criteria and provide any evidence supporting their affirmation you would like us to consider? Additionally, can you provide some references from individuals employed by local news organizations that can confirm that your clients meet these criteria, and particularly the fourth criterion?

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Tuesday, February 27, 2024 12:00 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Thanks for following up. Yesterday was my first day back, we will get back to you in a day or two.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Tuesday, February 27, 2024 10:55 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Good morning Holly,

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up
Date: March 7, 2024 at 11:49 AM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

What do you think of this?

Good afternoon, Ryne,

Thank you for your patience. To answer your last question, our review of publicly available information, including your client's website, has led us to conclude that ABQRAW does not have a periodical publication component or an established television or radio presence, and your clients are not paid or full-time correspondents or acting on behalf of a student-run news organization affiliated with a New Mexico high school, university, or college. We also haven't been able to verify that your clients and ABQRAW satisfy the fourth and fifth criteria based on publicly available information alone.

However, as I previously said, we would be happy to reevaluate our conclusion if you can provide us with any information or evidence demonstrating that your clients and ABQRAW meet these criteria.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Tuesday, March 5, 2024 12:23 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up

Hi there, haven't forgotten you, just getting through the last of bill review for the session.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Thursday, February 29, 2024 11:31 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY

Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up
Date: March 13, 2024 at 1:35 PM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja
Cc: Coleman, Michael, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=e7a2ae465cb04c3d9686935bd0c7c1d5-7d286076-9c

Hey Holly,

I've read through the letter. Here are my thoughts.

Criterion 2

I think our chances of success in a lawsuit will largely live or die on Criterion 2b, which provides:

> Does the parent news organization meet the following criteria?
> a. It has published news continuously for at least 18 months, and;
> **b. It has a periodical publication component or an established television or radio presence.**

While I believe Criteria 4-5 (discussed below) are also very important, I believe Criterion 2 is our best defense against a lawsuit because it provides a clear, objective, and totally content-neutral criterion for allowing access to non-public events. It is clear (at least in my mind) that ABQRAW does not meet this criterion, as YouTube TV is not "television" and simply being featured as a guest at various occasions on a morning show does not constitute an "established radio presence."

Further, Ryne's assertion that we cannot discriminate against online-only publishers is false. It is true, bloggers have the same First Amendment protection as other journalists. But as the Seventh Circuit recently stated, "Control over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral." *John K. MacIver Inst. for Pub. Policy, Inc. v. Evers*, 994 F.3d 602, 610 (7th Cir. 2021) (cleaned up). It is reasonable and content neutral to draw the line with online-only media because anyone can start a blog nowadays and call themselves a journalist. While the Seventh Circuit didn't address this criterion in particular, it generally concluded that the criteria we use are reasonable and viewpoint neutral. *See id.*; *see also Ateba v. Jean-Pierre*, 2023 WL 8469743, at *13 (D.D.C. Dec. 7, 2023) (agreeing with the Seventh Circuit's conclusion as it applies to a "very similar set of rules"); *TGP Communications LLC v. Sellers*, 642 F. Supp. 3d 957, 968 (D. Ariz. 2022) (same).

The only issue is that our Office has previously let in reporters from organizations that do not, strictly speaking, meet this criterion. Namely, I have produced documents for IPRA showing that we have let in reporters from New Mexico In Depth and New Mexico Political Report. I also believe we have let in reporters from Source New Mexico. (We have also let in reports from ABQ Biz Journals and the Paper, but I have confirmed these have periodical publication components.). However, I have confirmed that each of these organizations regularly has their work republished by print media such as the Albuquerque Journal and the Santa Fe New Mexican. I would argue that this is sufficient to constitute a "periodical publication component," or at least a good enough reason to allow access despite not meeting this criterion. (I'd be

tempted to adjust the criteria to reflect this, but I worry that might be seen as us trying to gerrymander the criteria around ABQRAW.)

My recommendation would be to state that occasionally appearing as guests on radio talk shows or having a channel on YouTube TV does not satisfy this criterion and briefly explain why we have allowed other organizations like New Mexico In Depth and New Mexico Political Report to attend (i.e., their work is regularly published by print newspapers).

