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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-59

June 18, 2026

Maryland Department of Natural Resources, Custodian/Complainant
Justin Holder & Shaun Porter, PIA Applicants

Since at least 2020, complainant Maryland Department of Natural Resources (“DNR”) and applicant Justin Holder have been embroiled in a variety of disputes. Amid these disputes, many of which have ended up in the circuit and appellate courts, Mr. Holder has sent numerous Public Information Act (“PIA”) requests to DNR. In 2024, DNR filed a complaint with our Board under § 4-1A-04(b)¹ of the PIA, alleging that Mr. Holder’s PIA requests were frivolous, vexatious, and made in bad faith. A majority of our Board determined that DNR did not meet its burden to prove that the PIA requests were frivolous, vexatious, or in bad faith. *See* PIACB 24-114, at 17 (Oct. 25, 2024). Two Board members disagreed, finding that the matter presented “a prima facie case for vexation.” *Id.* at 20-21 (Board members Quinton M. Herbert and Nivek M. Johnson writing separately).

In this complaint, DNR alleges that Mr. Holder and applicant Shaun Porter have sent PIA requests, and engaged in patterns of PIA requests, that are frivolous, vexatious, and bad faith. DNR argues that, under a totality of the circumstances that includes the conduct we reviewed in PIACB 24-114, a preponderance of the evidence supports this finding. In response to the complaint, Mr. Holder and Mr. Porter deny that their PIA requests are frivolous, vexatious, or made in bad faith. After review of the extensive record before us, we find that DNR has met its burden to show that the PIA requests identified in its complaint, and the patterns of conduct associated with those PIA requests, are vexatious. We explain below.

Background

To provide a brief understanding of the history between the parties, we include some factual information from our decision in PIACB 24-114. The remaining facts are taken from the parties’ submissions in this complaint. Mr. Holder’s first PIA request to DNR was sent in June 2020, seeking “‘emails, correspondence, and phone call notes’ exchanged between DNR employees and six individuals between August 1, 2017, to the date of the request.” PIACB 24-114, at 2 (Oct. 25, 2024). Between June and the end of September

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

2020, Mr. Holder sent fifteen more PIA requests, asking for various types of records, all relating to his various disputes. *Id.* at 2-3. By the end of November 2020, DNR had received at least twenty-three PIA requests from Mr. Holder, and responded to almost all of them before the year ended. *Id.* at 4. In the years that followed, Mr. Holder continued to send PIA requests to DNR, specifically “in 2021 (six requests), 2022 (thirteen requests), and 2023 (thirteen requests).” *Id.* According to the record before us in 2024, it appeared that DNR responded to nearly all of Mr. Holder’s PIA requests, often producing records. *Id.* at 5. By the time DNR submitted its complaint to our Board, only three or four of Mr. Holder’s PIA requests remained unanswered. *Id.* at 9-10.

As Mr. Holder and DNR corresponded about Mr. Holder’s PIA requests and court cases, Mr. Holder’s conduct toward DNR—specifically its PIA Coordinators and counsel—grew, at times, increasingly irate. For instance, Mr. Holder accused DNR’s PIA Coordinator of “criminal behavior” for not timely answering his PIA requests, suggesting that he might file charges against the PIA Coordinator. *See* PIACB 24-114, at 5-6 (Oct. 25, 2024). Mr. Holder also advised the PIA Coordinator that he was “a man of [his] word,” and that he “had the [PIA Coordinator’s] back if someone at DNR is pressuring [him].” *Id.* at 8. Mr. Holder urged the PIA Coordinator to “[j]ust send a text or call and tell [him] what to ask for to prove it,” and that he did not “want money out of this,” but “the truth, a better life for our children in free society.” *Id.* In closing, Mr. Holder stated “[i]t’s a may be [sic] a leap of faith, but I will catch you.” *Id.*

After reviewing the parties’ voluminous submissions, a majority of our Board found that DNR had “not met its burden to show, by a preponderance of the evidence, that Mr. Holder’s PIA requests or pattern of PIA requests are frivolous, vexatious, or in bad faith.” PIACB 24-114, at 15 (Oct. 25, 2024). We “sense[d] from the volume and plain language of Mr. Holder’s PIA requests that he [was] an active requester trying to get at the nugget of information he needs to support his theories in [his] disputes,” and found “nothing illegitimate about that.” *Id.* We found no “evidence of intent to harass either DNR’s PIA coordinator or DNR’s counsel,” and rejected the intimation that Mr. Holder’s frustration and irritation constituted such evidence rather than “an indication of mistrust or a breakdown in communication.” *Id.* at 16. At the same time, we also observed that DNR “consistently took the high road,” exhibited “professionalism throughout,” and “responded to [Mr. Holder’s] PIA requests in good faith.” *Id.* at 17. Ultimately, we noted that “[o]ur resolution of [the] complaint was a close call on the facts.” *Id.* at 17 n.24. We observed that “Mr. Holder’s position that he is simply an ‘active’ requester” was “not entirely consistent.” *Id.* We suggested that “Mr. Holder would be well advised to moderate his tone in all of his communications lest we be called upon to revisit this close call based on future conduct.” *Id.*

DNR appealed our decision to the circuit court, as provided in §§ 4-362(a)(2) and 4-1A-10(b), but later withdrew its petition for judicial review. *See In the Matter of Dep’t of Nat. Res.*, Case No. C-21-CV-24-000486 (Cir. Ct. Wash. County). DNR then submitted

a request for reconsideration to our Board, asserting that Mr. Holder had “intensified his hostility toward and harassment of DNR,” including by sending “dozens of direct and indirect communications relating to his MPIA requests and MPIA litigation that include repeated cursing, homophobic slurs, disturbing sexual references, disparagement, and threats directed at DNR and others.” See PIACB 24-114, Request for Reconsideration (Oct. 16, 2025). Mr. Holder countered that he was “a citizen seeking redress, reporting on his government, and shedding light on public controversy,” and maintained that he was “not required to be ‘nice’” to counsel for DNR. *Id.* at 2. We denied DNR’s request, finding that it was time-barred and that we lacked any authority to consider it.² *Id.* at 3-4 (citing *Brandt v. Montgomery County Comm’n on Landlord-Tenant Aff.*, 39 Md. App. 147 (1978)).

