

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

Cause No. D-101-CV-2025-01989

Case assigned to Biedscheid, Bryan

**CENTURION CORRECTIONAL
HEALTHCARE OF NEW MEXICO, LLC,
MICHAEL J. BENTLEY, in his official
capacity as THE RECORDS CUSTODIAN
OF CENTURION CORRECTIONAL
HEALTHCARE OF NEW MEXICO, LLC,
THE NEW MEXICO CORRECTIONS
DEPARTMENT, DAVID PARDO, in his
official capacity as THE RECORDS
CUSTODIAN OF THE NEW MEXICO
CORRECTIONS DEPARTMENT,
ENTITIES 1-5, and JANE AND JOHN DOES
1-5,**

Defendants.

**COMPLAINT TO ENFORCE THE INSPECTION OF PUBLIC RECORDS ACT,
FOR PRODUCTION OF PUBLIC RECORDS, AND FOR DAMAGES, COSTS,
AND ATTORNEYS' FEES**

The Human Rights Defense Center (“HRDC”), through counsel, Ives & Flores, PA, brings these causes of action to enforce the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12 (“IPRA”).

I. PARTIES

1. HRDC is a national nonprofit civil rights organization that focuses its mission on public education, advocacy and outreach to incarcerated persons and the public about the social and economic costs of prisons to society.

2. HRDC accomplishes its mission through advocacy, litigation, and the publication and distribution of books, magazines, and other information concerning prisons and the rights of incarcerated prisoners.

3. To gather information for its various publications, HRDC relies on public records laws and the prompt production of records of the operations of public and private prisons and their medical facilities.

4. HRDC's award-winning publication, Prison Legal News, uses these records to inform thousands of subscribers in the United States and abroad, including prisoners, attorneys, journalists, academics, public libraries, courthouse libraries, and judges. The publication has distributed over two million copies to prisoners in 3,000 correctional facilities across the United States, including the Federal Bureau of Prisons, and prisons in all 50 states.

5. Centurion Correctional Healthcare of New Mexico, LLC, is a domestic limited liability company incorporated in the State of New Mexico. Centurion has contracted with government entities in New Mexico to provide healthcare services to inmates of prisons and jails. Centurion has contracted with NMCD to provide medical, mental health, pharmaceutical, and related services to incarcerated persons. Centurion has also provided similar services through contracts with county governments, including, for example, a contract with Bernalillo County to provide medical and mental health services to detainees of the Metropolitan Detention Center in Albuquerque, New Mexico. Pursuant to its contracts and state law, Centurion is responsible for the maintenance, care or keeping of public records arising from the provision of medical care to detainees and prisoners in New Mexico's prisons and county jails.

6. Michael J. Bentley was, at all relevant times, the records custodian for Centurion Correctional Healthcare of New Mexico, LLC. Mr. Bentley is sued in his official capacity.

7. The New Mexico Corrections Department is a department of the State of New Mexico and a “public body” as defined by IPRA. NMCD is charged with the operation of prison facilities in the state.

8. David Pardo was, at all relevant times, the records custodian for NMCD. Mr. Pardo is sued in his official capacity.

9. The true names of Entities 1-5 are presently unknown to HRDC. Entities 1-5 are, upon information and belief, corporations, partnerships, firms, associations, or entities which operate with and have substantial ties to Centurion Correctional Healthcare of New Mexico, LLC. Upon information and belief, Entities 1-5 are responsible for the maintenance, care or keeping of public records arising from the provision of medical care to detainees and prisoners in New Mexico’s prisons and county jails. Upon information and belief, Entities 1-5 received HRDC’s request to inspect public records and failed to permit inspection.

10. The true names of Jane and John Does 1-5 are presently unknown to HRDC. Does 1-5 are, upon information and belief, persons responsible for the maintenance, care or keeping of public records arising from the provision of medical care to detainees and prisoners in New Mexico’s prisons and county jails. Upon information and belief, Does 1-5 received HRDC’s request to inspect public records and failed to permit inspection. Does 1-5 are sued in their official capacities.

II. JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to the New Mexico Constitution, Art. VI, § 13 and NMSA 1978, § 14-2-12(A)(2) (1993).

