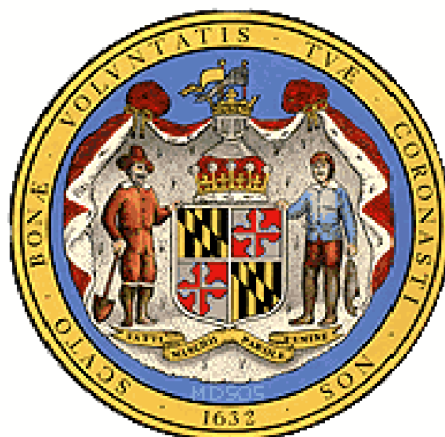


OPEN MEETINGS COMPLIANCE BOARD

THIRTY-THIRD ANNUAL REPORT



BOARD MEMBERS

RUNAKO KUMBULA ALLSOPP, ESQ., CHAIR
LYNN MARSHALL, ESQ.

AUGUST 26, 2025

THIRTY-THIRD ANNUAL REPORT OF THE OPEN MEETINGS COMPLIANCE BOARD

The Open Meetings Compliance Board submits this annual report for the period running from July 1, 2024, through June 30, 2025 (“FY 2025”), in accordance with § 3-204(e) of the General Provisions Article (“GP”) of the Maryland Code. In this report, we discuss our activities and the opinions we issued this year, the number and nature of the complaints we received (highlighting those that alleged a failure to provide reasonable notice of a meeting), and the types of violations of the Open Meetings Act (the “Act”) that we found. We also provide summaries of our opinions, identifying each public body that violated a provision of the Act.

INTRODUCTION

As detailed below, the Compliance Board’s primary function is to issue advisory opinions in response to complaints that public bodies have violated the Act. The Compliance Board also recommends improvements to the Act when needed. An additional function, in conjunction with the Office of the Attorney General, is providing educational resources about the Act. GP § 3-204.

The Compliance Board is an independent State board with three seats. Members are appointed by the Governor and serve without compensation. At least one member must be an attorney admitted to the Maryland bar. Both of the Board’s current members—Runako Kumbula Allsopp (who serves as chair) and Lynn Marshall—are attorneys. The third seat is vacant.

The Compliance Board has no budget and no staff of its own. The Office of the Attorney General provides counsel and administrative support, as required by statute, and posts the Compliance Board’s opinions on the Open Meetings webpage of the Attorney General’s website. However, the Compliance Board is an independent body and is not a part of the Office of the Attorney General.

I ACTIVITIES OF THE BOARD

A. Complaint Statistics

1. Complaints received and opinions issued

From July 1, 2024, to June 30, 2025, we received **104** written complaints—more than double the number we received last year and perhaps the most we have ever received in one year—concerning **fifty-four** separate entities.

This fiscal year, we issued **sixty-six** opinions, nearly double the number last year (thirty-four). **Four** opinions involved the consolidation of two or more complaints into one. **Ten** opinions involved complaints that were filed the previous fiscal year. In **twenty-six** opinions, we found violations, in varying degrees of seriousness, by **twenty-three** separate public bodies. In **forty** opinions, we found no violation or were unable to determine whether a violation occurred because we lacked sufficient information.

Several bodies drew multiple complaints. The Brentwood Town Council, Kent County Board of Elections, and Worcester County Board of County Commissioners were each the subject of two opinions in which we found violations of the Act. But not all public bodies that were the subject of multiple complaints were found, in each instance, to have violated the Act. For example, the Keedysville Town Council was the subject of four opinions, but we found a violation in only one opinion. Similarly, the Washington County Board of County Commissioners was the subject of eight opinions, though we found a violation in only one opinion.

The complaint docket was as follows:

Docketed complaints from FY 2024, still pending on July 1, 2024:	10
Complaints received during FY 2025:	104
Total complaints on the docket for FY 2025:	114
FY 2025 complaints consolidated:	26 to 4
FY 2025 complaints withdrawn or dismissed without an opinion:.....	9
Total matters to address:	83
Opinions issued in FY 2025:	66
Reports on complaints alleging a prospective violation.....	3
Matters still pending on July 1, 2025:	14

2. The provisions violated

We issued twenty-six opinions in which we found violations of one or more provisions of the Act. Last year, we issued nineteen opinions finding one or more violations.

Of all the matters we considered in FY 2025, sixteen involved alleged violations of GP § 3-302, which requires reasonable notice of a meeting or its cancellation. We found violations in five matters. We provide more details below in Section I.B, beginning on page 4.

The other most common types of complaints involved alleged failures to comply with the Act's requirements for minutes and agendas, alleged failures to comply with procedural requirements for entering closed session, and alleged failures to satisfy the Act's

requirement that meetings generally be open to the public.

In sixteen opinions, we found violations of the Act's requirements related to minutes. In seven of these opinions, we found that a public body failed to provide enough detail in its minutes.¹ In seven other opinions, we found that a public body violated the Act by failing to post minutes online "[t]o the extent practicable." GP § 3-306(e)(2).² In one opinion, we found that a public body had routinely taken too long to prepare minutes of its meetings.³ In another opinion, we found that a public body violated the Act, either by preparing an inaccurate closed-session summary or, alternatively (if the body had performed an administrative function in the closed session), by failing to disclose all the details of that closed session as required by GP § 3-104.⁴

In five opinions, we found violations of the Act's requirements related to agendas. *See* GP § 3-302.1. In two opinions, we found that a public body violated the Act by omitting a known item of business from an agenda.⁵ In two other opinions, we found that a public body violated the Act by failing to make agendas available to the public before a meeting.⁶ Finally, in one opinion, we found that a public body provided the public an agenda but not early enough to comply with the Act.⁷

In six opinions, we found that public bodies violated the Act by failing to comply with the procedural requirements for convening in closed session. In four opinions, we found that a public body failed to include all the details required in a written closing statement.⁸ In one opinion, we found that a public body failed to prepare a written closing statement.⁹ In another opinion, we found that a public body violated the Act by not producing copies of written closing statements for inspection when a member of the public

¹ *See* 18 OMCB Opinions 94 (2024); 18 OMCB Opinions 122 (2024); 18 OMCB Opinions 199 (2024); 19 OMCB Opinions 17 (2025); 19 OMCB Opinions 65 (2025); 19 OMCB Opinions 143 (2025); 19 OMCB Opinions 170 (2025).

² *See* 18 OMCB Opinions 101 (2024); 19 OMCB Opinions 103 (2025); 19 OMCB Opinions 100 (2025); 19 OMCB Opinions 110 (2025); 19 OMCB Opinions 131 (2025); 18 OMCB Opinions 135 (2025); 19 OMCB Opinions 137 (2025).

³ *See* 19 OMCB Opinions 152 (2025).

⁴ *See* 18 OMCB Opinions 105 (2024).

⁵ *See* 18 OMCB Opinions 169 (2024); 19 OMCB Opinions 36 (2025).

⁶ *See* 18 OMCB Opinions 101 (2024); 19 OMCB Opinions 110 (2025).

⁷ *See* 18 OMCB Opinions 117 (2024).

⁸ *See* 18 OMCB Opinions 105 (2024); 18 OMCB Opinions 190 (2024); 19 OMCB Opinions 143 (2025); 19 OMCB Opinions 152 (2025).

⁹ *See* 18 OMCB Opinions 94 (2024).

came to the body's office.¹⁰

In three opinions, we found violations of the Act's general requirement, absent exceptions spelled out in the law, that a public body's meetings be open to all members of the public who wish to observe. See GP § 3-301 (providing that, "[e]xcept as otherwise expressly provided in [the Act], a public body shall meet in open session"), § 3-303(a) (providing that, "[w]henver a public body meets in open session, the general public is entitled to attend"). In these opinions we found that public bodies violated the Act by conducting public business through an exchange of emails that rose to the level of a "meeting" under the Act,¹¹ by discussing something in closed session that should have been discussed in the open,¹² and by restricting who could attend a hybrid meeting in person rather than offering in-person seats to the general public on a "first come first served" basis.¹³

3. The complainants

In FY 2025, sixty-one different complainants alleged violations of the Act. These complainants included private individuals, citizen groups, business owners, and members of the public bodies alleged to have violated the Act. Some complaints were signed by more than one complainant. Twelve complainants each filed two or more complaints. Two complainants each filed more than fifteen complaints, and a third complainant filed ten complaints.

4. The entities alleged to have violated the Act

The complaints that we received in FY 2025 concerned fifty-four different entities. In two opinions, we determined that an entity accused of violating the Act was not actually a public body subject to the Act's requirements.¹⁴ The other opinions that we issued in FY 2025 involved: the Maryland General Assembly; a State commission; local advisory or legislative bodies; local school boards; and local boards of elections. We saw a significant increase in the number of complaints (thirty) against local boards of elections, with the overwhelming majority of these complaints coming from two individuals.