On January 5, 2026, DNR received the following PIA request from Mr. Holder:

I would like to request a copy of two (2) public records, 1) a letter dated August 12, 2005, (stamped Aug 15, 2005) from Bruce D. Poole on behalf of “Mr. and Mrs. Flook” to Ms. Jean Lippard discussing DNR granting of access to rights to “Mr. Victor Peak”, and 2) a letter dated October 5, 2005 (or 2006), from Jean Lippard on behalf of the DNR to William Wantz retracting the DNR granting of access to rights to “Mr. Victor Peak”.

I would suggest that if the DNR records custodian were to ask Ms. Jean Lippard for these records she could provide a copy of them to me. On the other hand, if the DNR were to deny the request because I asked for these records in a very broad request that was already litigated, I would posit that any other citizen could make a request for these records and it be granted....for would it not be a ridiculous position for the DNR to take in denying all citizens the right to inspect these records, simple [sic] because I made a broad request once and DNR convinced a judge it made a reasonable search for them.

² In this complaint, DNR again asks us to reconsider our decision in PIACB 24-114. For the same reasons articulated in our October 2025 decision denying DNR’s first request, we decline to do so. We note, however, that § 4-1A-04(b)(3) requires that we consider “the totality of the circumstances,” which, here, include the history and background between the parties, and the facts we found in PIACB 24-114. See PIACB 25-34, at 11 (Mar. 7, 2025) (finding, in a complaint from a custodian concerning a requester whose PIA requests had been the subject of other custodian complaints, “[a]fter review of this record . . . and after consideration of this record in conjunction with our findings in PIACB 24-29, 24-106, and 25-32—part of the ‘totality of the circumstances’ we must consider,”—that the custodian had shown by a preponderance of the evidence that the PIA requests were vexatious and in bad faith).

This is a narrow and targeted request for 2 specific public records. The public records do shed light on a pay to play controversy and I am certain the DNR would like to continue to conceal them, however I would ask DNR to let in some sunlight, so the voters know what they are getting this election cycle.

About two weeks later, on January 18, 2026, DNR received another request for the same records, this time from Shaun Porter:

I would like to request a copy of two (2) public records, 1) a letter dated August 12, 2005, (stamped Aug 15, 2005) from Bruce D. Poole on behalf of “Mr. and Mrs. Flook” to Ms. Jean Lippard discussing DNR granting of access to rights to “Mr. Victor Peak”, and 2) a letter dated October 5, 2005 (or 2006), from Jean Lippard on behalf of the DNR to William Wantz retracting the DNR granting of access to rights to “Mr. Victor Peak”.

As far as we know, DNR did not issue a response to either request.³

Believing that the PIA requests above were frivolous, vexatious, and made in bad faith, DNR sought dispute resolution through the Public Access Ombudsman.⁴ On January 22, 2026, the Ombudsman issued a final determination stating that the dispute as to Mr. Holder’s PIA request was unresolved due to conflict.⁵ Later, on February 19, 2026, the Ombudsman issued a final determination stating that the dispute as to Mr. Porter’s PIA request was not resolved. After receiving the Ombudsman’s final determinations, DNR filed this complaint with our Board.⁶

³ Mr. Porter sent his PIA request to counsel for DNR. On January 20, 2026, counsel for DNR advised Mr. Porter, by email, that he had “directed [his] PIA request to the wrong email address” and provided a link to instructions for submitting PIA requests to DNR.

⁴ The PIA directs the Public Access Ombudsman to “make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” § 4-1B-04(a). Before submitting a complaint to our Board, a complainant must attempt to resolve a dispute through the Ombudsman and receive a final determination stating that the dispute was not resolved. § 4-1A-05(a).

⁵ The final determination states that “ongoing conflicts” prevent the Ombudsman and Deputy Ombudsman from “serving as third-party neutrals in disputes involving Mr. Holder.” See COMAR 14.37.02.07C (regulations governing conflicts of interest in the Ombudsman’s office).

⁶ On February 27, 2026, after DNR filed its complaint, Mr. Holder sent another PIA request to DNR asking for “all public records in DNR possession that contains [sic] any writing or speech that criticizes government officials in a manner the DNR, or those officials in thier [sic] official capacity found objectionable, no matter how sharp the criticism.” Mr. Holder asked that DNR “exclude any public records that [he had] been copied on at this email address.”

DNR, through counsel, alleges that, under the totality of the circumstances, Mr. Holder and Mr. Porter have engaged in a pattern of PIA requests that is frivolous, vexatious, and in bad faith. Counsel alleges that Mr. Holder has engaged in conduct such as “sending dozens of direct and indirect communications relating to his MPIA requests and MPIA litigation that include repeated cursing, homophobic slurs, disturbing sexual references, disparagement, and threats directed at DNR and others” and “retaliating against counsel who advise and represent DNR on MPIA matters by misusing judicial processes and stalking them online.” As to Mr. Porter, counsel for DNR asserts that the record demonstrates that Mr. Porter “acts as an alter ego for Mr. Holder, and the two carry out their vexatious conduct in a manner that is undeniably imputable to both of them.” Counsel asks that we issue an order “permitting DNR to ignore presently pending and future requests from both Justin Holder and Shaun Porter that have any connection with Mr. Holder’s disputes with DNR.”

