

## Is GMCS flouting media requests for investigative report on Chiapetti?

Written by By Chrissy Largo Sun Correspondent  
Friday, 11 December 2015 11:02

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It has been about a month since Frank Chiapetti has resumed his role as the Gallup McKinley County Schools superintendent.

But questions still remain. For example, where is the investigative report that was being conducted by Investigator Dan Patterson and exactly how much did it cost tax payers?

On Nov.2 the Gallup Sun submitted a New Mexico's Inspection of Public Record Act letter to the district's custodian of records, requesting to obtain a copy of the investigative report and related documents regarding the Board of Education directed investigation of Chiapetti.

Special Education Director Carmen Moffett responded, stating that "all investigative documents related to the Board of Education's ongoing investigation are currently the property of the Board's legal counsel."

The letter also states that "If or when the Board of Education should take some form of employment action relying upon investigative documents, only then will they come in the possession and control of the School District."

On Dec. 9, a second letter was sent to the superintendent's office requesting the same documents, in addition to requesting the cost of the investigation. Superintendent Secretary Joan Nez gave a response the following morning.

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She stated in an email that the request for the documents was received by their office and that “this office will send you notice explaining when inspection will be allowed or when we will respond to your request to inspect public records.”

It also states, “please be advised that under NMSA 1978 Section 14-2-8D, the school district may take up to fifteen (15) days to respond to your request.”

Since Nov. 2, the Gallup Sun has verbally, and in written form, requested a copy of the investigative report, and so far, all requests have been denied.

Is the district trying to stall the press by not giving them access to these documents?

According to Andy Sanchez, an attorney who represents the Board, was unwilling to comment on the investigative report; however, he said that in response to the first IPRA denial letter, it was a question of timing and that the District did not have a responsive document.

“The time that you guys requested it, that document wasn’t in the custody of the school district, but now it would be,” Sanchez said.

When asked if the District should have a copy of the investigative report, Sanchez responded, “Yes. It would be in Mr. Chiapetti’s personnel file.”

On Nov. 12, the Board voted 3-2 to retain Chiapetti as superintendent after a lengthy executive meeting that lasted more than 3 hours. He was placed on administrative leave on Aug.17 and Moffett was appointed interim superintendent.

On that same evening, after the three hour executive meeting, during an interview with Chiapetti he openly stated that he was not yet given a report at that point in time.

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"I will have to read the report to see if some of it is perception," he said. "Unfortunately I do not know the exact context of everything they came out with. Once I read it, I will be able to know more."

However, Chiapetti now claims that he was allowed to view the investigative report during an "executive session with a lawyer," and that it allowed him to read the letter of direction that requests of him to take on future projects and hiring processes.

"I did read through it. But, from my understanding it was lawyer/client privilege," he said. "The investigator was hired by the law firm that represents the Board. It is client privilege, so it stays with the lawyer, from my understanding. I am not sure."

When asked if he could disclose any information that was stated in the investigative report, he referred to Albuquerque's KOB 4 news story that aired on Aug. 19, which quoted School Board Secretary Priscilla Manuelito, as stating Chiapetti was placed on administrative leave due to allegations of "inappropriate hiring and firing practices, discrimination, nepotism and poor communication with parents."

"The stuff that was released to KOB on the racism, it did show that I had hired more Native Americans during my tenure," Chiapetti said. "We have more Native American administrators now than when I started. So, that was kind of disproved. It pretty much just went through the interviews of each person and the data that they showed. I really didn't really put much thought into it, to be honest with you."

Multiple efforts to reach Board members Lynn Huenemann, Joe Menini, Board Secretary Priscilla Manuelito, Vice President Kevin Mitchell and Board President, Titus Nez were unsuccessful as of press time.

"FOG hopes the Board will turn over the investigatory report concerning Superintendent Chiapetti," said Susan Boe, executive director for New Mexico's Foundation for Open Government. "Only opinion information, not facts, are exempt from IPRA disclosure. The basis for withholding the report is unclear but appears not to be in compliance with the Inspection of

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Public Records Act.”

NMFOG is a non-profit organization, founded in 1989, that helps to advocate and educate citizens about the challenges of an open government. It pertains to their rights and responsibilities under the New Mexico laws, such as the Inspection of Public Records Act, Open Meetings Act and Arrest Record Information Act.