Criterion 3

While perhaps less important than Criterion 2, this criterion still helps us weed out those who aren't really in the business of disseminating news. Ryne summarily asserts his clients are "paid correspondents" but does not provide any evidence to back this up. It's possible ABQRAW does pay Ryne's clients with some digital ad revenue, but it isn't obvious. Given this, I think we should request evidence supporting this assertion, such as a redacted W-2 or 1099. It would be very helpful for us if they couldn't support this assertion, as it would definitively distinguish them from the reporters from New Mexico In Depth, New Mexico Political Report, and Source New Mexico—whom I am sure are full-time or paid correspondents. Worst case scenario, they confirm they get paid and truly satisfy this criterion.

Criteria 4-5

These are the most difficult criteria given their vagueness and tendency to invite content discrimination. *See TGP Communications, LLC v. Sellers*, 2022 WL 17484331, at *2-5 (9th Cir. Dec. 5, 2022) (disagreeing with lower court's conclusion that the county rightfully determined that a reporter was not a "not a bona fide correspondent of repute in [his] profession" because he used inflammatory/accusatory language in his reporting, "didn't seek the truth," and merely expressed his opinion). Nonetheless, they have been upheld as valid and sufficiently defined. *See John K. MacIver*, 994 F.3d 602; *TGP Communications LLC*, 642 F. Supp. 3d at 966. Accordingly, I think we should continue to insist on applying them.

I am inclined to believe that these individuals meet most of Criterion 4 and all of Criterion 5 based on their attestations at the end of the letter—or at least I don't think we'll be able to find any evidence to the contrary. However, I am dubious about whether they meet Criterion 4's overarching requirement of being a "bona fide correspondent of repute in their profession." The issue with this is that I do not know exactly how we can show a court (if need be) how/why we have determined that these individuals meet this requirement without referencing the content of their posts.

Nonetheless, I think we could do this simply by asking some trusted reporters their opinion on whether they would consider these individuals bona fide correspondents of repute in their profession." This is similar to what Congress does. *See Ateba v. Jean-Pierre*, 2023 WL 8469743, at *4, 13 (D.D.C. Dec. 7, 2023) (explaining that Congress relies on a committee of credentialed journalists to approve journalists and rejecting argument that they have "unbridled discretion" to make this determination). This will also help us show that we are not just being dismissive of ABQRAW but are actually trying to determine whether they satisfy this criteria through means other than just reading their website. It will also help distinguish ABQRAW from organizations like New Mexico In Depth and New Mexico Political Report.

General issues

Two remaining issues I see are that we never "officially" adopted these criteria until recently and never previously gave ABQRAW a reason why they were denied. However, I did advise

and never previously gave ABQRAW a reason why they were denied. However, I did advise that we adopt it in 2020 when this issue first came up and again in 2022 with Nora, who apparently responded to ABQRAW based on it--although we don't have a copy of that email (see attached). Additionally, our situation is not unlike the Wisconsin Governor's office in *John K. MacIver*, which did not appear to formally adopt the criteria until after the plaintiff tried to attend a non-public press event. *See* 994 F.3d at 608. And unlike the Wisconsin Governor, we have provided the criteria and an opportunity to demonstrate compliance *before* litigation. Thus, I think we should be okay in this regard.

We may also have an issue in that we have never expressly applied these criteria to other reporters or required that they prove that they meet them. However, I think we can argue that we didn't require this because it was readily apparent that the other reporters met the criteria based on their affiliation with established news organizations. In contrast, ABQRAW is relatively new, and these individuals are not career reporters. Accordingly, I think we can get around this issue.

At bottom, I think we should continue to hold strong. Otherwise, we are setting off on a very slippery slope. If we let in these individuals, I don't see why we wouldn't also have to let in other popular bloggers like Bruce Wetherbee—who has indeed tried to attend non-public press conferences in the past.

Please let me know if you have any questions or want me to do additional research etc.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Wednesday, March 13, 2024 10:09 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up

Good morning Holly,

Attached is a letter that addresses the various justifications you have provided for excluding our clients from press conferences and requests that our clients be immediately granted future access.

I look forward to your response.

Thank you,

Ryne P. Smith
Associate Attorney
Kennedy, Hernandez & Harrison, P.C.