Counsel for DNR states that, since our decision in PIACB 24-114, Mr. Holder has continued to send emails to counsel, counsel’s supervisor, and others at DNR. Most of those emails, counsel advises, “directly relate to pending MPIA requests, MPIA litigation, or other litigation related to Mr. Holder’s MPIA requests.” Counsel for DNR states that many emails “contain cursing, disparagement, trash-talking, and disturbing references (some sexual), and some end with pictures of Mr. Holder giving the middle finger.” Counsel attaches emails sent by both Mr. Holder and Mr. Porter ranging from October 3, 2024, (just before our decision for PIACB 24-114 issued) to February 20, 2026, with highlights for “[l]anguage of particular vexatiousness.” Counsel for DNR explains that some of the attached emails “involve disputes Mr. Holder had with other governments and his neighbors.” Counsel suggests that, “[i]n what can only be a show of intimidation, [Mr. Holder] copies [counsel] and dozens of his other adversaries.” Counsel points to two email threads in particular, describing them as “bizarre and disturbing,” noting that one includes a quote from “the notorious ‘hitman’ character Jules Winnfield from Quentin Tarantino’s *Pulp Fiction*,” which is a reference to “a highly intense scene where Jules Winnfield is trying to exercise restraint from killing someone while holding a gun to his face.” The other email, counsel notes, accuses a public official of molesting his granddaughter.

Counsel for DNR also addresses in particular a series of emails DNR received after the Appellate Court of Maryland issued an opinion partially reversing a trial court order issued in one of Mr. Holder’s PIA lawsuits. That trial court order, DNR states, required that Mr. Holder seek leave of court before initiating or propounding discovery requests to DNR in that PIA case, or any other pending or future cases. The Appellate Court determined that the trial court failed to make certain required findings before issuing the order. *See In the Matter of Justin Holder*, No. 122, Sept. Term, 2025, 2026 WL 482122 at *2 (Apr. 3, 2026) (unreported). However, as counsel for DNR stresses, the Appellate Court also stated, “[t]hat is not to say that, based on the allegations raised in appellee’s motion, such a pre-filing order might not have been warranted.” *Id.* After receiving the Appellate Court’s opinion, Mr. Holder sent several emails to DNR (with copies to Mr.

Porter) under the subject line, “PRO SE LITIGATOR JUSTIN HOLDER ANNIHILATES ATTORNEY GENERAL CARL ZARCARIAS IN APPELLATE COURT AGAIN FOR THE SECOND TIME AND WASHINGTON COUNTY FORCED TO PAY FOR DNR LOSS – TERMINATE INCOMPETENT ZARCARIAS.”⁷

Counsel for DNR also addresses what he terms “Shaun Porter’s Assistance to Mr. Holder.” According to counsel, Mr. Porter has “submitted MPIA requests in coordination with Mr. Holder while DNR’s complaint was pending before the Board in 2024,” and has also participated in Mr. Holder’s PIA litigation. Counsel advises that “[o]ver the course of the past year, Mr. Porter has sent dozens of emails with Mr. Holder directed at [counsel] with others at DNR copied.” Those emails, counsel states, contain “particularly vexatious language.” Counsel for DNR attaches the emails with DNR’s complaint, noting that many of them “are replete with homophobic slurs, cursing, and hyperbolic allegations of heinous conduct directed at parties adverse to Mr. Holder and Mr. Porter.” Counsel states that “many emails show the two taking pleasure in each other’s conduct and referring to themselves as ‘BFFs’ (best friends forever), and one email attached a picture of the two vacationing together.” Counsel for DNR also alleges that Mr. Holder and Mr. Porter have “openly plott[ed] to smear [counsel] on social media in the communities he lives [in],” and that, in amended complaints filed in court, Mr. Holder has accused counsel of intimidating Mr. Holder through counsel’s social media posting, which counsel states Mr. Holder monitors.

Counsel for DNR asks that we “review the new evidence” DNR has provided, “in conjunction with the evidence provided in DNR’s original complaint.” Referring to the footnote at the end of PIACB 24-114, in which we encouraged Mr. Holder to “moderate his tone,” counsel for DNR posits that “some vexatious people are resistant to such suggestions and view a decision like this Board’s as a license to intensify their conduct.” Counsel asserts that Mr. Holder is “incapable of conducting himself in a civilized manner when government agencies cannot give him exactly what he demands on MPIA requests.” Counsel contends that our decision in PIACB 24-114 has “only emboldened Mr. Holder to act even more vexatiously.”

Counsel for DNR alleges that “Mr. Porter is Mr. Holder’s alter ego, and all their conduct is imputable to each other.” Counsel states that their “deluge of direct and indirect communications relating to MPIA requests and MPIA litigation includes repeated cursing, homophobic slurs, disturbing sexual references, disparagement, and threats directed at DNR and others.” Counsel asserts that “Mr. Holder has enlisted the assistance of Mr. Porter to carry out additional vexatious conduct which is undeniably imputable to Mr. Holder.” Counsel further states that “Mr. Porter joins Mr. Holder in [his court] cases either as a party or as a goon who personally attends court hearings in Mr. Holder’s cases to harass parties and their attorneys while Mr. Holder is in New Mexico.”

⁷ As discussed below, DNR attaches additional emails in this series with its reply.

