

**LAWRENCE J. HOGAN, JR.**  
*GOVERNOR*

**BOYD K. RUTHERFORD**  
*LT. GOVERNOR*



**JOHN H. WEST, III, ESQ.**  
*Chair*

**LARRY E. EFFINGHAM**  
**DEBORAH F. MOORE-CARTER**  
**RENÉ C. SWAFFORD, ESQ.**  
**DARREN S. WIGFIELD**

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

PIACB-18-05  
January 19, 2018

Maryland Department of Transportation  
State Highway Administration  
(Jarrod Sharp, Complainant)

For the third time, we address Complainant Jarrod Sharp’s allegations about fees that the Maryland Department of Transportation, State Highway Administration (MDOT/SHA) has estimated for responding to his request for documents under the Public Information Act. A partial history of his PIA requests to the agency, and its responses, appears in PIACB-18-02 (October 6, 2017) and PIACB-17-15 (August 31, 2017), where we addressed the rates that this agency used in its preliminary estimates. There, we generally found that the agency’s rates for staff time were reasonable but advised the agency to ensure that contractor costs reflect actual costs to the agency incurred in responding to the request. In PIACB-18-02, we noted that the Complainant had requested the same documents—“any and all SHA emails that contain text which refers or relates to Jarrod Sharp”—five times since March 2017.

In October 2017, after we issued our opinion in PIACB-18-02, the Complainant asked MDOT/SHA for the same records again. The agency responded to the Complainant’s most recent request with an estimate and a statement that he had made 22 PIA requests since March 2017.<sup>1</sup> Soon thereafter, the Complainant filed this complaint, in which he alleged that the agency’s estimate was “obscene and unsupported by fact or law.” The complaint contains no other allegation as to why the agency’s estimate should be deemed “unreasonable” under GP § 4-1A-05<sup>2</sup> or what had changed since we issued our opinion. The agency responded to the complaint. We scheduled a teleconference with

---

<sup>1</sup> In its October 23, 2017 response to the requestor, the agency stated that it had completed two of his requests in under 2 hours and provided records at no charge, that it had provided estimates for the remaining requests, that many requests were duplicative, that the scope of some were narrowed to reduce the cost to Complainant, and that the agency had closed the many requests for which it had provided estimates to which Complainant had not responded with payment. Those estimates ranged from \$61.38 to the \$12,442.92 estimate that we addressed in PIACB 18-02.

<sup>2</sup> Citations to GP are to the General Provisions Article of the Maryland Annotated Code (2014, 2017 Supp.).

the Complainant and the custodian in December 2017. Complainant advised our staff late on the night before the conference that he would not attend it because he had scheduled an overseas trip. He asked for a postponement. We re-scheduled the teleconference for January 10, 2018. Complainant later advised our staff that he was not available, that he wished to dismiss the complaint, and that a conference was no longer necessary.

We close this matter as withdrawn by the Complainant. Further, in view of the above, we will not entertain any renewed complaint from him about this agency's estimates for the cost of producing the documents described in the request at issue here.

**Public Information Act Compliance Board**

*John H. West, III, Esq., Chair*  
*Larry E. Effingham*  
*Deborah Moore-Carter*  
*René C. Swafford, Esq.*  
*Darren S. Wigfield*