B. Complaints Alleging a Failure to Provide Adequate Notice

Pursuant to GP § 3-204(e)(2)(iii), we highlight here, and in the opinion summaries

¹⁰ See 19 OMCB Opinions 65 (2025).

¹¹ See 19 OMCB Opinions 90 (2025).

¹² See 19 OMCB Opinions 70 (2025).

¹³ See 19 OMCB Opinions 46 (2025).

¹⁴ See 19 OMCB Opinions 77 (2025); 19 OMCB Opinions 170 (2025).

below in Part III, those “complaints that reasonable notice of a meeting was not given.” As already noted, *see above* page 2, sixteen matters alleged violations of GP § 3-302, which requires reasonable notice of a meeting or its cancellation. We found violations in five matters. These violations involved listing the wrong date or time on a meeting notice,¹⁵ or taking days to schedule a meeting, despite knowing of the need to convene, and then giving the public a day’s—or mere hours’—notice of the meeting.¹⁶

In eight other matters, complainants alleged a failure to provide adequate advance notice of a meeting or its cancellation, but we found no violation.¹⁷

In the remaining three matters, we could not determine whether the public body had violated GP § 3-302. In two matters, it was not clear whether the public bodies had provided notice of changes in meeting details as soon as practicable after those changes were made.¹⁸ In the final matter, the public body was engaged in an administrative matter for at least part of the meeting in question, obviating the need to provide notice to the public, at least as to that part of the meeting; but it was unclear whether the rest of the meeting involved an administrative function and, thus, whether the body should have provided notice as to that part of the meeting.¹⁹

C. Conclusions from the Statistics – Overview of the Year

As we have noted in previous annual reports, one must view our statistics in perspective.

We saw a substantial increase in the number of complaints we received this year. But, as noted above, *see* page 4, three high-volume complainants accounted for more than forty complaints—well over a third of the total 104 complaints that we received in FY 2025.

We saw a corresponding increase in the number of complaints involving local boards of elections and public bodies in Washington County. Two of the three high-volume complainants belong to an advocacy group and have filed more than twenty-five complaints against various local boards of election. The third high-volume complainant

¹⁵ See 19 OMCB Opinions 120 (2025); 19 OMCB Opinions 170 (2025).

¹⁶ 18 OMCB Opinions 88 (2024); 18 OMCB Opinions 117 (2024); 18 OMCB Opinions 179 (2024).

¹⁷ See 18 OMCB Opinions 138 (2024); 18 OMCB Opinions 147 (2024); 18 OMCB Opinions 202 (2024); 19 OMCB Opinions 2 (2025); 19 OMCB Opinions 33 (2025); 19 OMCB Opinions 54 (2025); 19 OMCB Opinions 149 (2025); 19 OMCB Opinions 152 (2025).

¹⁸ See 18 OMCB Opinions 129 (2024) (involving a change in a meeting’s date); 18 OMCB Opinions 171 (2024) (involving a change in a meeting’s location).

¹⁹ 19 OMCB Opinions 56 (2025).

filed nineteen complaints in FY 2025, including sixteen involving public bodies in Washington County.

Although we saw a rise in the number of complaints, we did not see a corresponding increase in the proportion of opinions in which we found a violation. Out of the sixty-six opinions we issued in FY 2025, we found violations in twenty-six. Last fiscal year, we found violations in a little more than half (nineteen) of the thirty-four opinions we issued.

The number of opinions we issued in FY 2025 (sixty-six) is considerably more than we have issued in past years. In the last decade, we have generally issued between nineteen and thirty-seven opinions annually, with the exception of Fiscal Year 2022 (“FY 2022”), when we issued forty-eight opinions.

The issues that we addressed this year are listed in the topic descriptions in the opinion summaries in Part III, below. As noted above, the most common types of complaints we considered were alleged failures to comply with the Act’s requirements for minutes and agendas, alleged failures to comply with procedural requirements for entering closed session, and alleged failures to satisfy the Act’s requirement that meetings generally be open to the public.

D. Financial Support, Educational Activities, and Change in Membership

The Attorney General’s Office provides the Board with staff support, posts the Board’s opinions and other Open Meetings Act materials on its website, and bears the incidental costs associated with administering the Board’s work. The Board could not fulfill its statutory duties without this support, as no funds have ever been specifically appropriated for its operations.

The Institute for Governmental Service and Research at the University of Maryland hosts, maintains, and performs updates to the online class that many public bodies rely on to comply with the Act’s training requirement. We thank the Institute for its service to the public in creating the online class, in conjunction with the Office of the Attorney General, and in making it continuously available to the general public, currently at no charge to the public for access, and, to date, without charging for its services.²⁰

This fiscal year, Jacob Altshuler stepped down from the Compliance Board after serving as a member for nearly five years. The remaining members are grateful for his service.

E. Publication of Opinions Issued During the Fiscal Year

The Board’s opinions for FY 2025 are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>, in Volume 18, beginning on page 88, and in Volume 19, pages 1 through 177. The table of

²⁰ The online class is posted at https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php.

contents for each volume lists each opinion, along with the name of the public body and notations of any provisions that we found violated. Summaries of the opinions appear in Part III of this report.

II LEGISLATION

A. Legislation proposed and enacted in 2025

The General Assembly made no changes to the Open Meetings Act in 2025.

B. Board recommendations for the 2026 Legislative Session

The Board does not recommend any legislative study or action at this time.

III SUMMARIES OF OPINIONS ISSUED FROM JULY 1, 2024, THROUGH JUNE 30, 2025²¹

July 1-September 30, 2024

18 OMCB Opinions 88 (2024)

Chestertown Historic District Commission

Topics discussed: The Act's requirements for reasonable advance notice and agendas

Opinion: The Compliance Board concluded that the Commission failed to provide reasonable advance notice, as required by the Act, because the Commission did not provide notice of a site visit meeting as soon as practicable after the Commission fixed the date, time, and place of the site visit. The Compliance Board also found the content of the notice problematic because a reasonable member of the public would not have read it to mean that the public was welcome to attend the site visit: The visit was to take place at a long-vacant building with extensive mold contamination that had been the subject of press coverage, and the notice did not provide any details about *how* members of the public could attend. Moreover, the notice indicated that the Commission "ha[d] been invited" by the site's owner to tour the site, but the notice did not explicitly extend the same invitation to the public. Finally, the notice suggested that the tour would not be a true "meeting" subject to the Act because the notice indicated that there would "be no discussions, decisions and/or actions taken by the [Commission]." With respect to the Act's agenda provision, however, the Compliance Board found no violation. Although the Commission used the same document as both the notice and the agenda, and this document failed to satisfy the requirements for notice, the document provided all the information required of agendas.

Violations: GP § 3-302(a), GP § 3-302(b)

²¹ The opinions summarized here are posted on the Open Meetings webpage on the website of the Office of the Attorney General. See <https://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>.

18 OMCB Opinions 94 (2024)**Cambridge City Commission**

Topics discussed: The required procedure for convening in closed session; the Act's minutes requirement; the Compliance Board's inability to resolve a dispute of fact

Opinion: Due to a dispute of fact, the Compliance Board could not determine whether the Commission violated the Act by failing to meet in open session before convening in closed session; but the Compliance Board found that the Commission violated the Act by failing to prepare a written closing statement. The Compliance Board was unable to determine whether the Commission's closed-session discussions went beyond the scope of the statutory exceptions that the Commission invoked before the closed session, because the Commission's closed-session minutes were not sufficiently detailed; thus, the Compliance Board found a violation of GP § 3-306(c)(1). The Compliance Board also found that the Commission violated GP § 3-306(c)(2) by failing to include a sufficiently detailed closed-session summary in its open-session minutes. The Compliance Board found no basis to conclude that the Commission had improperly met in secret to discuss a matter, nor did the Compliance Board find a violation based on the Commission's decision to table its consideration of a matter until a later meeting.

Violations: GP § 3-305(d)(2); GP § 3-306(c)(1); GP § 3-306(c)(2)

18 OMCB Opinions 101 (2024)**Prince George's County Fire Commission**

Topics discussed: The Act's agenda requirements; posting minutes online

Opinion: The Compliance Board found that the Commission violated the Act by failing to prepare an agenda for an open meeting, and by failing to post minutes online when it was practicable to do so. The Commission did not, however, violate the Act's agenda provision by omitting an item from another meeting's agenda, as it was not clear, when the agenda was prepared, that the item would come up for discussion at the meeting. The Compliance Board also found no violation based on the Commission's failure to attach to a meeting agenda or minutes a copy of draft bylaws that the Commission considered at the meeting.

