STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 25-40
March 20, 2025
Board of Professional Counselors & Therapists, Custodian
Hannah Barnes, Complainant

In August of 2023, an individual named James Alford sent a Public Information Act ("PIA") request to the Board of Professional Counselors and Therapists ("BPCT"). In that request, he asked for records related to a specific BPCT licensee, Louis Leibowitz, and suggested that "sensitive information" about him (Mr. Alford) was involved in a "disciplinary review or complaint or something." After the BPCT denied Mr. Alford's PIA request, it began to receive additional requests for the same specific universe of records sent under different names from different email accounts, including that of this complainant. Eventually, the BPCT filed a complaint with our Board alleging that the PIA requests were frivolous, vexatious, or in bad faith. *See* § 4-1A-04(b).[1] After a careful and thorough review of the record before us, we concluded that those PIA requests were vexatious and in bad faith. *See* PIACB 25-34 (Mar. 7, 2025). We thus ordered that the BPCT may ignore the PIA requests identified in its complaint, as well as any subsequent or future requests, from the same or different email accounts, for records that were "substantially the same"—i.e., records that related back to James Alford, Louis Leibowitz, and matters between them.[2] *See* § 4-1A-04(b)(3)(i); COMAR 14.02.07.04D(1) and (2).

This matter involves PIA requests identified in the BPCT's complaint underlying PIACB 25-34. The first request was sent on March 7, 2024, and asked for "all documents, records, and information the BOPCT has that contains the business address, business telephone, and business email of Louis Leibowitz, LBA580." The BPCT responded by letter on March 15, 2024, providing certain information about the licensee. The second PIA request was sent on September 11, 2024, and asked for "Louis R Leibowitz's business address." The complainant indicated where she believed Mr. Leibowitz was employed.

[1] Statutory citations are to the General Provisions Article of Maryland's Annotated Code unless otherwise stated.

[2] We have granted similar relief to other custodians concerning PIA requests from the same group of requesters for records related in some way to James Alford and Louis Leibowitz. *See* PIACB 24-29 (Mar. 29, 2024) (Office of the State's Attorney for Baltimore City); PIACB 24-106 (Sept. 26, 2024) (Maryland Office of the Attorney General); PIACB 25-32 (Feb. 21, 2025) (Baltimore Police Department). PIACB 24-29 and PIACB 24-106 involved PIA requests sent from the email account associated with this complainant.

The BPCT responded by letter on September 13, 2024, and provided the most recent business address it had in its records for the licensee. The third PIA request was sent on September 27, 2024, and asked for "the certificate of service for each notice of appeal [the BPCT] served him (Louis Leibowitz) via first class mail for each Baltimore City circuit court appeal your board is implicated in." The BPCT responded by letter on September 30, 2024, stating that it had no responsive records. See § 4-202(d) (governing responses for non-existent records). In this complaint, the complainant alleges that she has been "denied access to public records for no reason other than to obstruct access to public information to shield on of their associates from civil and criminal liabilities."

Though not stated explicitly, we presume the relief sought in this complaint is an order directing the BPCT to produce records responsive to the PIA requests. We cannot grant this relief, however, if we are to follow our own reasoning and the conclusions, we reached in PIACB 25-34. This is because, by that decision, we have already directed that the BPCT may ignore these PIA requests.[3] It would defy logic and reason for us, after review, to resolve this complaint in any way inconsistent with our conclusions in PIACB 25-34. We therefore dismiss this complaint as moot. *Cf. Frazier v. Castle Ford, Ltd.*, 430 Md. 144, 162 (2013) (explaining that "[a]n issue is moot if, at the time it is before the court, there is no longer an existing controversy between the parties, so that there is no longer any effective remedy that the court can provide"). While we are aware that, from the complainant's perspective, there is still much in controversy, in our view we cannot order any "effective remedy" here.

Public Information Act Compliance Board

Sareesh Rawat, Chair
Samuel G. Encarnacion
Debra Lynn Gardner
Quinton M. Herbert
Nivek M. Johnson

[3] We are aware that our decision in PIACB 25-34 has been appealed. *In the Matter of Steven Brown*, Case No. C-24-CV-25-001995 (Cir. Ct. Balt. City). Should the Circuit Court reverse or otherwise alter our decision and order, we are confident that the Court's opinion and order will guide the BPCT's handling of these PIA requests and the many others it has received related to PIACB 25-34. Though the PIA provides that an appeal "automatically stays the decision of the Board pending the circuit court's decision," § 4-1A-10(b)(2), this provision does not prevent us from electing to remain consistent in our fact-finding and reasoning here.