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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-08
November 20, 2025
Town of Keedysville, Custodian
Justin Holder, Complainant

Under Maryland’s Public Information Act (“PIA”), complainant Justin Holder requested records of emails sent by the Mayor of the Town of Keedysville from an email address that the Mayor also used for professional, non-Town-related purposes. The Mayor located the responsive records and provided them to the Town’s Administrator, who ultimately responded to the complainant’s PIA request. In this complaint, the complainant alleges that the Town of Keedysville (“Town”) has not produced all responsive records, thereby constructively denying his PIA request. In response to the complaint, the Town, through counsel, maintains that it fully responded to the request and provided the complainant with all of the records he asked for. As explained below, we find no violation of the PIA.

Background

On September 11, 2024, the complainant sent an email to the Town stating that he was “writing for some redress from [his] government,” and that he believed it was “appropriate for the Town’s ‘Official custodian’ to take point on these public records and shed light on the controversy.” The complainant stated that it was his understanding that “the Town now has three (3) applicants . . . all demanding inspection of the ‘2999 emails’ (or in [the complainant] and Ken’s request all ToK records on US DOT servers ‘outside of Town Hall’) referenced in the US DOT letter attached.” The complainant explained that he was “writing about the public controversy related to the ‘2999 emails,’ and to explain how any fees charged, or further delay does indeed exacerbate that controversy.” The complainant then provided several paragraphs detailing what he called, in boldface, underlined type, “The Public Controversy the ‘2999 emails’ will shed light on.” The complainant also advised the Town as to how to obtain the records he sought. Specifically, the complainant pointed to the “US DOT letter” he attached and noted that “a ‘litigation hold’ has been placed on the records.” The complainant told the Town to “contact the person at US DOT and tell them to release those records into the hands of the ‘official

custodian,' and copy Ken Lord^[1] on that request so he can authorize the release,” and then “forward that file to the three (3) requesters after you review it.”

According to the US DOT letter the complainant attached with his PIA request, in April 2024, the complainant sent a federal Freedom of Information Act (“FOIA”) request to the U.S. Department of Transportation (“DOT”), Office of the Secretary of Transportation. The request asked for “any/all email correspondence between Ken.Lord@dot.gov’ and twelve non-DOT email addresses, between the dates of February 1 and September 30, 2020.” Ultimately, DOT took the position that the records were “not DOT records subject to the FOIA.” The letter explained that there were “2999 pages of documents, all of which appear to relate to the business of Keedysville, Maryland, and not to DOT,” and that there was “no evidence that DOT employees created, read, or relied upon them in their professional capacities as DOT employees, as opposed to a private capacity as an elected official of Keedysville.”²

On September 30, 2024, after the Town received the complainant’s PIA request, the Mayor sent the Town Administrator an email stating that he would send “a dropbox link containing copies of all the emails related to town matters that existed on DOT servers, which have been requested from both DOT and the Town of Keedysville.” The Mayor advised that they were the same emails that were “recently shared with the DOT Office of General Counsel for FOIA processing.” The Mayor stated that he was “sending these documents with instructions to share them in accordance with the related MPIA requests,” and “in the interests of transparency, as information stored on DOT servers is not something the [T]own’s Custodian of Records would have access to.” The Mayor directed that the emails be “considered part of the records maintained by the Town of Keedysville.” The Town responded to the complainant’s PIA request by a letter dated October 7, 2024. The Town included a link to the responsive email records and clarified that “the 2999 number indicates the number of pages, not the number of emails.”

After receipt of the responsive email records, the complainant believed that there were additional email records responsive to his PIA request that the Town did not disclose. Thus, on July 2, 2025, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.³ On July 28, 2025, the Ombudsman issued a final

¹ Ken Lord was and still is the Mayor of Keedysville. We understand that Mr. Lord works for the U.S. Department of Transportation.

² The letter also explained that, “[a]s a matter of policy, DOT allows its employees to make limited personal use of its information technology resources,” and that it appeared that the “emails and attachments were sent and received under that policy.”