Violations: GP § 3-302.1(a)(1); GP § 3-306(e)(2)

18 OMCB Opinions 105 (2024)**Board of County Commissioners of Washington County**

Topics discussed: The Act's training requirements; required disclosures before and after closed sessions; recessing an open session to perform an administrative function in a meeting closed to the public; closed-session minutes

Opinion: The Complainant alleged a violation of the Act based on the Board of County Commissioners' failure to formally designate a member to receive training in the Act, but the Compliance Board found that proof that a member actually received the training was sufficient to satisfy the Act. The Compliance Board also found no violation based on the presiding officer's failure to read aloud a written closing statement. The Compliance Board did, however, find a violation of the Act based on the written closing statement failing to provide sufficiently detailed topic descriptions and reasons for convening in closed session. The Compliance Board could not determine whether a closed session involved the performance of an administrative function or only discussions under § 3-305(b). Either way, the Board of County Commissioners was

required to make certain disclosures after the closed session, and its disclosures satisfied neither § 3-306(c)(2) (governing disclosures about a meeting closed under § 3-305) nor § 3-104 (governing disclosures after a public body recesses an open session to perform an administrative session in a meeting that is not open to the public). Finally, the Compliance Board could not determine whether the Board of County Commissioners violated the Act by failing to prepare complete closed-session minutes; the minutes omitted the last portion of the closed session, but it was not clear from the record whether that portion of the meeting involved the performance of an administrative function, for which minutes would not have to be prepared.

Violations: GP § 3-305(d)(2); GP § 3-306(c)(2) or GP § 3-104

18 OMCB Opinions 117 (2024)

Mayor and Council of the City of Rockville

Topics discussed: Notice of a meeting called on an urgent basis; the Act's agenda requirement

Opinion: The Compliance Board found that the Council failed to provide reasonable advance notice of a meeting to address an urgent matter; although the body recognized the need to schedule the meeting quickly, the body took two days to schedule the meeting and then provided the public only one day's notice. The Compliance Board further found that the Council violated the Act's timing requirement for agendas by failing to make an agenda available to the public at least 24 hours before the meeting. As to the content of the agenda, however, the Compliance Board found no violation based on the omission of a particular item of business because the record did not make clear that, at the time the agenda was prepared, the Council knew that this item would be discussed at the meeting.

Violations: GP § 3-302(a); GP § 3-302.1(a)

18 OMCB Opinions 122 (2024)

Cecil County Ethics Commission

Topics discussed: The quorum requirement; written closing statements; public disclosures following closed sessions; preparing minutes and posting them online

Opinion: The Complainant alleged that the Commission conducted business without a quorum, because, the Complainant alleged, several members' terms had expired. The Compliance Board concluded that, even if that was true, it did not establish a violation of the Act, which generally applies only when a quorum is present. The Compliance Board also found that the Commission was not required to prepare a written closing statement when the body did not convene in closed session. The Compliance Board did find, however, that the Commission violated the Act by failing to make sufficiently detailed public disclosures following earlier closed sessions. The Compliance Board did not have enough information to determine whether the Commission also violated the Act by failing to prepare minutes as soon as practicable after meetings or by failing to post them online to the extent practicable.

Violations: GP § 3-306(c)(2) or GP § 3-104

18 OMCB Opinions 129 (2024)**Town Council of Fairmount Heights**

Topics discussed: The procedure for convening in closed session; public disclosures required before and after closed sessions; posting the wrong video of a meeting online; posting minutes online; the Act's training requirement; reasonable advance notice; the Act's agenda requirement

Opinion: The Compliance Board found that the Council did not violate the Act by failing to prepare a written closing statement and by failing to take a vote to enter closed session, because the Council convened in closed session to perform an administrative function, which generally is not subject to the Act. But the Compliance Board could not determine whether the Council violated the Act by not making certain public disclosures following the closed session, as it was not clear whether the Council recessed an open session to perform the administrative function outside of public view and, thus, whether GP § 3-104 applied. Although the Compliance Board agreed with the Complainant that the Council's mistake in posting the wrong video of a meeting online could confuse the public, the Board found no violation of the Act because the Council posted accurate written minutes of the meeting in question. The Compliance Board did not have enough information to determine whether the Council violated the Act by failing to post minutes online to the extent practicable. The Compliance Board found no violation of the Act's training requirement, as there was evidence that the Mayor, a member of the Council, had taken the required training. The Compliance Board could not determine whether the Council violated the Act by failing to provide reasonable advance notice of a meeting's cancellation, because the record did not make clear whether the Council provided notice of the cancellation as soon as practicable after the meeting was cancelled. The Compliance Board found no violation of the Act's agenda requirement when the Council posted an agenda more than 24 hours before a meeting and only briefly took down the agenda to make an amendment. Finally, the Compliance Board found no violation of the Act based on the Complainant's allegation that the Council had misled the public about when the body posted minutes online. Due to a technical issue with its website, staff could not post minutes unless they reflected a "posting" date that was the same or earlier than the date of the meeting. The Compliance Board acknowledged how this could be confusing to the public but found no violation of the Act.

Violations: possible violations of GP § 3-104, GP § 3-302, GP § 3-306(e)

18 OMCB Opinions 138 (2024)**Board of County Commissioners of Calvert County**

Topics discussed: Meetings called on short notice; the Act's requirement of reasonable advance notice

Opinion: The Board of County Commissioners called a meeting hours after a member received a call from the local school superintendent indicating that several school staff would receive termination, suspension, or layoff notices unless the County Commissioners intervened. One complainant alleged that the meeting was not truly urgent, but the Compliance Board noted that it ordinarily will accept the determination of the majority of a public body that a meeting is needed at a particular time, absent evidence that the body scheduled the meeting primarily to foil the public's right to attend. The Compliance Board saw no such evidence here. A second complainant alleged that the Board of County Commissioners failed to provide reasonable advance notice as required by GP § 3-302(a). The Compliance Board found no violation with respect to the timing of the notice, as there was nothing to indicate that the Board of County

Commissioners delayed issuing notice once it had scheduled the meeting. As to the method of providing notice, the Compliance Board again found no violation, noting that the Board of County Commissioners had posted notice in two different places on the County's website, posted notice on the County's Facebook page, emailed notice to six news media outlets, posted notice at the County Board's offices and outside the meeting room, and posted meeting details on an online calendar, which triggered notifications through a "meetings on demand" feature of the County's website.

Violations: None

18 OMCB Opinions 143 (2024)

Board of Education of Baltimore County

Topics discussed: Whether a public body violates that Act by continuing with a meeting after a livestream fails

Opinion: The Board of Education convened for a meeting, for which the public was invited to attend in person or observe via livestream. While the meeting was in progress, the meeting site lost power, causing the livestream to fail. After moving to a new site on the same campus, the Board of Education continued with the meeting, but with no livestream. The Compliance Board found no violation of the Act, reasoning that the Act did not require the Board of Education to provide a livestream and the body allowed the public to attend the meeting in person.

Violations: None

18 OMCB Opinions 147 (2024)

Cecil County Council

Topics discussed: Changing the meeting location of a recurring meeting; what constitutes adequate notice under the Act; a public body's choice of meeting date and time; the Act's inapplicability to a public body's handling of public comment

Opinion: The Complainant alleged that the Council violated the Act by moving an annual budget meeting to a different, smaller meeting site. The Compliance Board found no violation, because there was no indication that the new site could not accommodate all interested members of the public. The Compliance Board also found no violation of the Act with respect to notice of the meeting, as the Council provided notice online, in meeting agendas, on an online calendar, and through a local newspaper, beginning more than three months before the meeting. The complainant further asserted a violation based on the date and timing of the meeting, which took place the same week as several other events in the County. The Compliance Board found no violation based on the date or time (7 p.m.), as there was no evidence that the Council picked either to make the meeting inaccessible to the public. The Complainant also challenged a change in the way the Council asked members of the public to register to give public comment. The Compliance Board declined to consider this allegation, as the Act does not govern a public body's handling of public comment. Finally, the Compliance Board considered the complainant's allegations about the meeting location, notice, timing, and date collectively; the Board still found no violation of the Act, as the Council scheduled a meeting for 7 p.m. on a weekday in a County public building in a room that can accommodate about 175 people, the Council provided about three months' notice of the meeting, and Council staff arranged for two overflow rooms and a livestream of the meeting.

Violations: None

October 1-December 31, 2024

18 OMCB Opinions 156 (2024)

Frederick County Board of Education

Topics discussed: Exclusions from the Act's scope; exceptions to the Act's openness requirements; the quasi-judicial function

Opinion: The Complainants alleged that a hearing to review the school superintendent's decision regarding whether certain books should circulate in the Frederick County Public Schools library system should have been conducted as an open meeting. The Compliance Board disagreed, concluding that the hearing involved the determination of a contested case under the Administrative Procedure Act and was subject to judicial review. Thus, the Board of Education was performing a quasi-judicial function and the meeting was not subject to the Act.

