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**STATE OF MARYLAND**  
**PUBLIC INFORMATION ACT COMPLIANCE BOARD**

June 15, 2016

**Complainant:** Colin Byrd

**Custodian agency:** University of Maryland, College Park

**Date of original Public Information Act requests:** May 21, 22, 23, 26, 2016

**Date of custodian's final response to requester:** N/A: initial response June 6, 2016

**Date of complaint to the Compliance Board:** June 9, 2016

**Fee estimate in dispute:** N/A

**Date of this opinion:** June 14, 2016

**Compliance Board's finding:** Complaint dismissed as premature

**Refund/reduction ordered:** N/A

**Reasons for Dismissal**

As explained below, we dismiss this complaint as premature.

The facts are as follows: Complainant submitted Public Information Act (“PIA”) requests to University of Maryland, College Park (“UMCP”) over four days in May 2016, from May 21 through May 26. On June 6, 2016, UMCP timely acknowledged the request with a “10-day letter,” the letter that a custodian must send to a requester when the custodian expects that it will take over 10 days to produce the public record. *See* § 4-203(b)(2).<sup>1</sup> Ten-day letters must “indicate” three items of information: the amount of time that the custodian anticipates to produce the record, an “estimate of the range of fees that may be charged to comply with the request,” and “the reason for the delay.” *Id.* The UMCP custodian addressed these items in her 10-day letter to Complainant, and she undertook to “inform [him] of the estimated fee prior to initiation of the task.” She estimated the range

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<sup>1</sup> The PIA is codified in the General Provisions Article (2014, with 2015 Supp.) of the Maryland Annotated Code. Under § 4-203(b), a custodian who sends a 10-day letter must do so within “10 working days after receipt of the request.” *Id.* This custodian sent this 10-day letter within 10 working days of Complainant’s earliest request.

**UMCP (College Park)**

June 15, 2016

Page 2

of fees as “between \$3000 and 4000.” However, she then stated that “as information becomes available, it will be released publicly,” and that the University’s “voluntary disclosures will void many of the requests currently in queue.” Complainant submitted his complaint to us three days later, on June 9, 2016. The complaint describes the 10-day letter as “provid[ing] notice of fees,” complains that the custodian did not provide him with two free hours for each request, and states that UMCP should waive fees.

The Compliance Board is authorized to review complaints that allege: (1) that “a custodian charged a fee under § 4-206 of [the Public Information Act] of more than \$350” and (2) that “the fee is unreasonable.” § 4-1A-05. As we explained in our April 19, 2016 opinion, our authority is limited to the question of whether the fee that a custodian has charged is a “reasonable fee,” as defined by the PIA. Here, the custodian has not “charged a fee,” and in fact has informed Complainant that as the information becomes available, the public, including Complainant, will have access to it without any fee. In other words, there is neither a fee nor an estimated fee for us to address.

In sum, we dismiss this complaint because it contains no allegations for us to address. We encourage complainants to bring their concerns directly to the custodian before submitting a complaint to us, as that route will often be faster than our complaint procedures.

Public Information Act Compliance Board

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