12. Venue is proper in Santa Fe County, New Mexico, pursuant to NMSA 1978, § 38-3-1(G) (1988).

III. FACTUAL ALLEGATIONS

13. Centurion provided contractually specified healthcare services to inmates incarcerated with NMCD pursuant to a contract between NMCD and Centurion from July 1, 2016 to November 25, 2019.
14. The provision of inmate healthcare services is a public function.
15. Centurion was paid approximately \$41 million per year in public funds for the contract term, totaling over \$150 million.
16. During this period, Centurion provided healthcare services to New Mexico's inmates at eleven state-owned and privately operated facilities.
17. Pursuant to the contract, NMCD's Health Services Bureau furnished medical equipment for Centurion's use at each facility and allotted Centurion an additional \$250,000 of taxpayer funds each year to purchase or lease equipment, subject to NMCD's approval.
18. Centurion was required by the NMCD contract to deliver healthcare to NMCD's public facilities in accordance with NMCD's mission.
19. Centurion's physicians, physician assistants, and registered nurses were required to conform to NMCD's rules and regulations. *See* NMSA 1978, § 33-2-13 (2015) ("A physician or a physician assistant, advanced practice registered nurse or a certified midwife working within that person's scope of practice, when visiting the penitentiary of New Mexico, shall conform to its rules and regulations."); *also* NMSA 1978, § 33-2-11(A) (1990) ("The corrections department has the power and duty to examine and inquire into all matters connected with the ... treatment of prisoners.").
20. The contract afforded NMCD substantial oversight and control over Centurion's activities in New Mexico and made Centurion an instrumentality of the corrections department.

21. Centurion employees were required by the contract to obtain security clearances and background checks prior to accessing NMCD property.
22. NMCD retained the right under its contract with Centurion to exclude Centurion employees from its facilities and to impose full-time supervision of any Centurion employee at the department's discretion.
23. NMCD retained the right to escort Centurion's employees off the property for inappropriate conduct or any actions that jeopardize the safety, security, or well-being of the facility.
24. Pursuant to the contract, Centurion was required to furnish all information and reports to NMCD as required by NMCD's rules, regulations, and policies.
25. Pursuant to the contract, NMCD imposed minimum staffing levels on Centurion, required regular reporting and staffing compensation, and required Centurion to fill job vacancies within a definite period of time.
26. Pursuant to the contract, Centurion was required to report monthly to NMCD about patient care issues, and Centurion understood from the terms of the contract that such information could be subject to public inspection.
27. NMCD had the right under the contract to set performance criteria for Centurion's healthcare services and approve Centurion's key staff, including managers, medical directors, nursing directors, site physicians, psychiatrists, and mid-level practitioners.
28. Pursuant to the contract, NMCD had the right to review Centurion's financial records, lesson plans, orientation checklists, and timekeeping records.
29. Centurion was required by the contract to submit to NMCD's audits and provide to NMCD all necessary or requested data.

30. NMCD had access to all of Centurion's fiscal records and other documents pertinent to the contract, and NMCD could perform examinations and audits and make excerpts and transcripts of those materials.

31. NMCD had the right to audit Centurion's performance of the contract, make onsite visits, interview Centurion's employees and staff, and access all of Centurion's records, books, documents, papers, plans, reports, and writings pertinent to the contract, and copy those records as needed.

32. On March 17, 2025, HRDC sent Centurion a records request seeking "records reflecting the identity of any licensed professional who was subject to a lapse, suspension, or loss of their professional licensure, or any form of professional sanction for the period beginning July 1, 2016 and continuing through the present." The records request is attached as Exhibit 1.

33. The records request was addressed to Centurion Correctional Healthcare of New Mexico, LLC, through its registered agent in Espanola, New Mexico, and directed where Centurion or any of its subsidiaries or affiliates provide inmate healthcare under a contract within the boundaries of New Mexico.

34. IPRA requires a records custodian to respond to a request to inspect public records within three business days, either by permitting inspection or by explaining in writing when the records will be made available for inspection or when a response will be sent. NMSA 1978 § 14-2-8(D) (1993).

35. USPS delivered the letter to Centurion's registered agent on March 20, 2025. A copy of the certified mail receipt is attached as Exhibit 2.

36. Over a month later, on April 23, 2025, Defendant Bentley acknowledged receipt of the records request on Centurion's behalf and wrote that Centurion was researching the request and

would be in touch. A copy of Defendant Bentley's letter acknowledging receipt is attached as Exhibit 3.

37. On June 6, 2025, Defendant Bentley sent additional correspondence declining to respond to HRDC's IPRA request. A copy of the letter is attached as Exhibit 4.

38. Defendant Bentley's letter identified several reasons why Centurion would not provide a response, including (i) that Centurion is not subject to IPRA and that the request should be directed to NMCD; (ii) that the request includes confidential documents protected from public inspection by NMSA 1978, Sections 14-2-1, 41-5-20, 61-5A-25, and 61-6-34; (iii) that even if the request was properly made "Centurion would not have responsive documents," which would only be incidental to provider applications or personnel files and would require a laborious search; and (iv) that the records Centurion could produce if it responded to HRDC's IPRA request would also typically be maintained by public boards and agencies.