Violations: None

18 OMCB Opinions 161 (2024)

Pocomoke City Council

Topics discussed: Whether the Act requires a public body to livestream a meeting; whether the Act allows a member of a public body to make "disparaging remarks"; the Compliance Board's inability to resolve questions involving the Public Information Act

Opinion: The Complainant alleged that the Council violated the Act by failing to livestream a meeting. The Compliance Board, noting that the Council is not subject to GP § 3-307, and finding no evidence that the Council deliberately advertised a livestream and then declined to provide one to depress turnout, found no violation of the Act. The Complainant also alleged a violation based on a Council member's allegedly disparaging remarks about others, but the Compliance Board found that the Act did not govern such remarks. Finally, the Complainant alleged that, in response to a request under the Public Information Act ("PIA"), the Council failed to produce an audio recording of a meeting and provided "incorrect meeting minutes." The Compliance Board found that the allegation about the recording raised a question about the Council's compliance with the PIA, the interpretation of which is beyond the Compliance Board's authority. But the Compliance Board could not determine whether the allegation about "incorrect meeting minutes" stated a violation of the Open Meetings Act. If the Complainant meant that the minutes were incomplete or missing something required by the Act, that might be a violation. But if the Complainant meant that the Council inadvertently provided the wrong set of minutes, that would raise a question of compliance with the PIA, which is beyond the Compliance Board's authority. Thus, due to the lack of detail provided by the Complainant, the Compliance Board was unable to resolve the complaint as to the allegation that the Council provided "incorrect meeting minutes."

Violations: None

18 OMCB Opinions 165 (2024)**Washington County Board of County Commissioners**

Topics discussed: Whether the Act applies to public comment, the Board's lack of authority to consider alleged violations of laws other than the Open Meetings Act

Opinion: The Board of County Commissioners records audio and video of its meetings and streams this content on a YouTube channel. Cameras placed throughout the meeting room capture different angles and generally focus on the person speaking. The Complainant alleged that the Board violated the Act by changing camera angles and treating him differently than other members of the public when the Complainant addressed the Board during public comment periods. Specifically, he asserted that the Board's video stream of meetings improperly "use[d] camera shots that didn't show [the Complainant's] face or [his] shirts" because of "political messages on [the] shirts" and his "love of curse words." The Compliance Board found no violation, because the Act does not govern a public body's handling of public comment, and the public was not deprived of a meaningful opportunity to observe the Complainant's public comments. The Compliance Board noted that it is not authorized to offer an opinion on whether other laws may have been violated.

Violations: None

18 OMCB Opinions 167 (2024)**Washington County Board of Education**

Topics discussed: Whether the Act applies to public comment

Opinion: The Complainant alleged that the Board of Education violated the Act when the presiding officer "interrupted [his] speech and demanded [he] not use profanity." The Compliance Board found no violation, noting that the Act does not govern public comment, and the Compliance Board is not authorized to opine on possible violations of other laws.

Violations: None

18 OMCB Opinions 169 (2024)**Board of County Commissioners of Worcester County**

Topics discussed: The Act's agenda requirement

Opinion: The Compliance Board found that the Board of County Commissioners violated the Act by failing to include a description of a known item of business on a meeting agenda.

Violations: GP § 3-302.1(a)(1)

18 OMCB Opinions 171 (2024)**Baltimore County Hart-Miller Island Community Benefit Steering Committee**

Topics discussed: The Act's notice requirements; providing notice of a change in meeting location

Opinion: The Complainant alleged that the Committee failed to provide adequate notice of its meetings because it posted notice on what the Complainant characterized as an "obscure website." Because the website was devoted to the Committee, and the body had previously advised the public that Committee info would be posted there, the Compliance Board found that the Committee complied with the Act when it posted notice of meetings on the website.

However, the Compliance Board could not determine whether the Committee satisfied the Act with respect to notice of its September 16, 2024, meeting, which originally was advertised as a virtual meeting. On September 3, the Committee decided to meet in person September 16 and invite the public to attend in person or observe virtually. But the notice was not updated to reflect this change until September 13. Because it was not clear whether this was as soon as practicable after the Committee confirmed where the in-person meeting would take place, the Compliance Board could not determine whether the body violated the Act's notice provision, which requires bodies to provide notice of material changes in meeting details.

Violations: None

18 OMCB Opinions 175 (2024)

Keedysville Town Council

Topics discussed: Whether the Act applies to a public body's handling of public comments; the Compliance Board's lack of authority to resolve complaints alleging violations of laws other than the Act

Opinion: The Complainant's sole grievance was that a Councilmember interrupted his public comment after the Complainant used a curse word. The Compliance Board found no violation of the Act, which does not govern a public body's handling of public comments. The Compliance Board further noted that it had no authority to resolve the Complainant's allegation that the Town Council violated the First Amendment to the United States Constitution.

Violations: None

18 OMCB Opinions 176 (2024)

Prince George's County Fire Commission

Topics discussed: The Act's agenda requirement; the Compliance Board's inability to resolve factual discrepancies

Opinion: The Complainant alleged that the Fire Commission improperly took action on an item that did not appear on the meeting agenda. The Compliance Board was unable to determine whether a violation occurred, because it was not clear from the record at which meeting the Fire Commission took action and, thus, whether the vote occurred at a meeting for which the agenda omitted the item of business in question.

Violations: None

18 OMCB Opinions 179 (2024)

Forest Heights Town Council

Topics discussed: Reasonable advance notice under the Act

Opinion: The Complainant alleged that the Town Council failed to provide reasonable advance notice of a September 2024 meeting, but the Compliance Board was unable to reach a conclusion as to whether a violation occurred because it was not clear when the Council first provided notice and by which methods. The Compliance Board did, however, find a violation with respect to notice of an October 2024 meeting, because the Town Council knew of the need to meet urgently but waited a week to schedule the meeting and then gave the public only a few hours' notice.

Violations: GP § 3-302(a)

18 OMCB Opinions 185 (2024)**Frederick County Council and Planning Commission**

Topics discussed: Public comment, security measures, interpreters, the Act's minutes requirement

Opinion: The Compliance Board found no violation of the Act based on the County Council's practice of having a security guard present, requiring citizens to identify themselves to give public comment, and refusing to allow public commenters to yield their time to other speakers. The Compliance Board noted that a public body's handling of public comments is simply not within the Act's ambit, and public bodies are allowed to take reasonable security measures, such as requiring meeting attendees to check in or provide identification, to safeguard public property, government personnel, and members of the public who visit public buildings. The Compliance Board found no violation based on the Council's discussion of potentially ending a call-in option for public comment, as the Act governs neither public comment nor the topics of discussion that a public body may consider at meetings. The Compliance Board also found no violation based on an allegation that the Council failed to allow interpreters give public comments on behalf of non-English-speakers. The Compliance Board noted that, while other laws may require interpretation services for those who do not speak English, the only provision of the Act that addresses interpreters (GP § 3-304.2) applies only to the Executive and Legislative branches of the State government, and requires, to the extent feasible, only interpreters "to assist deaf individuals to understand [a] proceeding." Finally, the Compliance Board found no violation based on the Complainant's allegations that the Council and the Planning Commission had redacted portions of meetings from video recordings.

Violations: None

18 OMCB Opinions 190 (2024)**Brentwood Town Council**

Topics discussed: Public access to meeting minutes; written closing statements

Opinion: The Complainant alleged that the Town Council failed to provide her copies of minutes. Because she did not allege that she had asked to inspect the minutes during business hours, the Compliance Board determined that this was a matter of compliance with the Public Information Act, not the Open Meeting Act, and, thus, not for the Compliance Board to decide. Similarly, the Compliance Board found that her request for a copy of written closing statements also was a matter of compliance with the Public Information Act. The Board explained that only when a member of the public requests a written closing statement during the meeting is the Open Meetings Act applicable. The Compliance Board did, however, find that the Town Council violated the Open Meetings Act by failing to include all necessary details in a written closing statement. In particular, the Compliance Board found that the Town Council failed to provide a reason for the closed session.

Violations: GP § 3-305(d)(2)(ii)

18 OMCB Opinions 194 (2024)**Montgomery County Council**

Topics discussed: When the exchange of emails constitutes a "meeting" subject to the Act

Opinion: The Complainant alleged that the County Council must have secretly met because all members signed on to a letter to leaders of the General Assembly advocating for a change to the Maryland Constitution. The submissions to the Compliance Board indicated that the chief of staff of a Councilmember emailed all other Councilmembers, their chiefs of staff, the Council's attorney, and another Council staff member. In the email, the sender indicated that her Councilmember intended to send the letter and asked if other Councilmembers wished to sign on. The Compliance Board concluded that the ensuing exchange of emails did not constitute a "meeting" of the Act, because it did not appear that a quorum of the Council engaged in "conversation-like conversations." Although one Councilmember responded to the original email using the "reply all" function, none of the other Councilmembers responded to that "reply all" email. Instead, the other Councilmembers responded only to the sender of the original email (who is not a member of the Council), other staff members, and to the single Councilmember who drafted the letter.

