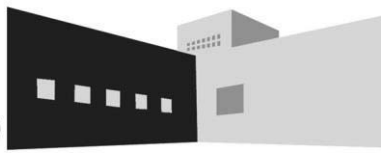


NEW MEXICO

State Records Center and Archives

COMMISSION OF PUBLIC RECORDS

Your Access to Public Information



August 20, 2020

Via Email to: Jennifer.Pruett@state.nm.us

Jennifer J. Pruett, Deputy Secretary
New Mexico Environment Department
1190 St. Francis Drive, Room N-4050
Santa Fe, NM 87505

Re: Request for Exception to allow for Digital Signature

Dear Deputy Secretary Pruett:

This letter replies to your correspondence yesterday seeking clarity and guidance the electronic filing of the emergency amendment with a digital signature on the accompanying transmittal form, pursuant to 11.5.1.16 NMAC.

I directed Administrative Law Division director to review the filing. After that review, I conclude that your agency's filing was in conformance with the digital signature filing requirements of 1.24.10.23 NMAC. There is no need to grant any exception or to mail in any original transmittal form. The emergency amendment filing on August 5, 2020 is complete.

I have directed ALD director and staff to take more care when they accept for filing transmittal forms via electronic transmission.

Thank you, again, for you and your agency's input. As an aside, I will be publishing a notice of rulemaking to make permanent the digital signature on transmittal form under 1.24.10.23 NMAC. It is my hope that your agency provides its input in that rule hearing.

Again, I apologize that ALD gave your agency incorrect direction. Thank you for what you and your agency are doing to keep us safe during this unsettled time.

Sincerely,

DN: cn=Rick Hendricks, o=Office of the State Administrator, ou=State Records Center and Archives, email=Rick.Hendricks@state.nm.us, c=US
Date: 2020.08.20 09:53:28 -06'00'

Dr. Rick Hendricks, Ph.D.
State Records Administrator

Cc: Matt Garcia, General Counsel, Office of the Governor
Tania Maestas, Chief Deputy Attorney General
Sally Malave, Open Meetings Division, Office of Attorney General
Jennifer L. Hower, General Counsel, New Mexico Environment Department
Matthew Ortiz, ALD Director

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Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
Chairman/State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

NMED EXHIBIT 5