

Thursday, April 19, 2012

**HAND CARRY TO:**

Socorro Electric Co-op  
P. O. Box H  
Socorro, NM 87801  
Attn: Joseph Herrera, General Manager

RE: FOIR for Socorro Electric Co-op Membership lists

Dear Mr. Herrera,

SEC Co-op member Charlene West has retained me as her legal counsel, in order to obtain her rights as a member to inspect the Co-op's books and records, in order to derive information enabling her to protect her interest as a member, including her interest in her capital account. She also wishes to inspect the Co-op's current membership list of members' names and mailing addresses, for the purposes of enforcing her State and Federal Constitutional Right of Freedom of Association with her fellow members to inform them of their rights of initiative as members of the Co-op, and to associate with them in initiating certain amendments to the Co-ops by-laws for presentation at the general membership meetings. Each of these is a proper purpose under the appropriate statutes. These requests are made under the Federal Freedom of Information Act, the New Mexico Request for Public Records Act, and the New Mexico Nonprofit Corporation Act:

NMSA 1978 §53-8-27: "**Books and records.** Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors. **Each corporation shall keep at its registered office or principal office in New Mexico a record of the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.**" (Emphasis added.)

which require that any association make available to its members the means to directly contact the rest of the membership. Please contact me or my legal assistant, Ms. Shiloh Pallante, at the above phone number with the amount of any deposit required, and the length of time necessary to prepare the list. I have deposited in my trust account sufficient funds to cover the reasonable cost for the Co-op's timely compliance with this request and will deposit same as soon as the amount can be determined.

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She informs me that previous requests have been denied by the Co-op's prior administrations, but I have advised her to allow me this one last attempt prior to filing a District Court lawsuit for Mandamus and damages in the form of legal sanctions including, but not limited to, attorney fees and damages for each day of non-compliance in an amount to be determined by the Court. I personally feel needless litigation should be avoided if reasonably possible.

Along that line of thinking, please pardon my boldness in suggesting that should the prior decisions to deny such requests as this one be based upon inferior legal advice from previous house counsel, you might direct current counsel to this communication, as well as the NRECA Publication *Information Disclosure and Access Requirements*, drafted February 2002, revised February 2008, presented to the 2008 NRECA Legal Seminar, 48, particularly sections 4 and 5, and most particularly to Page 37. I am enclosing a copy for counsel's reference in order to expedite your timely response, required by the above referenced State and Federal records request legislation and would be happy to discuss the matter with them should they so desire.

I look forward to your timely response within no more than ten calendar days from your receipt of this letter. Thank you for your anticipated and timely cooperation and assistance in the matter.

Sincerely,

Deschamps & Kortemeier Law Offices, P.C.  
by:

15/

Lee Deschamps  
Attorneys for Charlene West, SEC member  
LD/lad

Enc: 49 pp. "NRECA Information Disclosure and Access Requirements"  
Cc's: file & Client

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Received this letter and 49 page attachment this 19<sup>th</sup> of April, 2012, at the SEC offices in Socorro, NM.

(Signed) Eileen C. Lataste

(Printed Name) Eileen C. LATASTA