Violations: None

18 OMCB Opinions 199 (2024)

Pocomoke City Council

Topics discussed: The Act's content requirements for minutes; how quickly a public body must prepare minutes

Opinion: The Compliance Board found that the City Council violated the Act because minutes of a meeting omitted the action that the body took on a particular item, as required by GP § 3-306(c)(1). But the Compliance Board found no violation as to the timeliness of the minutes, which were approved about six weeks after the meeting. Although the Council met earlier and took a vote on whether to approve the minutes, two members were absent at that time, one member abstained, and, thus, a majority did not agree to approve the minutes. The Council approved the minutes at its next regular meeting. Under these circumstances, the Compliance Board found that the Council complied with the Act's mandate to prepare minutes as soon as practicable after the meeting.

Violations: GP § 3-306(c)(1)

18 OMCB Opinions 202 (2024)

Brunswick Planning Commission

Topics discussed: The Act's notice requirements

Opinion: The Complainant alleged that the Planning Commission violated the Act by failing to provide adequate notice of a meeting at which the Commission planned to consider a property annexation. Before the Compliance Board could issue an opinion on the matter, the Commission canceled the meeting and moved the annexation matter to the agenda for a later meeting. The Compliance Board thus found no violation based on the allegedly inadequate notice of the original meeting but offered general guidance on the Act's notice requirements, including the obligation of a public body to notify the public of postponements or cancellations.

Violations: None

18 OMCB Opinions 205 (2024)**Washington County Board of County Commissioners**

Topics discussed: Public comment; a public body's power to remove disruptive individuals

Opinion: The Complainant spoke during a public comment period at a County Board meeting, playing a recorded song for about two minutes then repeatedly using curse words, calling members of the County Board obscene names, and shouting into the microphone. When a tone sounded, indicating that his allotted three minutes had expired, the Complainant continued to speak. The presiding officer said "thank you" and the Complainant continued to shout curses and insults at the County Board. The presiding officer banged his gavel and said, "please leave." The Complainant then said, "have a good night," and walked away from the microphone. He then filed a complaint with the Compliance Board, alleging that the County Board violated the Act by stopping him from talking with the use of a gavel and having him escorted out of the meeting. The Compliance Board found no violation, noting that a public body's handling of public comments is not within the Act's ambit. The Compliance Board further found that the County Board was entitled, under GP § 3-303(c), to remove the Complainant from the meeting because he exceeded his allotted time for public comment, using language that became more vulgar and a tone that became louder and more disruptive.

Violations: None

January 1-March 31, 2025**19 OMCB Opinions 1 (2025)****Keedysville Town Council**

Topics discussed: Public comment

Opinion: Reiterating that the Act does not govern public comment, the Compliance Board found no violation based on someone interrupting a speaker during a public comment period to ask him to identify himself or the Council limiting the Complainant's public comment to three minutes while allowing another speaker to speak for more than four minutes.

Violations: None

19 OMCB Opinions 2 (2025)**Charles County Board of County Commissioners**

Topics discussed: Reasonable advance notice; altering an agenda

Opinion: The County Board provided notice of a meeting that included a public comment period. The day before the meeting, the County Board decided to cancel the public comment period and add a "town hall meeting" to the agenda. The Complainant alleged that the County Board failed to provide adequate notice of the town hall meeting. The Compliance Board found no violation, noting that the Act permits a public body to alter an agenda.

Violations: None

19 OMCB Opinions 5 (2025)**Cecil County Board of Appeals**

Topics discussed: The Compliance Board's inability to resolve alleged violations of laws other than the Act; the Act's requirement to prepare meeting minutes

Opinion: The Complainant made several allegations that did not implicate the Act: that the Board of Appeals changed its membership, reconsidered an issue it had considered at an earlier meeting, and declined to allow opponents of an application for a special exception to present a PowerPoint presentation or public commenters to yield their time to others. Because the Act does not govern these matters, the Compliance Board found no violation. The Complainant also alleged that the Board of Appeals had failed to prepare minutes of a meeting, but the minutes had, in fact, been prepared and posted online. Thus, the Compliance Board found no violation.

Violations: None

19 OMCB Opinions 7 (2025)

Fairmount Heights Town Council

Topics discussed: The Act's requirements for agendas and minutes; what constitutes "public business"; the possibility that the Compliance Board cannot resolve a complaint

Opinion: The Complainant alleged that the Town Council violated the Act by failing to prepare an agenda or minutes for a meeting to discuss the possible recall of the Mayor. The Town Council responded that the event was not a meeting of the Town Council but, rather, an event organized and hosted by the Mayor solely. A quorum of the Town Council attended the gathering and members of the Council addressed the audience. The Compliance Board could not determine whether the event was a meeting of the Town Council, however, because the record did not reflect exactly what was discussed at the event, and only some matters related to a potential recall of the Mayor would constitute the Town Council's public business.

Violations: None

19 OMCB Opinions 12 (2025)

Frederick County Council and Planning Commission

Topics discussed: Public comment; which topics a public body may discuss at a meeting; when a public body's actions impermissibly discourage public attendance at a meeting; the Act's minutes requirement

Opinion: The Complainant made several allegations pertaining to public comment, which is not governed by the Act. To the extent that the Complainant was alleging that the bodies' actions—requiring members of the public to take an oath before giving testimony, considering ending the option of call-in public comments, and a Council member's negative response to a public comment—discouraged public attendance at meetings, the Compliance Board found no evidence to support that notion, explaining that a public body would have to do something analogous to locking the public out of a meeting. The Complainant also alleged that the bodies impermissibly excised portions of meetings from video recordings. Although two recordings initially omitted portions of meetings, the bodies posted complete recordings online, and both bodies prepared written minutes that contained all the details required by the Act.

Violations: None

19 OMCB Opinions 17 (2025)

Cheverly Town Council

Topics discussed: Required summaries of closed sessions

Opinion: The Complainant alleged, and the Town Council conceded, that written summaries of closed sessions omitted some details required by the Act, namely the time and place of the closed sessions, the recorded vote of each member on whether to close the meeting, and the citation to the statutory authority to close the meetings. The Compliance Board specified, however, that a public body is not required to read aloud a closed-session summary during an open session.

Violations: GP § 3-306(c)(2)

19 OMCB Opinions 19 (2025)

Prince George's County Fire Commission

Topics discussed: The Act's requirements for preparing minutes and posting them online

Opinion: Noting that minutes generally should be available on a cycle that parallels a public body's meetings, the Compliance Board found no violation of the Act when the Fire Commission approved written minutes of a November 2024 meeting at the body's next meeting. The Compliance Board also found no evidence that the body failed to timely post the minutes online to the extent practicable. Recognizing that there may be special circumstances that justify adoption of minutes later than at the next meeting, the Compliance Board found no violation when it took about three months to post a video recording in lieu of written minutes of an October 2024 meeting. The Fire Commission noted that its recording secretary had missed the October meeting, and the body apparently decided to use a recording in lieu of written minutes only after it became apparent that the secretary would not be able to prepare written minutes as quickly as the body had anticipated.

Violations: None

19 OMCB Opinions 22 (2025)

Keedysville Town Council

Topics discussed: How the exchange of emails might constitute a "meeting"; the administrative function exclusion

Opinion: The Compliance Board concluded that an exchange of seven emails among a quorum of the Town Council on the same subject in little more than four hours constituted a "meeting" under the Act. But because the subject matter of those emails was the administration of the Town's junk vehicle ordinance, which the Town Council is responsible for administering, the Compliance Board concluded that the emails reflected the performance of an administrative function and, thus, were not subject to the Act's openness requirements.

Violations: None

19 OMCB Opinions 30 (2025)

Washington County Board of Education

Topics discussed: Whether the Act permits a public body to require members of the public to sign in; the Act's provision for removing someone from a meeting

Opinion: The Compliance Board found no violation of the Act with respect to the Board of Education's practice of asking members of the public to sign in before entering the meeting space, because the Act does not require public bodies to forego "commonplace security measure[s]." The Compliance Board also found no violation with respect to the Complainant's

exit from a meeting; although there was some dispute as to whether a Board of Education employee “rushed” the Complainant’s exit, the Complainant acknowledged that the employee “complied with” his request to be left alone.