From: **Coleman, Michael, GOV** michael.coleman@exec.nm.gov
Subject: Re: [EXTERNAL] RE: ABQ Raw follow-up
Date: March 18, 2024 at 4:19 PM
To: Duffy, Kyle, GOV Kyle.Duffy@exec.nm.gov, Agajanian, Holly, GOV Holly.Agajanian@exec.nm.gov

CG

I think this is great. Thanks for sending.

From: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Date: Monday, March 18, 2024 at 11:49 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up

Here is my proposed response:

Ryne,

I hope you had a restful weekend. Thank you for sending this along. However, our determination remains the same based on the information you have provided. Regarding Criterion #1—which we note was upheld as constitutional in *John K. MacIver*—simply having a YouTube channel or appearing at as an occasional guest on a morning/afternoon show does not constitute an "established television or radio presence." And, while is true our Office has let in correspondents from organizations that may not, strictly speaking, have a periodical publication component of their own (e.g., Source New Mexico or the New Mexico Political Report), these organizations and their correspondents regularly have their work republished in periodicals such as the Albuquerque Journal and the Santa Fe New Mexican. As far as we are aware, this is not the case with ABQRAW.

As for Criterion #3, you assert that your clients are paid correspondents, but you do not provide any evidence to support this and it is not readily apparent that your clients are, in fact, paid by ABQRAW for their work. Accordingly, we stand by our conclusion that your clients do not meet this criterion. Lastly, with regard to Criteria 4-5, we appreciate your confirmation at the bottom of page 4 of your letter. However, it is still unclear to us whether your clients are "bona fide correspondents of repute in their profession" based on publicly available information, and you have not provided us with any supporting evidence or references of other news correspondents who could help verify this. We, therefore, continue to conclude that your clients have not demonstrated that they satisfy Criterion #5.

Based on the foregoing, our Office stands by our initial determination.

Thank you.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Duffy, Kyle, GOV
Sent: Wednesday, March 13, 2024 1:35 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up

Hey Holly,

I've read through the letter. Here are my thoughts.

Criterion 2

I think our chances of success in a lawsuit will largely live or die on Criterion 2b, which provides:

> Does the parent news organization meet the following criteria?
> a. It has published news continuously for at least 18 months, and;
> **b. It has a periodical publication component or an established television or radio presence.**

While I believe Criteria 4-5 (discussed below) are also very important, I believe Criterion 2 is our best defense against a lawsuit because it provides a clear, objective, and totally content-neutral criterion for allowing access to non-public events. It is clear (at least in my mind) that ABQRAW does not meet this criterion, as YouTube TV is not "television" and simply being featured as a guest at various occasions on a morning show does not constitute an "established radio presence."

Further, Ryne's assertion that we cannot discriminate against online-only publishers is false. It is true, bloggers have the same First Amendment protection as other journalists. But as the Seventh Circuit recently stated, "Control over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral." *John K. MacIver Inst. for Pub. Policy, Inc. v. Evers*, 994 F.3d 602, 610 (7th Cir. 2021) (cleaned up). It is reasonable and content neutral to draw the line with online-only media because anyone can start a blog nowadays and call themselves a journalist. While the Seventh Circuit didn't address this criterion in particular, it generally concluded that the criteria we use are reasonable and viewpoint neutral. *See id.*; *see also Ateba v. Jean-Pierre*, 2023 WL 8469743, at *13 (D.D.C. Dec. 7, 2023) (agreeing with the Seventh Circuit's conclusion as it applies to a "very similar set of rules"); *TGP Communications LLC v. Sellers*, 642 F. Supp. 3d 957, 968 (D. Ariz. 2022) (same).

The only issue is that our Office has previously let in reporters from organizations that do not, strictly speaking, meet this criterion. Namely, I have produced documents for IPRA showing that we have let in reporters from New Mexico In Depth and New Mexico Political Report. I also believe we have let in reporters from Source New Mexico. (We have also let in reports from ABQ Biz Journals and the Paper, but I have confirmed these have periodical publication components.). However, I have confirmed that each of these organizations regularly has their work republished by print media such as the Albuquerque Journal and the Santa Fe New Mexican. I would argue that this is sufficient to constitute a "periodical publication component," or at least a good enough reason to allow access despite not meeting this criterion. (I'd be tempted to adjust the criteria to reflect this, but I worry that might be seen as us trying to gerrymander the criteria around ABQRAW.)

