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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 25-62

April 28, 2025

**Baltimore County Department of Environmental Protection & Sustainability,
Custodian
Steven Wright, Complainant**

Complainant Steven Wright alleges that the Baltimore County Department of Environmental Protection and Sustainability (“DEPS”) violated the Public Information Act (“PIA”) by failing to respond his request for records within statutory time limitations. In response, DEPS acknowledges the delay. As explained below, we find that DEPS violated § 4-203(a)¹ of the PIA. However, as DEPS has now responded, we order no further relief.

Background

According to the complaint, in February 2024, the complainant contacted DEPS because he had concerns about an “intermittent stream” on his property and an “outfall point that Baltimore County had installed.” The Director of DEPS responded to the complainant’s email the next day, apparently copying two attorneys, and asked for additional information which the complainant provided. Later, on July 24, 2024, the complainant sent a PIA request to DEPS seeking “documentation related to the installation of the outfall point, including any plans, permits, environmental studies, and correspondence with relevant agencies.” The complainant explained that the records were “crucial for understanding the legal and environmental compliance associated with the installation of the outfall point, which has caused significant erosion and other issues on [the complainant’s] property.”

The complainant did not receive a response from DEPS, so he sent a follow-up email on August 26, 2024. After receiving no response to that email, the complainant contacted the Public Access Ombudsman on September 17, 2024, to request dispute resolution assistance.² On January 21, 2025, the Ombudsman issued a final determination stating that

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

² The Public Access Ombudsman is charged with making “reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” § 4-1B-04(a). Before filing a complaint with our Board, a complainant must attempt to resolve a dispute through the

the dispute was not resolved, indicating that, as of that date, DEPS had still failed to issue a response to the complainant's PIA request. The complainant then filed this complaint with our Board.

In response to the complaint, which alleges that DEPS has failed to comply with the time limitations in the PIA, DEPS acknowledges that it received the complainant's PIA request on July 24, 2024. DEPS states that, given that the request "came on the heels of a threat of litigation,"³ there was a need to seek advice of counsel. DEPS indicates that, on or about August 29, 2024, the Department of Public Works and Transportation ("DPWT") determined that there were no records in its custody responsive to the complainant's PIA request and states that DPWT informed the complainant of this fact. However, DEPS acknowledges that it did not advise the complainant that there were no responsive records in DEPS custody either. DEPS apologizes to the complainant for the lack of response and attaches an email that counsel for DEPS sent to the complainant on January 23, 2025, indicating that there are no responsive records.

Analysis

We are authorized to review and resolve complaints alleging certain violations of the PIA's provisions, including that a custodian failed to respond to a request within the time limitations specified in § 4-203(a) or (d) of the PIA. § 4-1A-04(a)(1)(iii). If we determine that a custodian has failed to respond within those time limitations, we must order the custodian to "promptly respond," and have discretion to waive any associated fees if our written decision states the reasons why. § 4-1A-04(a)(3)(iii).

When custodians receive PIA requests, they must "grant or deny the [requests] promptly, but not more than 30 days after receiving the [request]." § 4-203(a)(1). "If the custodian reasonably believes that it will take more than 10 working days to produce the public record," the custodian must state so in writing and provide certain information, including how long it will take to produce the records, an estimate of any fees that may be associated with production, and the reason for the delay.⁴ § 4-203(b). A custodian who

Ombudsman and receive a final determination stating that the dispute was not resolved." § 4-1A-05(a).

³ The complainant attaches the emails he exchanged with DEPS to his complaint. In the email sent in February 2024, the complainant expressed his belief that the erosion on his property was a direct result of the outfall having been installed improperly. The complainant advised that he had "sought assistance from the Chesapeake Legal Alliance," and that "[w]hile exploring legal representation [was] a necessary step to protect [his] rights," the complainant was "hopeful that collaborative efforts with Baltimore County [could] lead to a resolution without resorting to legal action."

⁴ Notably, we lack authority to review and resolve complaints about a custodian's failure to comply with this provision. See § 4-1A-04(a)(1)(iii) (Board has authority to resolve complaints that a

denies a PIA request must, within ten working days, provide a written statement that explains, among other things, “the reasons” and “legal authority” for the denial, a brief description of the undisclosed records, and a notice of remedies. § 4-203(c)(1). When a custodian determines that no responsive records exist, the custodian must inform the complainant of that fact either “immediately,” if the determination is reached after initial review of the request, or “not more than 30 days after receiving the [request],” if the determination is reached after a search for records. § 4-202(d).

After review of the submissions, we find that DEPS violated § 4-203(a) by failing to grant or deny the complainant’s PIA request “promptly, but not more than 30 days” after receiving it. The complainant sent his PIA request to DEPS by email on July 24, 2024. DEPS did not advise the complainant that it could not locate any responsive records until January 23, 2025—six months later. We recognize that, under § 4-203(d)(2), the time for responding was tolled while the complainant’s dispute was pending with the Ombudsman and our Board. But the complainant did not contact the Ombudsman until September 17, 2024, nearly two months after he sent his PIA request. Thus, DEPS was already in violation of § 4-203(a) by the time the Ombudsman got involved.

Conclusion

Based on the information before us, we find that DEPS violated § 4-203(a) of the PIA by failing to respond to the complainant’s PIA request “promptly, but not more than 30 days after” it received the request. Because DEPS has now responded, we order no further relief.

Public Information Act Compliance Board

Sareesh Rawat, Chair
Samuel G. Encarnacion
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custodian “failed to respond to a request for a public record within the time limits established in § 4-203(a) or (d),” but not § 4-203(b)).