Based on the evidence, counsel for DNR contends, “it cannot seriously be argued that Mr. Holder’s and Mr. Porter’s conduct is not ‘frivolous, vexatious, or in bad faith.’” In fact, according to counsel, their conduct is “so egregious that in-depth analysis is not required,” and that any finding to the contrary “would be clearly erroneous and lack substantial evidence based on the record before the Board.” In addition to the conduct before us in PIACB 24-114, that record now includes, counsel states, “Mr. Holder’s post decision conduct” and “an Appellate Court decision applauding DNR and expressly stating Mr. Holder ‘tried to take advantage of the system, overwhelming DNR with a deluge of MPIA requests, and then suing them when they could not complete the requests on time.’”⁸

Counsel for DNR maintains that Mr. Holder’s and Mr. Porter’s conduct “has a direct nexus to their MPIA requests, and in most instances, the requests are the genesis of the conduct.” According to counsel, those PIA requests are themselves harassing, and Mr. Holder and Mr. Porter “use them as a vehicle to launch MPIA litigation to go on harassing for years.” Counsel presses that “they show no signs of stopping,” even though “[a]fter almost six years, neither of them has a court judgment in their favor.” Counsel for DNR argues that “[r]estricting their use of MPIA requests will curtail their malicious conduct that grows out of them.” Counsel suggests that, “[i]f this Board rules again in their favor, the harassment, bullying, and vexatious conduct will only intensify further,” and would be “tantamount to punishing the DNR personnel Mr. Holder and Mr. Porter target personally and normalizing his conduct as acceptable MPIA discourse.” Arguing that it is clear that the General Assembly “did not intend for government employees to endure such vitriol directed at them,” counsel contends that this matter is “a paradigm of the circumstance and type of requester that led the General Assembly’s expansion of the Board’s jurisdiction through Gen. Prov. § 4-1A-04(b).”

Counsel for DNR invites us to “fashion relief as [we] see fit to put an end to Mr. Holder’s conduct,” without factoring the requested relief into our factual determination as to whether his conduct is “frivolous, vexatious, or in bad faith.” Counsel maintains that the PIA does not direct us to “consider the remedy a custodian seeks in determining as a matter of fact whether a requester’s conduct is ‘frivolous, vexatious, or in bad faith.’” Counsel advises that DNR would “welcome alternative relief that effectively protects DNR from [Mr. Holder’s and Mr. Porter’s] conduct that is authorized under the MPIA and this Board’s decisions.”

Mr. Holder and Mr. Porter submit a joint response to DNR’s complaint.⁹ Mr. Holder and Mr. Porter advise that they “decline to ‘apologize’, ‘show remorse’, or ‘kiss the ring’

⁸ See *In the Matter of Justin Holder*, No. 277, Sept. Term 2024, 2025 WL 913849 at *12 (Mar. 26, 2025) (unreported).

⁹ Mr. Holder also asked that we stay our review and decision pending the outcome of his request for *in banc* review, filed under Md. Rule 2-551, of a judge’s recent ruling in one of his PIA lawsuits. See *In the Matter of Justin Holder*, Case No. C-02-CV-22-001474 (Cir. Ct. Anne

as a prerequisite to inspect public records that are absolutely not exempt from disclosure.” They deny that their PIA requests are “vexatious, frivolous, or otherwise made in bad faith.” Mr. Holder and Mr. Porter assert that Mr. Porter cannot “be guilty of acting in bad faith, or otherwise frivolous and/or vexatious conduct in making the instant request at issue here, because at the time, news reporter Shaun P. Porter made that request, [our Board] had not issued its opinion in the 26-30 matter.”¹⁰ According to Mr. Holder and Mr. Porter, it is “undisputed by any party” that Mr. Porter is “a) a ‘news reporter’ seeking to report on current events, b) has only made a total of two (2) [PIA] requests to the DNR, and c) in both of those aforementioned MPIA requests the DNR has denied Shaun Porter the right to inspect public records.” Although, Mr. Holder and Mr. Porter state, “at times Shaun Porter has stated that he was acting as a proxy for Justin Holder,” he did not “represent that to be the case in those aforementioned MPIA requests” and we should not infer it.

According to Mr. Holder and Mr. Porter, the “entirety of the DNR Complaint must turn on whether or not Justin Holder is found to be ‘vexatious’ for making a public information request for public records” that a “confidential source provided to him,” when “DNR does not deny that those public records are in its possession and are not exempt from disclosure.” Mr. Holder and Mr. Porter assert that Mr. Holder “took the time and effort to explain to the DNR . . . that requesting copies of the two (2) letters was made in good faith, not frivolous and/or vexatious.” Mr. Holder and Mr. Porter contend that DNR is alleging that the PIA requests are vexatious instead of producing copies of the sought after records because those records prove the claims Mr. Holder has alleged in a separate lawsuit.

Contending that DNR has acknowledged that “Mr. Holder has lost his family, and much more, as a result of the criminal charges and property dispute over the ‘abandoned railroad,’” Mr. Holder and Mr. Porter stress that the records they seek “are of great import to [Mr. Holder], in shedding light on what has been a public controversy over the ‘abandoned railroad’ for at least three (3) decades, and how certain DNR employees have conducted themselves as it relates to that controversy.” Mr. Holder and Mr. Porter assert that the records they have asked for “on their face are very embarrassing to the DNR,” and

Arundel County (order entered Jan. 8, 2026). The three judge panel heard arguments from Mr. Holder and DNR on May 8, 2026. On June 4, 2026, the panel entered an order affirming the judgment. Thus, at this point, Mr. Holder’s request for a stay is moot.

¹⁰ In PIACB 26-30, a complaint filed by Mr. Porter against DNR, we found that DNR did not violate the PIA by declining to respond to a PIA request from Mr. Porter that asked for the same set of specific records—by way of reference—that Mr. Holder sought in an earlier PIA request to DNR. *See* PIACB 26-30 (Feb. 20, 2026). Because, at the time Mr. Porter sent the request, we were considering DNR’s complaint in PIACB 24-114, which included Mr. Holder’s PIA request, we found that DNR’s obligations to respond to that request were essentially stayed under § 4-203(d)(2). *Id.* at 6-7. Mr. Porter has appealed our decision to the circuit court, and Mr. Holder is participating as a party in that appeal. *See In the Matter of Shaun Porter*, Case No. C-21-CV-26-000123 (Cir. Ct. Wash. County).

allege that “this is the ulterior motive in this Complaint!” Mr. Holder and Mr. Porter claim that DNR has “spent a lot of time in effort, in refusing to provide . . . the two (2) letters that [they] have a photograph of.” Contending that “not all MPIA requesters are sophisticated, or [able] to competently represent their interests[s],” Mr. Holder and Mr. Porter urge us to remember “the legislative intent of the MPIA as a transparency statute, of great import to democracy.”