My recommendation would be to state that occasionally appearing as guests on radio talk shows or having a channel on YouTube TV does not satisfy this criterion and briefly explain why we have allowed other organizations like New Mexico In Depth and New Mexico Political Report to attend (i.e., their work is regularly published by print newspapers).

Criterion 3

While perhaps less important than Criterion 2, this criterion still helps us weed out those who aren't really in the business of disseminating news. Ryne summarily asserts his clients are "paid correspondents" but does not provide any evidence to back this up. It's possible ABQRAW does pay Ryne's clients with some digital ad revenue, but it isn't obvious. Given this, I think we should request evidence supporting this assertion, such as a redacted W-2 or 1099. It would be very helpful for us if they couldn't support this assertion, as it would definitively distinguish them from the reporters from New Mexico In Depth, New Mexico Political Report, and Source New Mexico—whom I am sure are full-time or paid correspondents. Worst case scenario, they confirm they get paid and truly satisfy this criterion.

Criteria 4-5

These are the most difficult criteria given their vagueness and tendency to invite content discrimination. *See TGP Communications, LLC v. Sellers*, 2022 WL 17484331, at *2-5 (9th Cir. Dec. 5, 2022) (disagreeing with lower court's conclusion that the county rightfully determined that a reporter was not a "not a bona fide correspondent of repute in [his] profession" because he used inflammatory/accusatory language in his reporting, "didn't seek the truth," and merely expressed his opinion). Nonetheless, they have been upheld as valid and sufficiently defined. *See John K. MacIver*, 994 F.3d 602; *TGP Communications LLC*, 642 F. Supp. 3d at 966. Accordingly, I think we should continue to insist on applying them.

I am inclined to believe that these individuals meet most of Criterion 4 and all of Criterion 5 based on their attestations at the end of the letter—or at least I don't think we'll be able to find any evidence to the contrary. However, I am dubious about whether they meet Criterion 4's overarching requirement of being a "bona fide correspondent of repute in their profession." The issue with this is that I do not know exactly how we can show a court (if need be) how/why we have determined that these individuals meet this requirement without referencing the content of their posts.

Nonetheless, I think we could do this simply by asking some trusted reporters their opinion on whether they would consider these individuals bona fide correspondents of repute in their profession." This is similar to what Congress does. *See Ateba v. Jean-Pierre*, 2023 WL 8469743, at *4, 13 (D.D.C. Dec. 7, 2023) (explaining that Congress relies on a committee of credentialed journalists to approve journalists and rejecting argument that they have "unbridled discretion" to make this determination). This will also help us show that we are not just being dismissive of ABQRAW but are actually trying to determine whether they satisfy this criteria through means other than just reading their website. It will also help distinguish ABQRAW from organizations like New Mexico In Depth and New Mexico Political Report.

General issues

Two remaining issues I see are that we never "officially" adopted these criteria until recently and never previously gave ABQRAW a reason why they were denied. However, I did advise that we adopt it in 2020 when this issue first came up and again in 2022 with Nora, who apparently responded to ABQRAW based on it--although we don't have a copy of that email (see attached). Additionally, our situation is not unlike the Wisconsin Governor's office in *John K. MacIver*, which did not appear to formally adopt the criteria until after the plaintiff tried to attend a non-public press event. *See* 994 F.3d at 608. And unlike the Wisconsin Governor, we have provided the criteria and an opportunity to demonstrate compliance *before* litigation. Thus, I think we should be okay in this regard.

From: **Duffy, Kyle, GOV** Kyle.Duffy@exec.nm.gov
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up
Date: April 9, 2024 at 1:08 PM
To: Agajanian, Holly, GOV Holly.Agajanian@exec.nm.gov

DG

Proposed response:

Good afternoon, Ryne,

Thank you for providing this. We are satisfied that your clients satisfy criterion #3 with this information. However, our ultimate conclusion remains the same given the failure to satisfy Criteria #1 and #5.

