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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 25-43
March 11, 2025
Baltimore Police Department, Custodian
John Davis, Complainant

In September of 2023, the Baltimore Police Department began to receive PIA requests, sent from different email accounts, for records related to individuals named James Alford and Louis Leibowitz, and various matters stemming from cases that they initiated against one another in the District Court of Maryland for Baltimore City in 2022 and 2023, including misconduct complaints against BPD officers involved with investigating the allegations. The BPD responded in some fashion to many of these requests, including by producing responsive records. The PIA requests for the same specific universe of records continued, however. Eventually, the BPD 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 25-32 (Feb. 21, 2025). We thus ordered that the BPD 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 a PIA request identified in the BPD’s complaint underlying PIACB 25-32. The request was sent on February 11, 2024, and asked for “all emails and communications the BPD has in regards to CC 230105740 and criminal case 4B02470094. These records will most likely be with the BPD fraud unit, south south [sic] west district, and Officer Elkner from 2023 until 2024.” We note that, in PIACB 24-98 (Sept. 3, 2024), involving this same complainant, we found that the BPD conducted an insufficient search for records and directed the BPD to conduct a second search. The BPD conducted another search and, on October 2, 2024, produced responsive records. In this complaint, the

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). Both of those decisions involved PIA requests sent from the email account associated with this complainant.

complainant alleges that the BPD has “constructively denied [him] all the Elkner and BPD fraud unit records” responsive to his PIA request.

The relief sought in this complaint is an order directing the BPD “to conduct an adequate search on Elkner and the BPE [sic] fraud unit for the Elkner records.” We cannot grant this relief, however, if we are to follow our own reasoning and the conclusions, we reached in PIACB 25-32. This is because, by that decision, we have already directed that the BPD may ignore this PIA request.³ It would defy logic and reason for us, after review, to resolve this complaint in any way inconsistent with our conclusions in PIACB 25-32. 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
Nivek M. Johnson

* Board Member Quinton M. Herbert did not participate in the deliberation, preparation, or issuing of this decision.

³ Though we have no indication that our decision in PIACB 25-32 has been appealed, we understand that an appeal would “automatically stay[] the decision of the Board pending the circuit court’s decision.” § 4-1A-10(b)(2). In our view, this provision does not prevent us from electing to remain consistent in our fact-finding and reasoning here. Should an appeal be filed, the Circuit Court’s opinion will ultimately dictate how the BPD responds to this and other PIA requests it has received related to PIACB 25-32.