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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 24-39

April 15, 2024

Office of the State's Attorney for Baltimore City, Custodian
Matt Miller, Complainant

The complainant, Matt Miller, alleges that the Office of the State's Attorney for Baltimore City ("BCSAO") violated the Public Information Act ("PIA") by, among other things, "[w]rongfully denying multiple PIA applicants access to public records," and unlawfully releasing certain records. As explained below, we dismiss this complaint because we do not have jurisdiction to review or resolve the allegations.

Background

On August 17, 2023, the complainant sent a PIA request to the BCSAO seeking "all records, information in the BCSAO as to who authorized the attorney Arnold Abraham and his client Louis Leibowitz to file and issue subpoenas on behalf of the BCSAO/The State of Maryland for case 0B02440449." The complainant also asked for "any document, charging document, police report, or other public document that is in the BCSAO as it pertains to these two individuals being charged or investigated for counterfeiting these documents."

On September 21, 2023, the BCSAO sent the complainant a letter in which it explained that it had no records responsive to the request for records of the BCSAO authorizing an attorney to issue subpoenas. The BCSAO granted the complainant's request for records related to "these two individuals being charged or investigated for counterfeiting," and provided a OneDrive link to those records.

Stating that "[i]n August 2023, I made a PIA request for documents . . . and the BCSAO provided them," the complainant now complains that, while the BCSAO provided records to the complainant, it "denied dozens of other people access to these records." The complainant also alleges that the BCSAO provided "a copy of an unserved charging document to an ongoing criminal case before it had been served on the defendant, in addition to police reports for ongoing matters," which the complainant asserts is in violation of the PIA. The complainant suggests that the BCSAO did this because it "assumed [the complainant] was affiliated with Mr. Leibowitz, and wanted to give him access to this information and compromise the cases, as he was one of their associates,

while simultaneously denying access of this information to other PIA applicants, and maliciously concealing it.”

As relief, the complainant asks that we “dismiss PIACB 24-29, not only for the lack of jurisdiction to review . . . such a farfetched and improper ‘complaint’, but also due to the BCSAO’s intentional fraud and malicious attempt to harass and retaliate against PIA request[s]tors for no legitimate reason.”

In response to the complaint, the BCSAO provides a copy of the September 21 response letter and the responsive records provided. The BCSAO also asserts that this request is one of many frivolous, vexatious, and bad faith requests that it received over the course of several months at the end of 2023.

In reply, the complainant contends that the BCSAO has “retroactively redact[ed] certain documents,” and that the “intentional malicious intent of these BCSAO clowns over PIA requests is unbelievable.” The complainant maintains that “several of the documents and items” fall under the “‘required denials’ category,” and that we have “an obligation to enforce and address this problem.”¹

Analysis

The PIA empowers us to review and resolve complaints that allege certain violations of its provisions. Those violations are:

[C]omplaints . . . from any *applicant or the applicant’s designated representative* alleging that a custodian: (i) denied inspection of a public record in violation of [the PIA]; (ii) charged an unreasonable fee under § 4-206 of [the PIA] of more than \$350; or (iii) failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d) of [the PIA].

§ 4-1A-04(a)(1)² (emphasis added). In addition, we must review and resolve complaints “from any custodian alleging that an applicant’s request or pattern of requests is frivolous, vexatious, or in bad faith.” § 4-1A-04(b)(1). Notably, we are not empowered to review allegations of wrongful disclosure of public records.

¹ The complainant sent two additional emails in reply. One asserts that the BCSAO “intentionally left out” certain documents in its response, and another refers to other Board complaints against the BCSAO that are currently pending.

² Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

Here, the complaint states that the BCSAO provided the records the complainant—i.e., “the applicant”—requested in this request. The complaint does not allege that the BCSAO improperly denied this “applicant” inspection of a public record, or that the BCSAO has charged an unreasonable fee or failed to respond to a request for a public record. Therefore, because the complaint does not allege a violation of the PIA that is within our jurisdiction to review and resolve, we must dismiss this complaint.

Conclusion

For the reasons listed above, we dismiss this complaint as not within our jurisdiction.

Public Information Act Compliance Board*

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* Board Member Deborah Moore-Carter did not participate in the deliberation, preparation, or issuing of this decision.