39. In response to Defendant Bentley's letter, on June 11, 2025, HRDC submitted an identical public records request to Defendant NMCD in an attempt to obtain the records from the corrections department. A copy of the IPRA request to Defendant NMCD is attached as Exhibit 5.

40. That same day, Defendant Pardo responded to HRDC's request on behalf of Defendant NMCD. A copy of Defendant Pardo's response is attached as Exhibit 6.

41. Defendant Pardo's response stated that HRDC's request to NMCD was "not made to the proper agency," and that those records are not NMCD's responsibility. According to Defendant Pardo, the request should be made directly to Centurion, but because the records custodian for Centurion was not known to NMCD, NMCD could not forward the request for HRDC and the request would be closed.

42. HRDC received no further correspondence from Defendant Pardo or Defendant NMCD.

43. On June 27, 2025, HRDC advised Defendant Bentley and Centurion that the corrections department declined to produce the records and directed HRDC to Centurion. HRDC clarified that it did not seek patient care records, portions of records that are attorney-client privileged, or ROIA-qualifying data made confidential by Section 41-9-1 et seq. Defendant Bentley requested a copy of the correspondence from Defendant Pardo, which HRDC provided. A copy of the correspondence between HRDC and Defendant Bentley is attached as Exhibit 7.

44. HRDC received no further communication from Defendant Bentley or Defendant Centurion.

45. On information and belief, all defendants have custody, control, or access to at least some records responsive to HRDC's request.

46. On information and belief, some, if not all, information requested by HRDC is not exempt from public inspection pursuant to IPRA.

47. To date, no defendant has conducted any search to locate responsive records for HRDC, review the records to determine whether any of IPRA's exceptions apply, redact any confidential information, and produce all non-exempt portions of any responsive record.

IV. IPRA ALLEGATIONS

48. New Mexico recognizes "that a representative government is dependent upon an informed electorate...[and] all persons are entitled to the greatest possible information regarding the affairs of the government. ..." NMSA 1978 § 14-2-5 (1993).

49. On information and belief, between 15 and 25% of physicians employed in prisons and jails are either unlicensed or their licenses have been suspended for misconduct ranging from serious medical negligence to sexual abuse.

50. The public has an interest in knowing whether medical providers providing healthcare services in New Mexico's prisons and jails are properly licensed or have been subject to license suspensions and revocations.

51. The public has an interest in knowing whether private entities receiving hundreds of millions of dollars in public funds are properly screening applicants or knowingly hiring medical providers with suspended or revoked licenses to provide healthcare for inmates and detainees.

52. The public has an interest in knowing whether public agencies are appropriately overseeing their medical contractors and ensuring that medical providers are providing safe care to inmates in New Mexico's prisons and jails.

53. The public has an interest in knowing which documents state and county governments and private medical providers keep, maintain, and review regarding the qualifications and licenses held by medical providers providing healthcare services in New Mexico's prisons and jails.

54. The records requested by HRDC are documents used, created, received, maintained, or held by or on behalf of a public body and relate to public business and are therefore public records as defined by IPRA. *See* § 14-2-6(H).

55. IPRA provides that a district court "may ... order an injunction or other appropriate remedy to enforce the provisions of the Inspection of Public Records Act." *See* § 14-2-12(B).

56. In addition, IPRA provides that the court shall award damages, costs, and reasonable attorneys' fees to any person whose written request has been denied and is successful in a court action to enforce the provisions of IPRA. *See* § 14-2-12(D).

57. When a records custodian fails to search for responsive records and instead makes a perfunctory denial of a public records request, the defendant is also subject to statutory penalties

of up to \$100 per day. *See* § 14-2-11(C); *Albuquerque J. v. Bd. of Educ. of Albuquerque Pub. Sch.* No. A-1-CA-40172, ¶¶ 66-67, 2024 WL 4661678 at *16.

CAUSES OF ACTION

Count I: Right of Access to Public Records Pursuant to IPRA against Defendants Centurion, Bentley, Entities 1-5, and Does 1-5

58. All paragraphs in this Complaint are incorporated by reference as if fully set forth herein.

59. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 are persons or entities responsible for the maintenance, care or keeping of NMCD's public records, and are therefore records custodians as defined by IPRA. *See* § 14-2-6(A).

60. HRDC made a valid request to inspect public records and submitted that request in writing to Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 as required by IPRA. *See* § 14-2-8(A)-(C).

61. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 received HRDC's request but did not acknowledge receipt of the request within three business days or permit inspection within fifteen days in violation of IPRA. *See* § 14-2-8(D).

62. In the event HRDC did not submit its request to the correct custodian having possession or responsibility for the requested records, Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 had an obligation to promptly forward the request to the correct custodian, but Defendants failed to do so. *See* § 14-2-8(E).

63. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 did not conduct any search to identify records responsive to HRDC's request as required by IPRA. *See Britton v. Office of Attorney Gen.*, 2019-NMCA-002, ¶ 31, 433 P.3d 320.

64. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 made no attempt to determine which public records are responsive to HRDC's request and which portions thereof may be exempt from disclosure as required by IPRA. *Id.*

65. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 made no attempt to redact exempt information and provide all nonexempt portions of responsive records to HRDC for public inspection as required by IPRA. *See* § 14-2-9(A).

66. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 did not issue a denial letter as required by IPRA when records are exempt from public inspection, but instead speculated about which exceptions might apply to the records requested without ever actually reviewing any responsive records. *See* § 14-2-11(B).

67. At least a substantial portion of the records HRDC requested to inspect are not exempt from public inspection by any exception to IPRA, including the potential exceptions cited in Defendant Bentley's letter. *See* § 14-2-1. It is well-established that information documenting professional licensure lapses, suspensions, and revocations are typically available to the public.

68. Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 are aware that IPRA applies to private entities providing correctional medical care in New Mexico's prison system and declined to comply with IPRA anyway. *See New Mexico Found. for Open Gov't v. Corizon Health*, 2020-NMCA-014, ¶ 21, 460 P.3d 43.

69. HRDC is entitled to an injunction against Defendants Centurion, Bentley, Entities 1-5, and Does 1-5 requiring compliance with IPRA.

70. HRDC is entitled to the maximum statutory penalties permitted by law against Defendants Centurion, Bentley, Entities 1-5, and Does 1-5.

71. HRDC is entitled to an award of attorneys' fees, costs, actual damages against, and interest on the judgment as permitted by law against Defendants Centurion, Bentley, Entities 1-5, and Does 1-5.

Count II: Right of Access to Public Records Pursuant to IPRA against Defendants NMCD and Pardo

72. All paragraphs in this Complaint are incorporated by reference as if fully set forth herein.

73. Defendants NMCD and Pardo are persons or entities responsible for the maintenance, care or keeping of NMCD's public records, and are therefore records custodians as defined by IPRA. *See* § 14-2-6(A).

74. Defendants NMCD and Pardo have actual responsibility for the records requested by HRDC and must produce those records, regardless of whether the records are in Defendants' actual physical custody and control. *See id.*

75. HRDC made a valid request to inspect public records and submitted that request in writing to Defendants NMCD and Pardo as required by IPRA. *See* § 14-2-8(A)-(C).

76. Defendants NMCD and Pardo received HRDC's request to inspect public records and immediately declined to conduct a search for responsive records or to exercise NMCD's contractual rights to seek the records from Defendant Centurion. *See Britton*, 2019-NMCA-002, ¶ 31.

77. In the event Defendants NMCD and Pardo had no contractual right to obtain HRDC's requested records from Centurion, Defendants unreasonably contracted away their statutory duty to preserve records for public inspection without requiring NMCD's contractor to designate a records custodian and comply with state law.

78. HRDC is entitled to an injunction against Defendants NMCD and Pardo requiring compliance with IPRA.

79. HRDC is entitled to the maximum statutory penalties permitted by law against Defendants NMCD and Pardo.

80. HRDC is entitled to an award of attorneys' fees, costs, actual damages, and interest on the judgment as permitted by law against Defendants NMCD and Pardo.

Prayer for Relief

WHEREFORE, Plaintiff respectfully seeks the following relief:

A. Order an appropriate injunction against all defendants requiring a search for responsive records;

B. Order an appropriate injunction against all defendants requiring production of all nonexempt responsive records;

C. Order an appropriate injunction against all defendants requiring issuance of a denial letter with respect to specific records or portions thereof that are exempt from public inspection;

D. Award actual damages, statutory damages, costs, reasonable attorneys' fees, and pre- and post-judgment interest as permitted by law;

E. Grant such other and further relief as to the Court deems proper.

Respectfully submitted,

IVES & FLORES, PA

/s/ Adam C. Flores

Adam C. Flores

Laura Schauer Ives

Andrew J. Pavlides

925 Luna Cir. NW

Albuquerque, NM 87102

(505) 364-3858

adam@nmcivilrights.com

laura@nmcivilrights.com

andrew@nmcivilrights.com

-and-

Jonathan Picard
Pro Hac Vice application forthcoming
Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460
Tel: (561) 360-2523
jpicaard@humanrightsdefensecenter.org

Attorneys for Plaintiff



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

March 17, 2025

Centurion Correctional HealthCare Of New Mexico, LLC
Registered Agent: CT Corporation
Attn: Records Custodian
206 S. Coronado Ave
Española, NM 87532-2792

*Sent via Certified Mail No:
7016 0910 0001 8065 1472*

Re: Request for Licensed Professional Sanction Records – Centurion New Mexico Entities

To the Records Custodian:

The Human Rights Defense Center (“HRDC”) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.* HRDC is a non-profit dedicated to advocacy and education around criminal justice issues. Among other activities, HRDC publishes the journals *Prison Legal News* and *Criminal Legal News*.