In reply, counsel for DNR contends that the joint response “lacks any dispute as to the facts of [Mr. Holder’s and Mr. Porter’s] conduct” and does not “provide an explanation that excuses or justifies their conduct.” Counsel also contends that, after DNR filed its complaint here, Mr. Holder “retaliated immediately and continued through the filing of this reply.” Counsel for DNR attaches additional emails with DNR’s reply to support this contention. Counsel suggests that Mr. Holder and Mr. Porter are “completely unapologetic—proud in fact—of their conduct claiming it is constitutionally protected.” According to counsel for DNR, our Board is “now at a crossroads and must decide whether [we wish] to continue to be a vehicle for their vitriol.” Counsel asserts that there is “no doubt” that Mr. Holder and Mr. Porter “believe they have an ally in this Board, as evidenced by approximately 20 complaints they have filed . . . since [our Board] ruled in Mr. Holder’s favor in PIACB 24-114.”

Addressing Mr. Holder’s and Mr. Porter’s contention that Mr. Porter is a news reporter, counsel for DNR argues that, even if this were true, “it would not excuse his homophobic slurs, cursing, social media smearing, and hyperbolic allegations of heinous conduct.” Counsel also suggests that “none of what [Mr. Porter] does resembles professional journalism: he has never worked for a recognized media outlet; he owns no website or platform for publication and [has] been banned from YouTube; [and] he has no content editor for editorial oversight.” In addition, counsel for DNR argues that Mr. Holder’s and Mr. Porter’s “claims that their conduct is constitutionally protected” are similarly unavailing, as “[t]here is no case holding that access to public records under the MPIA is a liberty interest protected by either the United States or Maryland Constitutions which permits their conduct to go without consequence.” Counsel urges that holding otherwise would “effectively negate the General Assembly’s intent for this Board to curb MPIA conduct that is ‘frivolous, vexatious, or in bad faith’ and render GP § 4-1A-04(b) unconstitutional.”

Counsel for DNR emphasizes that “DNR has complied with the MPIA for over five years and produced all records in its custody,” and that “Mr. Holder and Mr. Porter are not being denied access to records.” Counsel maintains that the order DNR seeks “will simply

relieve DNR of having to respond to requests seeking records relating to the same subject matter as their previous requests.”^{11, 12}

Analysis

The PIA provides statutory rights to inspect and copy public records. *See* §§ 4-201(a) and 4-205(b). In enacting the PIA, Maryland’s General Assembly sought to provide a vehicle for “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). There is no doubt that the PIA favors disclosure. *See* § 4-103(b); *Office of the Governor v. Wash. Post Co.*, 360 Md. 520, 544-45 (2000). But, the right of access to public records is not unfettered. Instead, the PIA contains provisions that exempt certain records and information from disclosure. *See, e.g.*, § 4-311 (personnel records); § 4-329 (medical or psychological information). In addition, the PIA directs our Board to review and resolve complaints from custodians concerning specific PIA requests or patterns of PIA requests and, if we find that those requests or patterns of requests are “frivolous, vexatious, or in bad faith,” to provide a remedy, including an order that the custodian may “ignore the request that is the subject of the custodian’s complaint.” § 4-1A-04(b); *see also* COMAR 14.02.07.04D(2) (allowing a custodian to ignore subsequent or future PIA requests that are “substantially the same” as the requests subject to the complaint).

Section 4-1A-04(b) was added to the PIA in 2021 and took effect in July of 2022. *See* 2021 Md. Laws, ch. 658. As we observed in PIACB 26-30, the provision was enacted to provide “assistance to over-burdened custodians.” PIACB 26-30, at 6 (Feb. 20, 2026) (quoting *Hearing on H.B. 183 Before the House Health & Gov’t Operations Comm.*, 2021 Leg., Reg. Sess. (Feb. 11, 2021) (written testimony of sponsor Del. Brooke Lierman)). Since the amendments took effect, we have considered only a handful of complaints from custodians under § 4-1A-04(b), including PIACB 24-114, the previous complaint from DNR concerning Mr. Holder’s PIA requests. The first of those complaints involved a series of PIA requests sent from different email accounts, purportedly belonging to

¹¹ Counsel for DNR also includes arguments against bifurcating the complaint such that we consider the complaints against Mr. Holder and Mr. Porter separately. Mr. Holder requested bifurcation shortly after DNR filed its complaint. Given the nature of the allegations in the complaint, the Board Chair determined that the Board would consider the complaint as one complaint. We agree with the Chair’s determination, largely for the reasons articulated in DNR’s opposition.