Holly

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Tuesday, April 9, 2024 11:22 AM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw follow-up

Good morning Holly,

I have attached documents detailing the fact that Mr. Aragon and Mr. Layman are paid correspondents of ABQ Raw. Our clients are the owners of ABQ Raw and its parent company, Circled Wagons. Two of the attachments are publicly available filings from a prior case involving our clients wherein specific details were provided regarding ABQ Raw's revenue streams. The final attachment contains pay stubs from Circled Wagons for both Mr. Aragon and Mr. Layman.

Please indicate whether this documentation is sufficient to satisfy criterion 3. Additionally, please indicate whether, in light of this documentation, your office's determination of our client's eligibility for admission to press conferences has changed.

Thank you,

Ryne P. Smith
Associate Attorney
Kennedy, Hernandez & Harrison, P.C.
201 Twelfth Street NW
Albuquerque, NM 87102
(505) 842-8662
rsmith@kennedyhernandez.com

From: Coleman, Michael, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=E7A2AE465CB04C3D9686935BD0C7C1D5-7D286076-9C
Subject: Re: [EXTERNAL] RE: ABQ Raw
Date: February 26, 2024 at 11:25 AM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja,
Duffy, Kyle, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=bd962b55f9f843ac809c0eb09bcd89be-Kyle.Duffy
Cc: Hayden, Maddy, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=d88ff5a2c54143699741fe94b8750b01-Maddy.Hayde

OK!

Get Outlook for iOS

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 11:25:05 AM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>; Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Subject: FW: [EXTERNAL] RE: ABQ Raw

Comms, we need to have a serious chat about this ABQ Raw issue when there's time.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Agajanian, Holly, GOV
Sent: Tuesday, February 13, 2024 2:40 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Hi Ryne,

As I'm sure you know, we are in the last 48 hours of the session (but who's counting). I'll be heading to California for a funeral as soon as the session ends but will be in touch in a week or so when I return.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>

From: **Duffy, Kyle, GOV**
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXTERNAL] RE: ABQ Raw
Date: February 29, 2024 at 10:07 AM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

What about this response? It puts the ball back in their court and complies with the due process requirement that courts have required. *See, e.g., Getty Images News Services Corp. v. Dept. of Def.*, 193 F. Supp. 2d 112, 121 (D.D.C. 2002) (citing Sherrill and stating that "[t]he sensible way to gather this information and to satisfy the due process concerns implicated by restrictions on First Amendment rights is to publish (i.e., make available to potentially interested parties in writing or otherwise) the criteria used in [the government's] selection process and provide a way for applicant media organizations to submit information demonstrating that they satisfy the criteria").

We can then make a determination based on their response. I imagine they will "affirm" they meet the criteria (besides the second one, which requires a "periodical publication component or an established television or radio presence"). However, I don't think they will be able to provide any references from local news organizations that will say they meet the fourth criterion (i.e., they are a "bona fide correspondent of repute in their profession."). If they provide some qualified references, we can call and ask them and maybe reach out to some other reporters who we trust to get their take. At that point, assuming they can't meet the criteria or we aren't satisfied with the references etc., we can then deny them. Based on my research, this should be sufficient to satisfy due process and show to the court that we are not engaging in any viewpoint discrimination.

The only issue I see is that we haven't required this of other "similar" news organizations that don't have a periodical/tv/radio component, like SourceNM (who I assume gets invited to our press events). But I think we can just explain that our communications staff was able to readily confirm that those news organizations met the criteria. Thoughts?

RESPONSE:

Good afternoon, Ryne,

Thank you for your patience. Our Office has not been able to confirm that your clients meet criteria 2-5 based on publicly available information available to us. Can your clients affirm that they meet these criteria and provide any evidence supporting their affirmation you would like us to consider? Additionally, can you provide some references from individuals employed by local news organizations that can confirm that your clients meet these criteria, and particularly the fourth criterion?

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Tuesday, February 27, 2024 12:00 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>

From: **Dudley, Maria, GOV** Maria.Dudley@state.nm.us
Subject: RE: [EXT] Press conference today
Date: November 21, 2020 at 2:48 PM
To: Sackett, Nora, GOV Nora.Sackett@state.nm.us, Stelnicki, Tripp, GOV Tripp.Stelnicki@state.nm.us

DG

Thanks, Nora. Any time he sends another request or any other e-mail just forward it to me. This way you don't have to do anything out of the ordinary or keep these e-mails.