Violations: None

19 OMCB Opinions 33 (2025)

Washington County Board of Education

Topics discussed: The Act’s requirement to provide notice of a meeting cancellation; security measures permissible under the Act

Opinion: The Complainant alleges that the Board of Education, which typically meets on the third Tuesday of the month, failed to provide adequate notice that it was not meeting on the third Tuesday of November 2024. The Compliance Board found no violation because the Board of Education gave a week’s notice that it would not be meeting. The Complainant also alleged a violation based on the Board of Education meeting in a secure space, where attendees had to be “buzzed in” and sign in before entering the meeting room. The Compliance Board found no violation based on this allegation, noting that the Act allows public bodies to take reasonable measures to safeguard public property, government personnel, and members of the public who visit public buildings.

Violations: None

19 OMCB Opinions 36 (2025)

Board of County Commissioners of Worcester County

Topics discussed: Whether a meeting agenda must indicate when a public body makes an announcement, pursuant to GP § 3-211, that the Compliance Board has found that the body has violated the Act

Opinion: The Compliance Board concluded that the Board of County Commissioners violated the Act by failing to indicate on a meeting agenda that it would be announcing a prior violation of the Act pursuant to GP § 3-211. The Compliance Board reasoned that such an announcement is an “item of business” and, thus, must appear on the agenda under GP § 3-302.1(a)(1)(i).

Violations: GP § 3-302.1(a)(1)(i)

19 OMCB Opinions 44 (2025)

Frederick City Council

Topics to be discussed: Camera angles during a livestream of a meeting; the Act’s inapplicability to a public body’s handling of public comment

Opinion: The Complainant alleged a violation because, during a livestream of a meeting, the camera angle showed the faces of all public commenters except one, who, according to the Complainant, wore a shirt with an “Anti-Democrat Message.” The Compliance Board found no violation, noting that a public body’s handling of public comment is not within the Act’s ambit.

Violations: None

19 OMCB Opinions 46 (2025)**Bladensburg Town Council**

Topics to be discussed: Whether the Act permits a public body to reserve seats for certain members of the public

Opinion: The Town Council held a hybrid meeting (in person and virtual) about an annexation resolution but reserved in-person seating for the press, those giving public comment, and residents of the Town of Bladensburg. The Compliance Board found no violation of the Act with respect to reserving seats for news media, given their unique role as agents or surrogates for the general public in gathering and disseminating information. The Compliance Board likewise found no violation with respect to reserving seats for speakers, because long interruptions might have occurred if speakers had not been seated near the rostrum. But the Compliance Board found that the Act did not permit the Town Council to reserve seats for Bladensburg residents merely because of their residency status, as there was no reasonable basis under the circumstances for favoring residents. The Complainants also alleged a violation based on the Town Council meeting in a space that could not accommodate all interested members of the public in person. The Compliance Board found no violation based on this allegation because the Town Council also provided a livestream of the meeting.

Violations: GP § 3-303

19 OMCB Opinions 54 (2025)**Washington County Board of County Commissioners**

Topics discussed: Adequate notice of a meeting cancellation

Opinion: The Complainant alleged that the County Board violated the Act by failing to provide adequate notice of a meeting cancellation, and for canceling “for malicious reasons.” The Compliance Board found no violation, noting that a public body’s reason for canceling a meeting is irrelevant under the Act, which does not specify when a public body must hold a meeting. The Compliance Board also found that the County Board gave reasonable advance notice of the cancellation because the body provided notice via the County’s website and several social media pages the same day that the body decided to cancel the meeting.

Violations: None

19 OMCB Opinions 56 (2025)**Baltimore County Council**

Topics discussed: Appointments and the administrative function

Opinion: The Complainants alleged, and the County Council agreed, that the Council violated the Act by meeting to discuss the appointment of a new County Executive without providing notice and an opportunity for the public to attend. Despite the apparent concession, the Compliance Board found that the closed-door discussion of matters pertaining to the County Executive’s appointment did not violate the Act because the Council was required by law to appoint the Executive and, thus, the discussion was an administrative function to which the Act’s openness requirements did not apply. The Compliance Board was unable to determine, however, whether another part of the meeting, involving the discussion of another appointment (that of the County Auditor) was also administrative, because it was not clear whether that discussion was

about the process for making the appointment; if so, such a discussion would be more akin to a policy discussion and, thus, quasi-legislative and subject to the Act's openness requirements.

Violations: None

19 OMCB Opinions 65 (2025)

Brentwood Town Council

Topics discussed: The timing and content of minutes; using video recordings in lieu of written minutes; public inspection of minutes and written closing statements

Opinion: The Compliance Board found that the Town Council violated GP § 3-306(c)(1) by omitting from written minutes the Council's vote to enter closed session at a meeting, and violated GP § 3-306(c)(2) by failing to provide the public a summary of the closed session. The Compliance Board also found that the Town Council violated § 3-305(d)(5) by failing to produce written closing statements for inspection when the Complainant came in person to review those documents. Finally, for some meetings, the Town Council designated video recordings as the official minutes, in lieu of written minutes. The Compliance Board found no violation as to the timeliness of the recordings, which were streamed live and archived promptly after the meetings. But the Compliance Board found another violation of § 3-306(c)(1) because at least one video recording had several blackouts and inaudible portions.

Violations: GP §§ 3-305(d)(5), 3-306(c)(1), 3-306(c)(2)

April 1-June 30, 2025

19 OMCB Opinions 70 (2025)

Montgomery County Board of Education

Topics discussed: The administrative function

Opinion: During a closed session of the Board of Education, the superintendent advised the board that electric school buses presented operational challenges, it would not be feasible to have a fully electric fleet, and the school system would need to purchase additional diesel buses. The Board of Education asserted that this discussion was an administrative function and, thus, not subject to the Act's openness requirements because a school board policy had delegated to the superintendent "functional aspects of transportation" of the school system's students. But the Compliance Board found that the policy did not delegate to the superintendent the authority to purchase vehicles or to determine which types of vehicles the school system would use. Thus, the Compliance Board concluded that at least part of the discussion was *not* an administrative function and should have taken place in open session.

Violations: § 3-301

19 OMCB Opinions 77 (2025)

Greenbelt Justice, Equity, Diversity, and Inclusion Action Team

Topics discussed: The Act's definition of "public body"

Opinion: The Complainant alleged that the Action Team improperly met in private. The Compliance Board concluded that the Action Team was not subject to the Act because it was not

a “public body”: The City Manager created the body, which is made up of thirteen City employees.

Violations: None

19 OMCB Opinions 80 (2025)

Frederick County Board of Education

Topics discussed: Requiring identification to enter a meeting space; registration for public comment

Opinion: The Compliance Board found that the Act did not prohibit a public body from asking members of the public to identify themselves before entering the meeting space, as the Act permits bodies to take reasonable security measures. The Compliance Board also found no violation based on the Board of Education’s policy of asking public speakers to register and provide basic contact info, because a public body’s handling of public comment is not within the Act’s ambit.

Violations: None

19 OMCB Opinions 82 (2025)

Salisbury City Council

Topics discussed: What constitutes a “meeting”; evasive devices

Opinion: The members of the City Council each signed a letter during a retirement party at City Hall. The Complainants alleged that the Council should have discussed the letter in an open meeting. The Compliance Board noted that the Act does not require a public body to conduct its business in a meeting, the Act merely imposes certain rules when a public body *does* meet. Here, the Compliance Board found that no “meeting” took place, because the record established that no more than two members—fewer than a quorum—discussed the letter at any one time. The Complainants further asserted that the Council effectively used an “evasive device” by having the Council president draft the letter and ask each other member of the body individually to sign on to the letter. The Compliance Board declined to find a violation of the Act, noting that the Board is not an investigatory body and is not equipped to infer intent to evade the Act.

Violations: None

19 OMCB Opinions 86 (2025)

Oxford Historic District Commission

Topics discussed: When emails may rise to the level of a “meeting”

Opinion: The Complainant alleged that the Commission violated the Act when a member of the body emailed other members about an item of business on the agenda of an upcoming meeting. The Compliance Board found no violation, noting that the Act applies only to “meetings” of public bodies and concluding that a single email from one member to other members of a public body does not constitute a “meeting” subject to the Act.

Violations: None

19 OMCB Opinions 90 (2025)**Keedysville Town Council**

Topics discussed: When emails may rise to the level of a “meeting”; the administrative function

Opinion: The Compliance Board found that the Town Council “met” when, during the COVID-19 state of emergency, a quorum of the body exchanged a series of emails about large groups congregating on a basketball court in a Town Park. The Compliance Board also rejected the Council’s assertion that this exchange of emails was not subject to the Act because, in the Council’s view, the members of the body were performing an administrative function, i.e., administering an executive order of the Governor prohibiting large groups from congregating. The Compliance Board noted that the executive order authorized law enforcement agencies to enforce the order. Thus, the Compliance Board found that the Town Council was *not* performing an administrative email, and the Council’s failure to provide notice and an opportunity for the public to observe the “meeting” via email violated the Act.