³ The PIA directs the Public Access Ombudsman to “make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” Md. Code Ann., Gen. Provisions § 4-1B-04(a). Before submitting a complaint to our Board, a complainant must

determination stating that the dispute was not resolved and the complainant filed this complaint with our Board. In his complaint, the complainant states that he asked for “all ToK records on US DOT servers outside of Town Hall, which would include emails sent and received to the address Ken.Lord@DOT.gov, for the 8 nor [sic] so years that Ken Lord has been using his Dot.gov email address . . . while Ken Lord was employed, or a member of committees for the Town of Keedysville.” The complainant claims that he knows that “emails consisting of public records . . . exist before the 6 month window the ‘2999 emails’ consist of” because he “made a PIA request to MDOT, which identified over a dozen public records responsive.” The complainant attaches letters related to his PIA request to the Maryland Department of Transportation (“MDOT”), and the responsive records that MDOT produced, apparently in November 2020.

The Town, through counsel, responds to the complaint and denies that the Town has constructively denied the complainant’s PIA request. After providing general background regarding the Mayor’s relationship to US DOT and the complainant’s FOIA request, counsel states that the Town, on September 11, 2024, received an email from the complainant in which he “‘demanded’ inspection of the information that he had sought from DOT.” Counsel for the Town advises that the Mayor, “with knowledge of [the complainant’s] MPIA Request to the Town” provided a Drop Box Link with the responsive records. After receipt, counsel explains, the Town Administrator provided the complainant a link to the email records, advising him that “the number of pages did not represent the number of emails.” Counsel clarifies that “there were 592 emails—not 2,999 as claimed by [the complainant].” Counsel contends that the submissions make it clear that the Town did not constructively deny the complainant’s PIA request, or “provide him with partial or incomplete records.” Instead, counsel for the Town maintains, “full and actual disclosure/production was made through an easily accessible and useable Drop Box Link to all 2,999 pages which included 592 emails.” To support the Town’s response, counsel attaches the US DOT letter and the email that the Mayor sent to the Town’s Administrator on September 30, 2024.

The complainant, in reply, calls the Town’s response “cheeky” and argues that the Town has not disclosed all responsive records. Emphasizing that he included an attachment to his complaint that demonstrates that there are “records of the Town of Keedysville on US DOT servers outside the date range of the ‘2999 emails,’” the complainant contends that the Town “fails in its entirety to rebut that factual matter.” The complainant alleges that “the Town never even conducted a search for records on the US DOT server outside of the ‘2999 emails,’” as to conduct this search, the Town’s Administrator “would have been required to ask Mayor Lord to search the US DOT servers for all records of the Town stored there, from 2016, (when [Mr.] Lord started with the Town), through present.” In closing, the complainant writes that he “WANTS TO

attempt to resolve a dispute through the Ombudsman and receive a final determination stating that the dispute was not resolved. *Id.* § 4-1A-05(a).

INSPECT EACH AND EVERY PUBLIC RECORD ON THE US DOT SERVER FROM APPROXIMATELY 2016-2024, THEY EXIST, THE TOWN HAS NOT, AND WILL NOT SEARCH FOR THEM UNLESS ORDERED, AND THERE IS NO REASON THEY CANNOT BE DISCLOSED.”

Analysis

Under § 4-1A-04(a)⁴ of the PIA, we are authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian improperly denied inspection of a public record. § 4-1A-04(a)(1)(i). We have interpreted subsection (a)(1)(i) broadly to include the authority to review an allegation that a custodian has constructively denied a PIA request, e.g., by conducting an insufficient search that failed to locate all responsive records. *See* PIACB 23-05, at 3-5 (Nov. 23, 2022). After we receive a complaint, we must forward it to the relevant custodian and ask for a written response. § 4-1A-06(a). We must then review the complaint, the response, and any other submissions and, if we determine that the custodian violated the PIA as alleged, we must issue a written decision and order a remedy as provided in the PIA. *See* § 4-1A-04(a)(2) and (3). When we find that a custodian has improperly denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i). In cases where we determine that an insufficient and unreasonable search led to a constructive denial, we may direct the custodian to conduct a remedial search and “produce any non-exempt responsive records to the complainant.” PIACB 24-08, at 6 (Sept. 28, 2023).