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 |Santa Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>
Sent: Saturday, November 21, 2020 2:42 PM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Subject: Re: [EXT] Press conference today

Will do right now, thanks Maria.

From: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Sent: Saturday, November 21, 2020 2:41 PM
To: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Subject: FW: [EXT] Press conference today

Nora and Tripp,

Please forward any e-mails you receive from Nick Layman/ABQ RAW that I am not copied on. I'm preserve the e-mails in case he actually does file a lawsuit.

Thanks,

Maria

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 |Santa Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: Dudley, Maria, GOV
Sent: Saturday, November 21, 2020 2:25 PM
To: ABQ RAW <abqraw505@gmail.com>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Cc: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>
Subject: RE: [EXT] Press conference today

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: RE: [EXT] Denied access for Governor events and violating our news organizations rights
Date: November 13, 2020 at 3:03 PM
To: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja,
Kennedy, Vanessa, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=7575879889534c23bedd99fd0c37e802-Vanessa.Ken,
Dudley, Maria, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=41422e8d10d8487aa30430862f7fb877-Maria.Dudle

Hopefully it's viewpoint neutral! We should probably be okay so long as its based on something else, like being associated with a tv or newspaper news organization etc.

Kyle P. Duffy
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 | Santa Fe, New Mexico 87501
P: 505-476-2210 | C: 505-690-6479

From: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>
Sent: Friday, November 13, 2020 3:03 PM
To: Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>; Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Subject: RE: [EXT] Denied access for Governor events and violating our news organizations rights

I guess I'd also want to know if there's a specific reason for excluding them.

Holly Agajanian
General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 |Santa Fe, New Mexico 87501
holly.agajanian@state.nm.us
505-476-2210

From: Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Sent: Friday, November 13, 2020 3:01 PM
To: Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>; Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>
Subject: RE: [EXT] Denied access for Governor events and violating our news organizations rights

I'm sure there is caselaw on similar issues of not letting these homegrown "news" organizations into briefings etc. I'll look into it real quick.

Kyle P. Duffy
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 | Santa Fe, New Mexico 87501
P: 505-476-2210 | C: 505-690-6479

From: Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Sent: Friday, November 13, 2020 2:56 PM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Subject: RE: [EXT] Denied access for Governor events and violating our news organizations rights

For what it's worth, ABQ Raw only has a FB account. I don't know how Tripp and Nora qualify people but it probably requires more than this.

Vanessa S. Kennedy (she/her)

Paralegal I Publication & Record Liaison Officer
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
P: 505-476-2210 lE: vanessa.kennedy@state.nm.us lW: governor.state.nm.us

From: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>
Sent: Friday, November 13, 2020 2:53 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@state.nm.us>; Duffy, Kyle, GOV <Kyle.Duffy@state.nm.us>
Cc: Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Subject: FW: [EXT] Denied access for Governor events and violating our news organizations rights

Just received this e-mail. I'll follow up with Tripp and Nora after the press conference is over.

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: ABQ RAW <abqraw505@gmail.com>
Sent: Friday, November 13, 2020 2:50 PM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Cc: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Subject: [EXT] Denied access for Governor events and violating our news organizations rights

Hello Counsel,

We have tried numerous times to get on the press zoom meetings with the Governor. We have been ignored by Nora and Tripp in our emails and phone calls. ABQ RAW is a legitimate news organization that reports the news for New Mexico and Albuquerque.
We are quite tired of being ignored and having our 1st amendment rights being denied by not being allowed on these calls. We have been denied and ignored July 23rd.
If we can not come to a resolution of being allowed into these press conferences we will seek legal counsel on the grounds of the administration blocking our access and denying our federal and state constitutional rights.

Thank you for your time,
Nick Layman
ABQ RAW news desk
--EDMessagePart-178665358022--EDMessagePart-178665358022

From: Coleman, Michael, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=e7a2ae465cb04c3d9686935bd0c7c1d5-7d286076-9c
Subject: FW: [EXTERNAL] RE: ABQ Raw
Date: March 7, 2024 at 3:06 PM
To: Herrera, Donicia, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=51d5ad45458b4e919f112befbed4d354-Donicia.Her

CG

From: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Date: Monday, February 26, 2024 at 2:56 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>, Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Ok, sounds good.