This request is directed where Centurion or any of its subsidiaries or affiliates provided inmate healthcare under a contract within the boundaries of New Mexico, in accordance with the recent changes to New Mexico’s public records law which affirm that private entities performing a public function for a public agency are subject to the Inspection of Public Records Act. This request includes, but is not limited to, Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, Inc., and Centurion Managed Care, as well as any other Centurion entity that provided or managed the provision of inmate care for Centurion’s contracts in the State of New Mexico.

HRDC is seeking all records reflecting the identity of any licensed professional who was subject to a lapse, suspension, or loss of their professional licensure, or any form of professional sanction, for the period beginning July 1, 2016, and continuing through the present.

I request that the above-described public records be provided to me in electronic format if they exist in electronic format, pursuant to NMSA § 14-2-9(B). In the event that such documents are only available in hard copy format, I request an opportunity to inspect and copy the specific public records I select from the records identified above.

If this request encompasses information or records that Centurion claims are exempt from disclosure pursuant to any applicable statute or law, then please redact such information, as required by NMSA 1978, §14-2-1(B), from the document or record rather than withhold the entire document from disclosure.

If you apply any redactions, please describe the redacted information and provide a basis for your claim that the redacted information is not subject to disclosure.

If you claim that any of the requested records are not a public record, or if you claim a privilege not to disclose any record, please describe the record(s) being withheld and state the basis for your claim of privilege or confidentiality. Please produce all public records for which you do not claim an exemption or privilege, as the above requests are segregable.

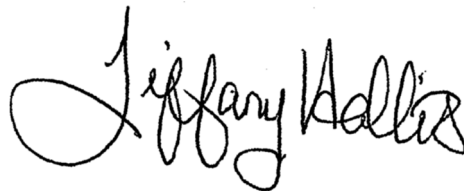
HRDC is a non-profit organization. These records are not for any profit-related or commercial purpose. Should there be any fees incurred related to the production of the public records I am requesting, I request a waiver of such fees.

Please respond to this records request within fifteen (15) days of receipt of same. Note that failure to respond to this records request within fifteen (15) days will be considered a denial of my public records request, and I will duly take appropriate action. If you need additional time in which to produce the requested records, please advise in writing so I may consider your request for an extension of time.

Please contact me if this request does not describe all of the above-requested documents with sufficient specificity for you to make a reasonable response, and I will attempt to reformulate the request in a manner that meets your requirements. If you are not the custodian of the records I am requesting, please promptly forward this request to the custodian of the requested records and notify me accordingly. Please contact me via email, foia@humanrightsdefensecenter.org, should you require any additional information.

Thank you for your time and attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Hollis". The signature is written in a cursive, flowing style.

Tiffany Hollis
Public Records Manager
HUMAN RIGHTS DEFENSE CENTER

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Español: [www.usps.com](#)

OFFICIAL USE

7016 0910 0001 8065 1472

Certified Mail Fee	\$ 4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.75
Total Postage and Fees	\$ 5.60

Postmark
MAR 24 2015
ESPANOLA, NM

Sent To
 Centurion Corr. Healthcare of NM, LLC
 206 S. Coronado Ave.
 Espanola, NM 87532-2792

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>J. Roman</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>3/27</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>Centurion Correctional HealthCare Of New Mexico, LLC Registered Agent: CT Corporation Records Custodian 206 S. Coronado Ave Espanola, NM 87532-2792</p>	<p>Service Type</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
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<p>9590 9402 6859 1104 3707 90</p> <p>2. Article Number (Transfer from service label) 7016 0910 0001 8065 1472</p>	<p>Restricted Delivery</p>												
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>													

Michael J. Bentley

Partner
mbentley@bradley.com
601.592.9935 direct



Via Electronic Mail

April 23, 2025

Tiffany Hollis
Public Records Manager
Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460
FOIA@humanrightsdefensecenter.org

RE: HRDC Request for Licensed Professional Sanction Records – New Mexico

Dear Ms. Hollis:

I am writing to acknowledge your letter of March 17, 2025, which was mailed to the registered agent for Centurion Correctional Healthcare of New Mexico, LLC (“Centurion”) and seeks certain records pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. § 14-2-1 et seq.