¹² After we received DNR’s reply and submissions closed, we continued to receive emails from the parties, including emails from counsel for DNR attaching additional emails he has received from Mr. Holder, which counsel argues are vexatious. While we have reviewed the emails from the parties, we do not detail those post-submission emails here. In addition, we received, on June 10, 2026, a request from Mr. Holder that we include an excerpt from a transcript in the record. We have reviewed that email as well, and thus include it in the record.

different people, all seeking the same very specific records related to an individual named James Alford. *See* PIACB 24-29 (Mar. 29, 2024). The custodian received more than sixty such PIA requests over the course of about three months. *Id.* at 1. We first determined that the PIA requests could be attributed to Mr. Alford, despite the different names and email addresses, given the timing and “mirror-like text” of the requests. *Id.* at 15-19. Turning to the key terms in the statute itself, we next found that a PIA request may be frivolous “when it has no basis in law and lacks in legal merit or foundation.” *Id.* at 22. We said that requests may be vexatious when they are “intended to harass or annoy a custodian,” are “recurring, repetitive and unrelenting,” and “contain abusive, disparaging, or profane language.” *Id.* Finally, we determined that PIA requests may be made in bad faith when there is “some clear dishonesty in the requester’s motive” and when they “make a mockery of public access.” *Id.* at 24. Ultimately, we found that the custodian had demonstrated, by a preponderance of the evidence, that Mr. Alford’s PIA requests were vexatious and in bad faith. *Id.* at 22-24. We issued an order permitting the custodian to ignore Mr. Alford’s requests, and pending and future requests, for certain specific records.¹³ *Id.* at 25.

Since PIACB 24-29, in most decisions granting relief we have done so on grounds that the PIA requests or patterns of requests were vexatious. *See, e.g.,* PIACB 25-85 (Oct. 1, 2025); PIACB 25-34 (Mar. 7, 2025). For example, in PIACB 25-85, we found certain PIA requests vexatious because they were “intended to harass an annoy the employees in [the custodian’s agency] and contained disparaging language directed at those employees.” PIACB 25-85, at 9 (Oct. 1, 2025). We found the “harassing nature” of the requests “evident in several ways,” including the manner in which they were addressed, and in the demeaning and disparaging content of the requests. *Id.* at 9-10. We also found it telling that the PIA requests did not seek “any public records created or held by the City” but rather simply asked the custodian to send the letters themselves back to the requester. *Id.* at 10. We noted that one dictionary definition of “vexatious” was “without reasonable or probable cause or excuse; harassing; annoying,” and found the “hurtful and insulting language directed at the City’s employees all the more ‘without reasonable or probable cause or excuse’” given that the requester merely asked for the letters back. *Id.* At the same time, we cautioned that we did not suggest that it was “never legitimate to ask a custodian to return copies of documents sent to that custodian, or that the use of demeaning and disparaging language will *always* mean that a PIA request is vexatious for purposes of § 4-1A-04(b).” *Id.* (emphasis original).

After review of this record, we determine that Mr. Holder and Mr. Porter have engaged in a pattern of abusive and harassing conduct surrounding their PIA requests to DNR, and that that conduct is directed toward DNR counsel and other employees. We also

¹³ Our decision was appealed. Last year, the Appellate Court of Maryland affirmed our decision in an unreported opinion. *See In the Matter of William Hernandez*, No. 1398, Sept. Term 2024, 2025 WL 2684358 (Sept. 19, 2025) (unreported).

determine that the PIA requests, and the abusive and harassing conduct, are repetitive and unrelenting. We thus find, under the “totality of the circumstances” and by a preponderance of the evidence,¹⁴ that DNR has shown that Mr. Holder’s and Mr. Porter’s pattern of PIA requests to DNR is vexatious under § 4-1A-04(b)(3).

We start by observing that, since at least October 2024, it appears that Mr. Holder and Mr. Porter have, together, been concerted in their efforts to harass DNR in connection with Mr. Holder’s PIA requests. With this complaint, DNR has submitted numerous emails, spanning nearly eighteen months, sent to DNR counsel and staff from Mr. Holder and Mr. Porter. Mr. Holder and Mr. Porter frequently copy each other on those emails. In addition, DNR has submitted email threads in which Mr. Holder and Mr. Porter engage in their own back-and-forth about Mr. Holder’s PIA requests and disputes more generally.¹⁵ While § 4-1A-04(b) refers to “an applicant’s request or pattern of requests,” we do not think we are precluded from considering Mr. Holder’s and Mr. Porter’s conduct together as a whole, forming a pattern. First, under § 1-202, “[t]he singular includes the plural and the plural includes the singular.” Thus, we may also consider whether “*applicants’* requests or pattern of requests” are frivolous, vexatious, or made in bad faith. Second, we have found a pattern of PIA requests from purportedly different individuals vexatious in the past, and that finding was affirmed by both the circuit and appellate courts. *See* PIACB 24-29, at 19 (Mar. 29, 2024) (finding evidence that “Mr. Alford has either made or, at the very least, worked with, encouraged, or assisted others to send, all of the Alford-related requests”). Thus, though it appears that Mr. Porter has sent only a handful of PIA requests to DNR (all concerning Mr. Holder’s disputes with DNR), we consider those requests, and his conduct, as part of the larger pattern.

We said in PIACB 24-29 that PIA requests or a pattern of PIA requests may be vexatious when “they are intended to harass or annoy a custodian” and “contain abusive, disparaging, or profane language.” PIACB 24-29, at 22 (Mar. 29, 2024). Though perhaps crude and uncivil, the mere use of expletives in PIA requests and communications around PIA requests, or, e.g., name-calling in conjunction with pleas for government employees or officials to resign or be fired, likely does not alone rise to the level of vexatiousness for purposes of § 4-1A-04(b). However, we think that when the PIA requests and associated communications escalate to the level of repeated abuse and harassment of government workers, the requests and related communications may become vexatious under the PIA. *Cf. Matter of Welfare of A.J.B.*, 929 N.W.2d 840, 863 (Minn. 2019) (observing that, “in

¹⁴ In PIACB 24-29, we determined that the standard of proof under § 4-1A-04(b) is a preponderance of the evidence, meaning that a custodian must show “that it ‘is more likely so than not so,’ that ‘based on the totality of the circumstances’ the PIA requests identified in its complaint are ‘frivolous, vexatious, or in bad faith.’” PIACB 24-29, at 14-15 (Mar. 29, 2024) (quoting *Romero v. Perez*, 463 Md. 182, 197 n.20 (2019)).