Violations: GP § 3-301

19 OMCB Opinions 97 (2025)**Maryland General Assembly**

Topics discussed: Recording meetings

Opinion: The Complainant alleged that the General Assembly has violated the Act by not permitting news cameras to set up outside of the space reserved for the public; as a result, news cameras cannot capture the faces of witnesses testifying to General Assembly committees. The Compliance Board, relying largely on a prior opinion, *see 5 OMCB Opinions 154 (2007)*, found no violation. The Act requires public bodies to adopt reasonable rules regarding the recording of meetings, and the Board found that requiring all members of the audience to stay in the audience area, even if they bring a camera, is a reasonable rule.

Violations: None

19 OMCB Opinions 100 (2025)**Prince George’s County Board of Elections**

Topics discussed: Making agendas available to the public; posting minutes online

Opinion: The Complainant alleged that the Board of Elections violated the Act by not posting meeting agendas online. But the Compliance Board found no violation because the Board of Elections posted the agendas near its meeting site, a method expressly authorized by the Act. The Complainant also alleged that the Board of Elections violated the Act by not posting meeting minutes online. Because the Board of Elections had posted other documents online, the Compliance Board found that it was practicable for the Board of Elections to post minutes online and its failure to do so violated GP § 3-306(e)(2).

Violations: GP § 3-306(e)(2)

19 OMCB Opinions 103 (2025)**Worcester County Board of Elections**

Topics discussed: Making agendas available to the public; posting minutes online

Opinion: The Complainant alleged that the Board of Elections violated the Act by not posting meeting agendas online. But the Compliance Board found no violation because the Board of Elections made the agendas available by another method: an email distribution list. The Compliance Board did, however, find that the Board of Elections violated the Act by failing to post minutes online when it was practicable to do so.

Violations: GP § 3-306(e)(2)

19 OMCB Opinions 105 (2025)

Allegany County Board of County Commissioners

Topics discussed: Appointments and the administrative function; the Act's agenda requirements

Opinion: The Complainant alleged that the County Board violated the Act by omitting a known item of business—an appointment to fill a vacancy on the local school board—from a January 2025 meeting. The Compliance Board noted that making an appointment is an administrative function that is generally not subject to the Act's requirements, including those governing agendas. But a public body may voluntarily treat it as if the Act applies. That appeared to be the case with the County Board, which raised the question: Does a public body that is not required to follow the Act but nonetheless attempts to do so violate the Act if the body fails to comply fully with the Act's requirements? Ultimately, the Compliance Board did not need to answer this question because the Compliance Board concluded that, even if the Act applied, the County Board did not violate it. Although the Act requires an agenda to include all known items of business, the record did not establish that the County Board *knew* that it would discuss the appointment at the meeting in question.

Violations: None

19 OMCB Opinions 110 (2025)

Somerset County Board of Elections

Topics discussed: The Act's requirement to make agendas available to the public; posting minutes online

Opinion: The Complainant alleged that the Board of Elections had violated the Act by failing to post agendas online. Although the Act gives public bodies considerable flexibility in determining how to make agendas available to the public, the Board of Elections had opted to make them available by posting them online. But because the body also acknowledged that it had failed to post some agendas online in advance of meetings, the Compliance Board found a violation of GP § 3-302.1(a)(1). The Compliance Board further found a violation of GP § 3-306(e)(2) because, despite posting at least some agendas online, the Board of Elections did not, at those times, post available minutes online. The Compliance Board thus found that it had been practicable to post minutes online at those times, and the body's failure to do so violated the Act.

Violations: GP § 3-302.1(a)(1); GP § 3-306(e)(2)

19 OMCB Opinions 113 (2025)

Snow Hill Town Council

Topics discussed: The Act's definition of "meeting"; when the presence of a public body's quorum at another entity's event constitutes a "meeting" of the public body

Opinion: The Complainant alleged that the presence of two Town Council members (a quorum) at a church event constituted a “meeting” of the Town Council, requiring advance notice and the preparation of minutes. The Compliance Board found no violations of the Act, concluding that the event in question was not a “meeting” of the Town Council: The event took place at a church that the two Councilmembers regularly attended, the event was focused on getting citizens to participate in a survey related to the Worcester County comprehensive plan update, and the two Town Council members who attended the event did not use the occasion to discuss the Town Council’s public business.

Violations: None

19 OMCB Opinions 117 (2025)

Caroline County Board of Elections

Topics discussed: The Act’s requirement to make agendas available to the public; posting minutes online

Opinion: The Complainant alleged that the Board of Elections violated the Act by not posting agendas on the Board’s website. But because the Board of Elections made agendas available by placing them in the lobby of its meeting site—a method expressly authorized by the Act—the Compliance Board found no violation. The Compliance Board also found no violation of the Act based on the absence of minutes on the website of the Board of Elections. The record indicated that it was not practicable for the Board of Elections, whose staff did not have direct access to its website, to post minutes online.

Violations: None

19 OMCB Opinions 120 (2025)

Kent County Board of Elections

Topics discussed: The Act’s requirement to provide notice of meetings and cancellations; making agendas available to the public; posting minutes online; retaining minutes

Opinion: The Complainant alleged that the Board of Elections failed to provide notice that it would not meet in January 2025. The Compliance Board found no violation, noting that, although the Board of Elections had a standing notice saying that it *usually* met every month, the body had never provided notice specifically stating that it would meet in January 2025.

Moreover, the Board of Elections posted notice, after its December 2025 meeting, that the body would not meet in January. The Complainant also alleged that the Board of Elections provided the wrong date on the agenda for the Board’s February meeting. The body initially intended to meet on February 6 but rescheduled the meeting to February 13, due to inclement weather. The Board used the same document for the notice and agenda for the meeting, and did not update the date on that document. The Compliance Board found no violation of the Act’s agenda provision, which does not require a public body to include a meeting date on the agenda. But the Compliance Board found a violation of the notice provision, as the body failed to update the notice to reflect the new meeting date. The Complainant next alleged that the Board of Elections violated the Act by not posting all agendas online. The Compliance Board found no violation, noting that the Act grants public bodies considerable flexibility in deciding how to make agendas available. Although the Board of Elections posted some agendas online, the Board also made agendas available by posting them on the front door of the building where the Board meets and

placing agendas in the lobby. Finally, the Complainant alleged that the Board of Elections violated the Act by not posting minutes online and by not retaining minutes for as long as required. The Compliance Board found no violation, noting that the record did not establish that the Board of Elections had failed to post minutes online when it was practicable to do so. The Board of Elections also stated that it had retained minutes dating back to 2006, more than satisfying the requirement to retain minutes for at least five years.

Violations: GP § 3-302

19 OMCB Opinions 125 (2025)

Washington County Board of County Commissioners

Topics discussed: When the presence of a quorum of a public body at a nominally private event constitutes a “meeting” of the public body

Opinion: The Complainant alleged that the Board of County Commissioners violated the Act by conducting business at annual “State of the County” events for which attendees were charged an admission fee. The Board of County Commissioners asserted that the events were private functions, hosted by private entities and did not constitute “meetings” of the Board subject to the Act. The Compliance Board found that the 2025 event was not a “meeting” subject to the Act, because, although all the Commissioners attended the event, it was hosted by the Chamber of Commerce, the Commissioners did not sit together or address the audience, and the body represented that its members did not discuss any matters pending or likely to come before the body for consideration. The Compliance Board could not determine, however, whether similar “State of the County” events in 2024 and 2023 were “meetings” subject to the Act. Neither the Complainant nor the Board of County Commissioners provided enough information about what transpired at these events. The Compliance Board reiterated public bodies’ obligation under the Act to provide as much relevant information as possible to help the Compliance Board resolve complaints.

Violations: None

19 OMCB Opinions 131 (2025)

Kent County Board of Elections

Topics discussed: Posting minutes online

Opinion: The Complainant alleged that the Board of Elections violated the Act by failing to post four sets of minutes online. The Board of Elections said that it usually posted minutes online as soon as they were approved, with the assistance of a third-party webmaster. But the Board acknowledged that the four sets of minutes identified by the Complainant may not have been posted. Two sets were submitted to the webmaster but never posted; two other sets of minutes were never submitted to the webmaster for posting. The Compliance Board found that, regardless of whether a public body violates the Act when a third-party webmaster fails to post minutes online, the Board of Elections violated the Act with respect to the two sets of minutes it did not submit to the webmaster for posting. The Compliance Board noted that the Board of Elections website included meeting minutes for later meetings, indicating that, when the later minutes were posted, it must have been practicable to post the two sets of earlier meeting minutes. The failure to do so violated GP § 3-306(e)(2).