Centurion is researching your request and will be in touch after it has had a reasonable opportunity to consider it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Bentley". The signature is fluid and cursive, written over a light blue horizontal line.

Michael J. Bentley

cc: Deana Johnson, Esq.

EXHIBIT 3

Michael J. Bentley

Partner
mbentley@bradley.com
601.592.9935 direct



Via Electronic Mail

June 6, 2025

Tiffany Hollis
Public Records Manager
Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460
FOIA@humanrightsdefensecenter.org

RE: HRDC Request for Licensed Professional Sanctions Records
Centurion Correctional Healthcare of New Mexico, LLC

Dear Ms. Hollis:

I write on behalf of Centurion Correctional Healthcare of New Mexico, LLC (“Centurion”) in response to your letter of March 17, 2025, which seeks certain records pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. § 14-2-1 et seq. (“IPRA” or “Act”).

In your letter, you request the following records: “[A]ll records reflecting the identity of any licensed professional who was subject to a lapse, suspension, or loss of their professional licensure, or any form of professional sanction, for the period beginning July 1, 2016, and continuing through the present.”

Centurion has considered your request, and it cannot provide any responsive records at this time for several reasons.

First, the request was not properly made to a custodian of public records. The IPRA provides that “[a]ny person wishing to inspect public records may submit an oral or written request to the custodian.” N.M. Stat. § 14-2-8(A). The Act defines “custodian” as “any person responsible for the maintenance, care or keeping of a public body’s records” *Id.*, § 14-2-6(A). A “custodian” must be designated by a “public body.” *Id.*, § 14-2-7. As the New Mexico Court of Appeals has explained, a request for records like those you seek must be made to the “designated records custodian” at the New Mexico Corrections Department (“NMDC”). *See, e.g., Newsome v. Centurion Correctional Healthcare of N.M., LLC*, 2025 WL 586258, **2-3 (N.M. Ct. App. Feb. 24, 2025) (citing authorities). So far as Centurion is aware, no request has been made to NMDC, and NMDC has not designated Centurion as the “custodian” of the records you seek.

EXHIBIT 4

Second, if a request were properly made, the request is so broad that it would implicate several exceptions to IPRA. As provided in N.M. Stat. § 14-2-1, the applicable exceptions could include: Subsection A's exception for records pertaining to medical treatment of persons confined to an institution; Subsection C's exception for matters of opinion in personnel files; Subsection G's exception for attorney-client privileged information; and Subsection L's catch-all "as otherwise provided by law" exception. Under the catch-all exception, the request could implicate the following exceptions found within the New Mexico statutes:

1. Section 41-5-20's exception for deliberations of a medical review commission panel regarding alleged malpractice;
2. Section 61-5A-25's exception for complaints against dental health care licensees; and
3. Section 61-6-34's exception for complaints against medical board licensees.

If a request is properly made, Centurion reserves the right to invoke these and other appropriate exceptions to IPRA.

Third, if a request were properly made, Centurion would not have responsive documents in its possession, custody, or control. As you are aware, Centurion is not required to create records in order to respond to a request. *See* N.M. Stat. § 14-2-8(B).

Centurion does not regularly create or maintain records of lapses, suspensions, or losses of professional licenses held by its licensed providers. Nor does it regularly create or maintain records reflecting "professional sanctions" against its employees or licensed providers. If such records exist, they would be incidental to provider applications or personnel files. Centurion could only determine if it has any such records by manually searching the personnel files or CredentialSmart files¹ for each provider who worked for Centurion since July 1, 2016. Such a laborious task would require an extensive amount of time at a significant cost to Centurion.

Even if HRDC agreed to reimburse Centurion for the costs of this search, Centurion could not provide records of complaints or investigations due to the IPRA exceptions discussed above. Instead, it could only provide records reflecting final disciplinary decisions, if any such records exist. Those type records are typically maintained by public boards and agencies such as the U.S. Department of Health National Practitioner Databank, New Mexico Medical Board, New Mexico Board of Nursing, New Mexico Board of Dental Health Care, and other public bodies charged with licensing and disciplining healthcare professionals. You should consider submitting a records request to the designated records custodian for those agencies.

¹ CredentialSmart is a third-party workflow management software that Centurion and other healthcare companies use to accept and process provider applications, which captures some information regarding a provider's license status at the time of his or her application or license renewal. Since its medical care contract expired in November 2019, Centurion no longer has access to certain medical care provider files within CredentialSmart.

Tiffany Hollis

June 6, 2025

Page 3

Please let me know if you have any questions or would like to discuss your request further. It is possible that, with clarification and narrowing of the request, Centurion may be able to provide responsive information if NMDC determines that Centurion should respond to the request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Bentley", with a long horizontal flourish extending to the right.