¹⁵ *See, e.g.*, Email sent by Mr. Holder, Dec. 12, 2024, 6:33 p.m.; Email sent by Mr. Holder, Dec. 13, 2024, 5:09 p.m.; Email sent by Mr. Holder, Mar. 26, 2025, 12:54 p.m.

the context of preserving democratic interactions, there is less—if any—need to ‘abuse’ an elected official, public figure, or neighbor, to achieve democratic purposes”). And here there is ample evidence of repeated abuse and harassment directed toward DNR counsel and staff. First, we count at least seventeen emails sent by Mr. Holder or Mr. Porter with personal abuse directed almost exclusively toward counsel for DNR.¹⁶ Most of those emails were sent in the context of demanding documents from DNR, or objecting to positions taken by DNR in litigation regarding Mr. Holder’s PIA requests.¹⁷ In addition, there are other emails containing veiled threats of or references to physical confrontation or even violence.¹⁸ Based on the totality of the circumstances, we think it is more likely than not that Mr. Holder and Mr. Porter intended to abuse and harass DNR counsel and staff in repeatedly sending these emails.

We also find, based on the record before us, that Mr. Holder’s and Mr. Porter’s conduct surrounding their PIA requests is “recurring, repetitive, and unrelenting.” PIACB 24-29, at 22 (Mar. 29, 2024). As noted above, the abusive and harassing emails span a period of eighteen months, and have apparently continued through the filing of this complaint. Viewing the emails in chronological order, we observe that the abuse and harassment has escalated since the beginning of 2026, with several emails containing only abuse and vitriol directed toward counsel for DNR.¹⁹ Mr. Holder’s PIA disputes with DNR are long-running, having started more than six years ago. While we found in PIACB 24-114 that those PIA requests, and Mr. Holder’s pattern of conduct surrounding the requests, did not rise to the level of vexatiousness, we now find that Mr. Holder’s and Mr. Porter’s ongoing pattern of requests and related communications is vexatious, with that prior history as part of the totality of the circumstances we must now consider. Mr. Holder may continue to have legitimate disputes about his PIA requests to DNR, and he is not, in his words,

¹⁶ We do not list all seventeen emails, but see e.g., Email from Mr. Porter, Jan. 3, 2025, 2:33 p.m.; Email from Mr. Holder, June 24, 2025, at 1:36 p.m.; Email from Mr. Holder, July 5, 2025, 8:45 p.m.; Email from Mr. Holder, Feb. 21, 2026, 11:56 a.m.; Email from Mr. Holder, Mar. 4, 2026, at 11:10 a.m. In the interest of not serving as a platform for further abuse or harassment, we do not quote those slurs or the other abusive language contained in the emails from Mr. Holder and Mr. Porter.

¹⁷ We recognize that many of the abusive emails are not, by themselves, PIA requests. However, they often reference or are related to Mr. Holder’s PIA requests and therefore can be considered as part of the “totality of the circumstances” and evidence of intent to harass.

¹⁸ See, e.g., Email from Mr. Holder, Dec. 12, 2024, 6:33 p.m. (referring to the film *Pulp Fiction* and stating, “You know, I am trying real hard to be the shepherd here. See Ezekiel 2517”); Email from Mr. Porter, June 30, 2025, 11:54 a.m. (stating to counsel for DNR, “I will video you coming out of the courthouse at some point”); Email from Mr. Holder, Mar. 8, 2026, 7:34 p.m. (“Its [sic] time for that DJ with the world . . . Or do we prefer the D9 Dozer . . . just remember, I did my best to keep it ‘civil.’”).

¹⁹ See six emails sent between February 20, 2026, at 4:43 p.m. and February 26, 2026, at 11:49 p.m.

“required to be nice” to DNR. However, in choosing to engage in repetitive escalating abusive and harassing conduct in connection with those PIA requests and PIA disputes, Mr. Holder (and Mr. Porter, by joining such campaign) risks having his PIA requests deemed vexatious under § 4-1A-04(b)(3) such that DNR may ignore them.²⁰

We also observe that the specific PIA requests DNR identifies in this complaint are repetitive, and thus further evidence that Mr. Holder and Mr. Porter intended the requests as a vehicle for harassment of DNR. We do not mean to suggest that, once a custodian has responded to a PIA request, a requester is forever barred from asking for the same or similar records again. Indeed, there are myriad legitimate reasons why a requester might do so—e.g., upon reasonable belief that the custodian misinterpreted the PIA request or that the custodian’s search was insufficient. But this case does not present such circumstances. Mr. Holder and Mr. Porter have asked DNR for “a letter dated August 12, 2005 . . . from Bruce D. Poole . . . to Ms. Jean Lippard” and “a letter dated October 5, 2005 (or 2006), from Jean Lippard on behalf of the DNR to William Wantz.” Mr. Holder has requested these same records from DNR on several prior occasions, been advised that DNR cannot locate them, and litigated that dispute. *See* PIACB 25-71, at 3 (June 6, 2025). The circuit court determined that DNR’s search for the records was sufficient under the PIA, a determination later affirmed by the Appellate Court of Maryland. *See In the Matter of Justin Holder*, No. 277, Sept. Term 2024, 2025 WL 913849 at *11-12 (Mar. 26, 2025) (unreported).