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 2:08 PM
To: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Cc: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: Re: [EXTERNAL] RE: ABQ Raw

I have bill review at 3:00 but let's give 2:30 a go.

Sent from my iPhone

> On Feb 26, 2024, at 2:03 PM, Coleman, Michael, GOV <michael.coleman@exec.nm.gov> wrote:
>
> I've got to go to the ABQ Chamber with the guv around that time. Maybe 2:30?
>
> **From:** Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
> **Sent:** Monday, February 26, 2024 1:12 PM
> **To:** Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
> **Cc:** Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
> **Subject:** RE: [EXTERNAL] RE: ABQ Raw
>
> Let's do tomorrow at 11:30?
>
> **Holly Agajanian**
> Chief General Counsel
> Office of Governor Michelle Lujan Grisham
> 490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501

holly.agajanian@exec.nm.gov
505-476-2210

From: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Sent: Monday, February 26, 2024 12:05 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Holly – would you be able to schedule time for us to discuss?

Maddy Hayden
Director of Communications
Office of Governor Michelle Lujan Grisham
505.231.8800 I maddy.hayden@exec.nm.gov
governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 11:25 AM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>; Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Subject: FW: [EXTERNAL] RE: ABQ Raw

Comms, we need to have a serious chat about this ABQ Raw issue when there's time.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Agajanian, Holly, GOV
Sent: Tuesday, February 13, 2024 2:40 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Hi Ryne,

As I'm sure you know, we are in the last 48 hours of the session (but who's counting). I'll be heading to California for a funeral as soon as the session ends but will be in touch in a week or so when I return.

From: **Duffy, Kyle, GOV** Kyle.Duffy@exec.nm.gov
Subject: FW: [EXTERNAL] RE: ABQ Raw
Date: February 13, 2024 at 2:49 PM
To: Hayden, Maddy, GOV Maddy.Hayden@exec.nm.gov, Coleman, Michael, GOV michael.coleman@exec.nm.gov, Thorp, Lauren, GOV lauren.thorp@exec.nm.gov
Cc: Agajanian, Holly, GOV /o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja

DG

Hey Commrades,

We should discuss sometime when Holly gets back next week.

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 I kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Tuesday, February 13, 2024 2:40 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Hi Ryne,

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Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Tuesday, February 13, 2024 2:15 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: [EXTERNAL] RE: ABQ Raw

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

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: FW: [EXTERNAL] RE: ABQ Raw
Date: February 26, 2024 at 1:42 PM
To: Herrera, Donicia, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=51d5ad45458b4e919f112befbed4d354-Donicia.Her

DG

Can you put this on Holly and my calendar?

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 1:12 PM
To: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Let's do tomorrow at 11:30?

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Sent: Monday, February 26, 2024 12:05 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Holly – would you be able to schedule time for us to discuss?

Maddy Hayden
Director of Communications
Office of Governor Michelle Lujan Grisham
505.231.8800 | maddy.hayden@exec.nm.gov
governor.state.nm.us

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 11:25 AM
To: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Cc: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>; Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>
Subject: FW: [EXTERNAL] RE: ABQ Raw

Comms, we need to have a serious chat about this ABQ Raw issue when there's time.

Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Agajanian, Holly, GOV
Sent: Tuesday, February 13, 2024 2:40 PM
To: Ryne Smith <rsmith@kennedyhernandez.com>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Hi Ryne,

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Holly Agajanian
Chief General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 lSanta Fe, New Mexico 87501
holly.agajanian@exec.nm.gov
505-476-2210

From: Ryne Smith <rsmith@kennedyhernandez.com>
Sent: Tuesday, February 13, 2024 2:15 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>; Jessica Hernandez <jhernandez@kennedyhernandez.com>; Paul Kennedy <pkennedy@kennedyhernandez.com>; Elizabeth Harrison <eharrison@kennedyhernandez.com>; Andrea V. Mora <Assistant@kennedyhernandez.com>; Meg Sparrow <msparrow@kennedyhernandez.com>
Subject: [EXTERNAL] RE: ABQ Raw

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Good afternoon Holly,

I hope that your week is going well so far. Thank you again for sending over the Press Credentialing Criteria that Governor Grisham's office uses to determine who is eligible to attend press conferences.