Michael J. Bentley



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

June 11, 2025

New Mexico Corrections Dept
Attn: Public Records Manager
PO Box 27116
Santa Fe, NM 87502

Sent via email to: NMCD-IPRA@state.nm.us

Re: Request for Licensed Professional Sanction Records – Centurion New Mexico Entities

To the Records Custodian:

The Human Rights Defense Center (“HRDC”) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.* HRDC is a non-profit dedicated to advocacy and education around criminal justice issues. Among other activities, HRDC publishes the journals *Prison Legal News* and *Criminal Legal News*.

This request is directed where Centurion or any of its subsidiaries or affiliates provided inmate healthcare under a contract within the boundaries of New Mexico, in accordance with the recent changes to New Mexico’s public records law which affirm that private entities performing a public function for a public agency are subject to the Inspection of Public Records Act. This request includes, but is not limited to, Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, Inc., and Centurion Managed Care, as well as any other Centurion entity that provided or managed the provision of inmate care for Centurion’s contracts in the State of New Mexico.

HRDC is seeking all records reflecting the identity of any licensed professional who was subject to a lapse, suspension, or loss of their professional licensure, or any form of professional sanction, for the period beginning July 1, 2016, and continuing through the present.

I request that the above-described public records be provided to me in electronic format if they exist in electronic format, pursuant to NMSA § 14-2-9(B). In the event that such documents are only available in hard copy format, I request an opportunity to inspect and copy the specific public records I select from the records identified above.

If this request encompasses information or records that Centurion claims are exempt from disclosure pursuant to any applicable statute or law, then please redact such information, as required by NMSA 1978, §14-2-1(B), from the document or record rather than withhold the entire document from disclosure.

If you apply any redactions, please describe the redacted information and provide a basis for your claim that the redacted information is not subject to disclosure.

If you claim that any of the requested records are not a public record, or if you claim a privilege not to disclose any record, please describe the record(s) being withheld and state the basis for your claim of privilege or confidentiality. Please produce all public records for which you do not claim an exemption or privilege, as the above requests are segregable.

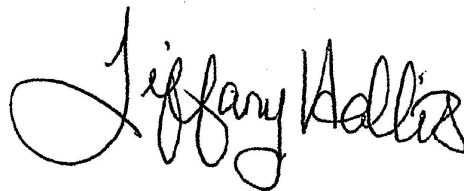
HRDC is a non-profit organization. These records are not for any profit-related or commercial purpose. Should there be any fees incurred related to the production of the public records I am requesting, I request a waiver of such fees.

Please respond to this records request within fifteen (15) days of receipt of same. Note that failure to respond to this records request within fifteen (15) days will be considered a denial of my public records request, and I will duly take appropriate action. If you need additional time in which to produce the requested records, please advise in writing so I may consider your request for an extension of time.

Please contact me if this request does not describe all of the above-requested documents with sufficient specificity for you to make a reasonable response, and I will attempt to reformulate the request in a manner that meets your requirements. If you are not the custodian of the records I am requesting, please promptly forward this request to the custodian of the requested records and notify me accordingly. Please contact me via email, foia@humanrightsdefensecenter.org, should you require any additional information.

Thank you for your time and attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Hollis". The signature is written in a cursive, flowing style.

Tiffany Hollis
Public Records Manager
HUMAN RIGHTS DEFENSE CENTER

From: [Pardo, David, CD](#)
To: [Tiffany Hollis](#)
Subject: Re: [EXTERNAL] Public Records Request-HRDC
Date: Wednesday, June 11, 2025 9:59:16 AM

Your request is not made to the proper agency. We do not have responsive records because they are not in our possession or responsibility. Because the records custodian for Centurion is not known to us within the meaning of NMSA 1978, § 14-2-8(E), we are forgoing referring your request to them.

This request is now considered closed.

David Pardo

Deputy General Counsel
New Mexico Corrections Department
Office of General Counsel
505-690-5988
david.pardo@cd.nm.gov



From: Tiffany Hollis <thollis@humanrightsdefensecenter.org>
Sent: Wednesday, June 11, 2025 7:35 AM
To: NMCD-IPRA <NMCD-IPRA@state.nm.us>
Subject: [EXTERNAL] Public Records Request-HRDC

Some people who received this message don't often get email from thollis@humanrightsdefensecenter.org. [Learn why this is important](#)

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

To the Records Custodian:

Attached please find an Public Records Request from the Human Rights Defense Center; the text of this request is duplicated in the body of this message.

The Human Rights Defense Center (“HRDC”) makes this request pursuant to the New Mexico Inspection of Public Records Act, N.M. Stat. Ann. § 14-2-1, *et seq.* HRDC is a non-profit dedicated to advocacy and education around criminal justice issues. Among other activities, HRDC publishes the journals *Prison Legal News* and *Criminal Legal News*.