Maryland’s General Assembly enacted the PIA to enable “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). This “access to information” is provided through inspection and copying of public records, which custodians generally must allow unless an exemption from disclosure applies. §§ 4-201(a), 4-205(b). A person who wants to inspect a public record must ask to do so in writing. § 4-202(a). Once a custodian receives a PIA request, the custodian must “conduct a search in good faith that is reasonably designed to capture all responsive records.” *Glass v Anne Arundel County*, 453 Md. 201, 232 (2017). A custodian must use “methods that can be reasonably expected to produce the information requested” and focus a search “on where responsive records are likely to be found.” *Id.* (citation omitted).

Turning to the matter at hand, we find that the Town has not constructively denied the PIA request that the complainant sent on September 11, 2024. That request asked for “the ‘2999 emails,’ (or in [the complainant] and Ken’s request all ToK records on US DOT servers ‘outside of Town Hall’) *referenced in the US DOT letter attached.*” That attached letter referenced “2999 pages of documents,” which were found after searching for email

⁴ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code, unless otherwise specified.

correspondence between the email address Ken.Lord@dot.gov and twelve other specific email addresses between February 1 and September 30, 2020. The September 11, 2024, PIA request also explained the “public controversy” surrounding the “2999 emails” that the complainant requested and, notably, directed the Town to “contact the person at US DOT and tell them to release *those records* into the hands of the ‘official custodian,’” and then “forward that file to the three (3) requesters after [the Town] reviewed it.” From the Town’s response to the complaint, it appears to us that this is essentially what the Town did. The Mayor retrieved the email records “referenced in the US DOT letter” and subject to the “litigation hold,” provided them to the Town’s Administrator via a Drop Box link, and the Town’s Administrator sent that link to the complainant.

The complainant focuses on the phrase included in parenthesis, “all ToK records on US DOT servers ‘outside of Town Hall,’” and argues that his PIA request was therefore broader than the “2999 emails” he repeatedly referred to in that PIA request. It is true that we have found it unreasonable for a custodian to “unilaterally narrow” a PIA request based on the requester’s inclusion, in the PIA request, of examples of records that may be responsive. *See, e.g.* PIACB 25-68, at 14 (June 30, 2025). But, based on the submissions, we do not think that is what the Town did here. To the extent that the complainant may have been referring to other PIA requests that he and/or “Ken” had sent, those PIA requests have not been provided to us. Reading the complainant’s September 11, 2024, PIA request as a whole, and in context with the US DOT letter he attached and referred to, it is clear that the request sought the “2999 emails” that DOT found and did not produce to the complainant. The Town produced those emails—apparently 592 of them totaling 2,999 pages. We cannot find the Town’s search and response unreasonable here, especially given that the Town appears to have searched for the records in the manner that the complainant demanded in his PIA request. The complainant now states that he wants to “inspect each and every public record on the US DOT server from approximately 2016-2024.” But that is not what he asked for in his PIA request of September 11, 2024. The complainant is, of course, free to submit another PIA request to the Town for those specific records.⁵

⁵ Our conclusion notwithstanding, we feel compelled to note the obvious problem with the way in which the Mayor has apparently chosen to conduct some of the Town’s business. A “public record” for purposes of the PIA is “documentary material” that is in “any form” that is made or received by a unit or instrumentality of the State or a political subdivision “in connection with the transaction of public business.” § 4-101(k)(1). It is clear that the emails sent or received by the Mayor from his work email address pertaining to Town business are the Town’s public records, although, as the Mayor himself pointed out, the custodian has no independent access to those public records. Such an arrangement sets up inevitable difficulties regarding PIA requests, especially if and when the Mayor leaves Town service and/or employment with US DOT. It may behoove the Mayor and the Town for the Mayor to retrieve *all* the emails he has sent or received from his US DOT email account regarding Town business and provide those emails to the Town’s custodian.

Conclusion

After review of the record before us, and for the reasons explained above, we find that the Town did not constructively deny the complainant's PIA request.

Public Information Act Compliance Board

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