From: Duffy, Kyle, GOV
/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
/CN=RECIPIENTS/CN=BD962B55F9F843AC809C0EB09BCD89BE-KYLE.DUFFY
Subject: FW: [EXTERNAL] RE: ABQ Raw
Date: February 26, 2024 at 2:57 PM
To: Herrera, Donicia, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=51d5ad45458b4e919f112befbed4d354-Donicia.Her

DG

Can you change the time of our meeting?

Kyle P. Duffy
Deputy General Counsel
Office of Governor Michelle Lujan Grisham
P: 505-476-2210 | kyle.duffy@exec.nm.gov
Website: governor.state.nm.us

From: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Sent: Monday, February 26, 2024 2:57 PM
To: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Cc: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: RE: [EXTERNAL] RE: ABQ Raw

Ok, sounds good.

From: Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
Sent: Monday, February 26, 2024 2:08 PM
To: Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
Cc: Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
Subject: Re: [EXTERNAL] RE: ABQ Raw

I have bill review at 3:00 but let's give 2:30 a go.

Sent from my iPhone

> On Feb 26, 2024, at 2:03 PM, Coleman, Michael, GOV <michael.coleman@exec.nm.gov> wrote:
>
> I've got to go to the ABQ Chamber with the guv around that time. Maybe 2:30?
>
> **From:** Agajanian, Holly, GOV <Holly.Agajanian@exec.nm.gov>
> **Sent:** Monday, February 26, 2024 1:12 PM
> **To:** Hayden, Maddy, GOV <Maddy.Hayden@exec.nm.gov>; Duffy, Kyle, GOV <Kyle.Duffy@exec.nm.gov>
> **Cc:** Coleman, Michael, GOV <michael.coleman@exec.nm.gov>
> **Subject:** RE: [EXTERNAL] RE: ABQ Raw
>
> Let's do tomorrow at 11:30?

From: **Dudley, Maria, GOV** Maria.Dudley@state.nm.us
Subject: FW: [EXT] Denied access for Governor events and violating our news organizations rights
Date: November 13, 2020 at 3:07 PM
To: Sackett, Nora, GOV Nora.Sackett@state.nm.us, Stelnicki, Tripp, GOV Tripp.Stelnicki@state.nm.us
Cc: Agajanian, Holly, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=da52669310864c449a77c39bb4e30793-Holly.Agaja,
Duffy, Kyle, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=bd962b55f9f843ac809c0eb09bcd89be-Kyle.Duffy,
Kennedy, Vanessa, GOV
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=7575879889534c23bedd99fd0c37e802-Vanessa.Ken

Hi Tripp and Nora,

I saw the press conference just finished. When you get a chance, please give me a call to discuss the e-mail below from ABQ RAW.

Thanks,

Maria

Maria S. Dudley
Associate General Counsel
Office of Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Suite 400 ISanta Fe, New Mexico 87501
maria.dudley@state.nm.us
505-476-2210
C: 505-690-3491

From: ABQ RAW <abqraw505@gmail.com>
Sent: Friday, November 13, 2020 2:50 PM
To: Dudley, Maria, GOV <Maria.Dudley@state.nm.us>; Kennedy, Vanessa, GOV <Vanessa.Kennedy@state.nm.us>
Cc: Sackett, Nora, GOV <Nora.Sackett@state.nm.us>; Stelnicki, Tripp, GOV <Tripp.Stelnicki@state.nm.us>
Subject: [EXT] Denied access for Governor events and violating our news organizations rights

Hello Counsel,

We have tried numerous times to get on the press zoom meetings with the Governor. We have been ignored by Nora and Tripp in our emails and phone calls. ABQ RAW is a legitimate news organization that reports the news for New Mexico and Albuquerque.

We are quite tired of being ignored and having our 1st amendment rights being denied by not being allowed on these calls. We have been denied and ignored July 23rd.

If we can not come to a resolution of being allowed into these press conferences we will seek legal counsel on the grounds of the administration blocking our access and denying our federal and state constitutional rights.

Thank you for your time,

Nick Layman
ABQ RAW news desk
--EDMessagePart-178665629584--EDMessagePart-178665629584