This request is directed where Centurion or any of its subsidiaries or affiliates provided inmate healthcare under a contract within the boundaries of New Mexico, in accordance with the recent changes to New Mexico's public records law which affirm that private entities performing a public function for a public agency are subject to the Inspection of Public Records Act. This request includes, but is not limited to, Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, Inc., and Centurion Managed Care, as well as any other Centurion entity that provided or managed the provision of inmate care for Centurion's contracts in the State of New Mexico.

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If this request encompasses information or records that Centurion claims are exempt from disclosure pursuant to any applicable statute or law, then please redact such information, as required by NMSA 1978, §14-2-1(B), from the document or record rather than withhold the entire document from disclosure. If you apply any redactions, please describe the redacted information and provide a basis for your claim that the redacted information is not subject to disclosure.

If you claim that any of the requested records are not a public record, or if you claim a privilege not to disclose any record, please describe the record(s) being withheld and state the basis for your claim of privilege or confidentiality. Please produce all public records for which you do not claim an exemption or privilege, as the above requests are segregable.

HRDC is a non-profit organization. These records are not for any profit-related or commercial purpose. Should there be any fees incurred related to the production of the public records I am requesting, I request a waiver of such fees.

Please respond to this records request within fifteen (15) days of receipt of same. Note that failure to respond to this records request within fifteen (15) days will be considered a denial of my public records request, and I will duly take appropriate action. If you need additional time in which to produce the requested records, please advise in writing so I may consider your request for an extension of time.

Please contact me if this request does not describe all of the above-requested documents with sufficient specificity for you to make a reasonable response, and I will attempt to reformulate the request in a manner that meets your requirements. If you are not the custodian of the records I am requesting, please promptly forward this request to the custodian of the requested records and notify me accordingly. Please contact me via email, foia@humanrightsdefensecenter.org, should you require any additional information.

Thank you for your time and attention in this matter.

Tiffany Hollis

Paralegal/Records Manager

Human Rights Defense Center

P.O. Box 1151, Lake Worth, FL 33460

| Tel. 754-263-4568 | Fax 561.828.8166

www.humanrightsdefensecenter.org

From: [Tiffany Hollis](#)
To: [Bentley, Michael](#); [Jonathan Picard](#)
Subject: RE: HRDC Request for Licensed Professional Sanctions Records
Date: Tuesday, July 1, 2025 12:45:00 PM
Attachments: [NMCD-Licensed Professional Sanction Records-Response-Not Records Custodian 06-11-25.pdf](#)

Mr. Bentley-

Please see attached correspondence.

Thanks,

Tiffany

Tiffany Hollis
Paralegal/Records Manager
Human Rights Defense Center
P.O. Box 1151, Lake Worth, FL 33460
| Tel. 754-263-4568 | Fax 561.828.8166
www.humanrightsdefensecenter.org

From: Bentley, Michael <mbentley@bradley.com>
Sent: Tuesday, July 1, 2025 12:40 PM
To: Jonathan Picard <jpocard@humanrightsdefensecenter.org>
Cc: Tiffany Hollis <thollis@humanrightsdefensecenter.org>
Subject: RE: HRDC Request for Licensed Professional Sanctions Records

Jon –

Thank you for your email. Will you please send me correspondence from the New Mexico Corrections Department (NMCD) confirming that this request was made to NMCD and that NMCD has identified Centurion as a custodian of the requested records. Thanks.

Michael

Michael J. Bentley
Partner | [Bradley](#)
mbentley@bradley.com
601.592.9935

From: Jonathan Picard <jpocard@humanrightsdefensecenter.org>
Sent: Friday, June 27, 2025 8:34 AM
To: Bentley, Michael <mbentley@bradley.com>
Cc: Tiffany Hollis <thollis@humanrightsdefensecenter.org>
Subject: FW: HRDC Request for Licensed Professional Sanctions Records

Michael –

In response to your letter dated June 6, 2025, which is attached, the corrections department has indicated that the records we request are in Centurion's possession.

Is Centurion denying our request to inspect these records, and if so, are you the person responsible for the denial? *See* NMSA 1978, Section 14-2-11(B). If you are just asking for clarification about the scope of our request, we are not looking for actual treatment records, portions of records that are attorney-client privileged, or ROIA-qualifying data acquired by a review organization as defined in Section 41-9-1 et seq. Please confirm that you are formally denying our request, or let us know by close of business tomorrow when Centurion expects to produce nonexempt responsive records.

Warm regards,

Jonathan P. Picard
Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460
Tel: (561) 360-2523
Fax: (561) 828-8166
Cell: (561) 252-9986

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