In his PIA request of January 5, 2026, Mr. Holder suggested that “any other citizen . . . could make a request for these records and it would be granted.” Mr. Holder advised that it would be a “ridiculous position” for DNR to “deny[] all citizens the right to inspect these records, simpl[y] because [he] made a broad request once and DNR convinced a judge it made a reasonable search for them.” Two weeks later, Mr. Porter submitted a

²⁰ Both Mr. Holder and Mr. Porter are adamant that their conduct constitutes protected free speech and therefore they are immune from any consequences for their conduct under the PIA. There is law suggesting otherwise. *See Thorne v. Bailey*, 846 F.2d 241, 243 (4th Cir. 1988) (stating that “[t]he government has a strong and legitimate interest in preventing the harassment of individuals,” and that “harassment is not a protected speech,” (quotations and citations omitted)); *cf. also Matter of Welfare of A.J.B.*, 929 N.W.2d at 863 (concluding that “the State may still constitutionally prosecute a person for mailing or delivering a letter, telegram, or package with the intent to abuse the recipient”); *Boyden v. Burke*, 55 U.S. (1 How.) 575, 583 (1852) (Commissioner of Patents was justified in refusing to provide copies of patent records to requester when “[t]he letter, accompanying the [requester’s] demand . . . was taunting, insulting, and libelous, indicating a want of taste and temper,” but not justified in failing to produce the records later, when the request was made properly and without any “insulting missive”). We also note that § 4-1A-04(b) is not a criminal statute, nor does it provide for civil liability. Rather, § 4-1A-04(b) simply says that when our Board determines that a custodian has received frivolous, vexatious, or bad faith PIA requests—e.g., requests that are harassing and abusive in nature—the custodian may ignore them.

word-for-word identical PIA request. Mr. Holder knew, however, that DNR's response would be that it could not locate the records he asked for. Thus it appears that Mr. Holder's and Mr. Porter's PIA requests were more an attempt to characterize a reasonable position as ridiculous, than they were genuine requests for public records. *See* PIACB 24-29, at 24 (Mar. 29, 2024) (observing that Mr. Alford "persisted in making and/or orchestrating additional PIA requests for the same records the [custodian] already told him it did not have"). Under such circumstances, we find that the repetitive nature of Mr. Holder's and Mr. Porter's PIA requests is part of the totality of the circumstances rendering those requests vexatious.

Finally, § 4-1A-04(b)(3) directs us to consider, as part of the "totality of the circumstances," the "custodian's responses to past requests and efforts to cooperate with the applicant." In PIACB 24-114, we found that "DNR's PIA coordinators consistently took the high road, even in the face of Mr. Holder's growing frustration and occasionally inappropriate tone." PIACB 24-114, at 17 (Oct. 25, 2024). We determined that DNR "responded to [Mr. Holder's] requests in good faith," and "exhibited . . . professionalism throughout." *Id.* Since our decision in PIACB 24-114, DNR has continued to respond to Mr. Holder's and Mr. Porter's PIA requests, often producing records. *See* PIACB 26-30, at 3 (Feb. 20, 2026); PIACB 25-71, at 8 (June 6, 2025).²¹ Put simply, we have no compelling evidence that DNR has acted in any way other than in good faith toward Mr. Holder (and Mr. Porter) throughout six plus years of PIA disputes.

Having found that Mr. Holder's and Mr. Porter's PIA requests and pattern of PIA requests to DNR are vexatious, we need not and do not determine whether they are also frivolous or in bad faith. *See United Parcel Serv. v. Strothers*, 482 Md. 198, 221 n.11 (2022) (concerning a disjunctively-worded statute). Thus, we turn to the question of relief. If we find that a PIA request or pattern of requests is vexatious, we must "issue an order authorizing the custodian to . . . ignore the request that is the subject of the custodian's complaint" or "respond to a less burdensome version of the request within a reasonable time frame." § 4-1A-04(b)(3). In our regulations, we have interpreted § 4-1A-04(b)(3)(i) to include authorization to issue an order allowing the custodian to "[i]gnore any future requests that are substantially the same as the request that is the subject of the custodian's complaint."²² COMAR 14.02.07.04D(2); *see, e.g.*, PIACB 24-29, at 25 (Mar. 29, 2024) (ordering limited prospective relief under our regulations).

²¹ We note that, in PIACB 25-71, we directed DNR to produce records responsive to one of Mr. Holder's PIA requests. *See* PIACB 25-71, at 8 (June 6, 2025). DNR produced the records to Mr. Holder, copying our Board on its response.

²² The relief afforded to custodians under § 4-1A-04(b)(3) would be completely nugatory if a requester could simply send, after our decision issued, another PIA request for the same records that the custodian would be obliged to answer.

First, we order that DNR may ignore the PIA requests that are the subject of this complaint, including the PIA request that it received on February 27, 2026, which we find is part of the pattern of abusive and harassing conduct. DNR may also ignore any future PIA requests for those same records that it might receive. We further order that DNR may ignore any future PIA requests for the same records sought by Mr. Holder on December 4, 2023, and Mr. Porter on July 31, 2024, or what Mr. Holder appears to refer to as the “JKH COMM” PIA request. Not only has DNR already responded to these requests,²³ *see* PIACB 26-30, at 3 (Feb. 20, 2026), the “JKH COMM” PIA request has been the basis for several of the abusive and harassing email communications DNR received. Finally, to the extent that DNR may receive PIA requests that have already been the subject of litigation, and for which a court has found that a sufficient response issued, DNR may ignore those requests as well.

Conclusion

For the reasons discussed above, we find that Mr. Holder’s and Mr. Porter’s PIA requests to DNR, and the patterns of conduct associated with those PIA requests, are vexatious under § 4-1A-04(b)(3). DNR may thus ignore certain specific PIA requests, as detailed immediately above.

Public Information Act Compliance Board

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

²³ DNR’s response to Mr. Holder’s “JKH COMM” PIA request may be the subject of litigation pending in Washington County. *See In the Matter of Justin Holder*, Case No. C-21-CV-23-000503 (Cir. Ct. Wash. County). To the extent that the circuit court may order DNR to take some action as to that PIA request, our decision here should not prevent DNR from doing so.