

## **Independent files suit to obtain complete city audit**

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GALLUP — A lawsuit related to an Inspection of Public Records Act request has been filed in McKinley County District Court by the Independent against the city.

The 13-page suit, filed Thursday, names the Independent and Managing Editor Barry Heifner as plaintiffs and the city, specifically City Manager Dan Dible, as defendant.

The suit is in response to a denial of an IPRA request in 2012 for the unredacted version of a report done by a Las Cruces firm on certain financial transactions by the city of Gallup. Judi Starkovich was administrative services director until Sept. 21, 2012, and was let go by Dible after an accounting review was done by fraud examiner Kelly Sweetser. The report details financial transactions — particular the manner in which lodgers tax was handled.

The Independent obtained a copy of the Sweetser report, turned into Dible on Sept. 17, with parts of it blackened out for “matters of opinion in personnel files.” City Attorney George Kozeliski was not available to comment on the lawsuit Thursday. Dible has deferred comment on the matter to Kozeliski.

“This is a lawsuit under the (Inspection of Public Records Act) to obtain public records,” Rogers wrote in the document’s introduction. “(The) Defendants have refused to produce critical public information about the scope and details of the mishandling of public monies by city employees, or former employees, and other instances of misfeasance or malfeasance by city employees or officials. Public information about the expenditure or loss of public monies and the involvement of public employees or officials cannot be kept secret from the public by the excuse that the information is a matter of opinion in a personnel file.”

Rogers points out in the document that the city “describes problems, violations, or poor practices with regard to the handling of petty cash, but the city has redacted the details to keep the names of the persons involved and the details of the problems secret.” Rogers also notes that the Sweetser report “addresses the lack of internal controls and recommendations, but the city has redacted significant portions to avoid disclosure of the details.”

Dible is listed in the document as the city’s custodian of public records and the official responsible for refusing to turn over the Sweetser report via an Oct. 8, 2012, IPRA request.

The lawsuit seeks the unredacted Sweetser report, attorney fees and costs as stipulated under the IPRA, and other relief as deemed by the court.

Independent Publisher Bob Zollinger was adamant about the rationale behind the lawsuit. “This sends a message that the public has a fundamental right to information — no matter the entity,” he said.

The Independent lawsuit isn’t the only pending legal matter at McKinley County District Court regarding the Starkovich situation. Starkovich’s Ramah-based attorney William Stripp has filed a grievance appeal with the court to have the job termination overturned. Stripp contends that Starkovich, a career city worker, graduate of New Mexico State University and certified public accountant, followed directives of her superiors and was not a renegade employee.