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**DARREN S. WIGFIELD**

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

April 21, 2016

**Complainant:** Daniel Siesser

**Custodian agency:** Maryland State Archives

**Date of original Public Information Act request:** February 26, 2015

**Date of custodian's final response to requester:** April 15, 2015

**Date of complaint to the Compliance Board:** November 27, 2015

**Fee estimate in dispute:** Denial of request for waiver of fee

**Date of this opinion:** April 21, 2016

**Compliance Board's finding:** Complaint dismissed as not within jurisdiction

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

**Reasons for Dismissal**

Complainant protested the custodian's denial, on April 15, 2015, of Complainant's request for a waiver of the fees that the custodian had estimated for fulfilling Complainant's Public Information Act request. Complainant filed his complaint on November 27, 2015.

The Public Information Act does not authorize the Compliance Board to consider a complaint submitted later than 90 days after the custodian's action. *See* § 4-1A-05(b)(5)(requiring that complaints "be filed within 90 days after the action that is the subject of the complaint occurred").<sup>1</sup> This complaint was filed beyond that deadline.

Additionally, the Compliance Board does not have the authority to review a custodian's decision to deny a request that a fee be waived. The Compliance Board's authority instead extends to reviewing the reasonableness of the amount of a fee, when the amount exceeds \$350. §§ 4-1A-04, 4-1A-05.

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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.

**Daniel Siesser**

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Accordingly, we dismiss the complaint. It was initially held for the Ombudsman's possible review. The Ombudsman has now advised that Complainant should contact her directly if there are still issues to be resolved.

Public Information Act Compliance Board

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