Violations: GP § 3-306(e)(2)

19 OMCB Opinions 133 (2025)**Washington County Board of County Commissioners**

Topics discussed: A body's handling of public comment

Opinion: The Complainant alleged a violation of the Act when the County Board changed its practice: Instead of having a public comment period during its regular meetings, which typically start at 9 a.m., the Board started having public comment periods at 8 a.m., taking a 30-minute recess, and addressing the remaining items on the agenda at 9 a.m. The Compliance Board found no violation, noting that a public body's handling of public comment is simply not within the Act's ambit.

Violations: None

19 OMCB Opinions 135 (2025)**Queen Anne's County Board of Elections**

Topics discussed: Making agendas available to the public; posting minutes online

Opinion: The Complainant alleged that the Board of Elections violated the Act by not posting agendas online, but the Compliance Board found no violation because the Board of Elections had made agendas available by another method authorized under the Act: posting them at the location where the Board of Elections meets. The Complainant also alleged that the Board of Elections violated the Act by not posting minutes online. Because the record indicated that it was practicable for the Board of Elections to post minutes online, the Compliance Board found that the failure to do so violated the Act.

Violations: GP § 3-306(e)(2)

19 OMCB Opinions 137 (2025)**St. Mary's County Board of Elections**

Topics discussed: A public body's website design; posting minutes online

Opinion: The Compliance Board found no violation with respect to the design of the Board of Elections' website, which the complainant alleged was difficult to navigate. The Compliance Board did, however, find a violation of the Act based on the Board of Elections' failure to post minutes online when it was practicable to do so.

Violations: GP § 3-306(e)(2)

19 OMCB Opinions 139 (2025)**Washington County Board of County Commissioners**

Topics discussed: The Compliance Board's inability to resolve factual disputes; the Act's definition of "meeting"

Opinion: The Complainants alleged that the County Board improperly met in secret to discuss a zoning matter. The County Board denied gathering to discuss the matter. Unable to resolve factual disputes, the Compliance Board could not determine whether the County Board had violated the Act. The Complainants further asserted that the County Board improperly convened a meeting while a quorum was gathered at a court proceeding. Neither the Complainants nor the County Board asserted facts from which the Compliance Board could determine whether the County Board members were discussing public business. Thus, the Compliance Board again could not determine whether the County Board improperly met in violation of the Act.

Violations: None

19 OMCB Opinions 143 (2025)

La Plata Town Council

Topics discussed: Public disclosures before and after meeting in closed sessions

Opinion: The Compliance Board found that the Town Council violated GP § 3-305(d)(2)(ii) by failing to disclose on a written closing statement the topic that the Council intended to discuss in closed session and the reason for the closure. The Council wrote “personnel,” but the Compliance Board concluded that the body could have provided more detail without compromising confidentiality, perhaps by specifying the category of personnel matter listed in GP § 3-305(b)(1) exception, which authorizes closed session discussions of personnel matters. The Town Council also failed to disclose *why* it wanted to discuss the matter in closed session. As for the Council’s disclosure after the closed session, the Compliance Board found similar deficiencies. Because the Council did not disclose the topic of discussion or sufficiently describe the action the Council took in closed session, the Compliance Board found a violation of § 3-306(c)(2).

Violations: GP § 3-305(d)(2)(ii); GP § 3-306(c)(2)

19 OMCB Opinions 149 (2025)

Washington County Board of County Commissioners

Topics discussed: Meetings scheduled on an urgent basis; reasonable advance notice of urgently scheduled meetings

Opinion: The Complainant alleged that the County Board violated the Act by scheduling, on an urgent basis, a meeting to take place at an irregular time when, the Complainant alleged, few members of the public could attend. The Compliance Board found no violation, noting that there was no evidence to suggest that the County Board scheduled the meeting at that time to preclude the public from attending. The Complainant also alleged that the County Board provided inadequate notice of the meeting. The Compliance Board again found no violation, noting that the County Board had notified the public by adding the meeting to the County’s calendar, alerting the press, posting on social media, and sending out meeting details via an email subscriber list.

Violations: None

19 OMCB Opinions 152 (2025)

Maryland Police Training and Standards Commission

Topics discussed: The Act’s requirements for notice, agendas, public access to meetings, closed sessions, and minutes; the Compliance Board’s inability to investigate facts or resolve factual disputes; the possibility that the Compliance Board cannot resolve a complaint

Opinion: The Compliance Board found that the Commission did not violate the Act by putting a building address, but not a room number, on a meeting notice, as there was no evidence that the Complainant or any other member of the public was unreasonably delayed in getting to the meeting room. The Compliance Board also found that a standing notice, indicating that the Commission may enter closed session, was sufficient to satisfy GP § 3-302(b), requiring,

“[w]henever reasonable” and “if appropriate,” that a meeting notice “include a statement that a part or all of a meeting may be conducted in closed session.” With respect to agendas, the Compliance Board found no violation based on the omission of the meeting time and location—details that are required only of the meeting *notice*. Regarding public access, the Compliance Board found no violation based on the fact that the Commission meets in a secure facility and members of the public must present identification to enter. The Complainant also alleged that the Commission regularly convenes in a space with no room for the public to attend if they want to. The Complainant apparently drew this conclusion from what he could see in “limited YouTube videos” of Commission meetings, but the record did not indicate that anyone was ever turned away from meetings due to lack of space. Thus, the Compliance Board found no violation. The Compliance Board also found no violation based on the Commission not providing the public copies of documents discussed at meetings. As to closed sessions, the Compliance Board found that the Commission violated the Act by listing “[l]egal counsel” as the topic of discussion. The Compliance Board found that the Commission could have provided at least a little more detail about the issue for which the Commission sought legal counsel. Similarly, the Compliance Board found that the Commission violated the Act by not disclosing in a closed-session summary who attended the closed session or the statutory authority for the closure. Finally, with respect to minutes, the Compliance Board found that the Commission violated the Act by routinely taking three months to approve minutes. But the Compliance Board found no violation with respect to redacting from meeting minutes details of discussed that were held in closed session.

Violations: GP § 3-305(d)(2)(ii); GP § 3-306(c)(2); GP § 3-306(b)(1)

19 OMCB Opinions 163 (2025)

Seventeen Local Boards of Elections

Topics discussed: Administrative and quasi-judicial functions; posting minutes online

Opinion: The Complainant raised the same concern—the failure to post minutes of canvasses online—with respect to seventeen local boards of elections: the boards of election for Baltimore City and for Allegany, Anne Arundel, Calvert, Charles, Cecil, Dorchester, Garrett, Harford, Howard, Kent, Montgomery, Prince George’s, St. Mary’s, Talbot, Washington, and Wicomico Counties. The Compliance Board found no violation, reasoning that canvasses involve the performance of administrative and/or quasi-judicial functions, which generally are not subject to the Act’s requirements, *see* GP § 3-103(a), including those to post minutes online “[t]o the extent practicable,” GP § 3-306(e)(2). The Complainant also alleged that the Talbot County Board of Elections failed to timely post online the minutes of non-canvassing meetings. The Compliance Board found no violation, as the elections board asserted that it was impracticable to post the minutes online sooner due to the body’s other business, its limited staff, and the unavailability of various staff during the relevant period.

Violations: None

19 OMCB Opinions 170 (2025)

Montgomery County Airpark Community Advisory Committee

Topics discussed: Adequate notice of a meeting’s start time; the Act’s applicability to subcommittees; the Act’s minutes requirements; whether minutes must reflect the substance of

public comment

Opinion: The Compliance Board found that the Committee failed to give reasonable advance notice of a meeting, as required by the Act, when one form of notice (an email to regular attendees) provided the right start time but another form of notice (a public calendar of meetings) listed the wrong time. The Complainants alleged that the Committee's subcommittees also violated the Act by failing to provide notice and failing to prepare and post minutes of its meetings. But the Compliance Board found that the subcommittees were not "public bodies" and, thus, were not subject to the Act's requirements. Finally, with respect to minutes, the Compliance Board found that the Committee violated the Act by failing to state in two sets of minutes the outcomes of motions. The Complainants alleged that a third set of minutes violated the Act by failing to describe the substance of public comments. The Compliance Board agreed that the minutes should have reflected the substance of the public comments, as the comments were collectively, under the circumstances of this particular meeting, an item that the Committee considered. But the Compliance Board could not determine whether the minutes were insufficiently detailed. The minutes included the written statements of five of the twelve speakers who provided public comment. If the comments of the remaining seven speakers were substantially similar, then the minutes might have been sufficiently detailed. If, on the other hand, the comments of the seven other speakers were substantially different, the minutes might have needed to include more detail. Because the record was silent on the substance of the seven speakers' comments, the Compliance Board could not resolve this portion of the complaint.

Violations: GP § 3-302; GP § 3-306(c)(1)