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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-67

June 30, 2026

Maryland Department of Commerce, Custodian/Complainant
Tracy Mitchell Griggs, PIA Applicant

Between June and December 2025, PIA Applicant Tracy Mitchell Griggs sent approximately nineteen Public Information Act (“PIA”) requests to the Maryland Department of Commerce (“Commerce”).¹ Most of these PIA requests sought records related to tourism in Maryland and government bodies such as the Maryland Tourism Development Board (“MTDB”) or the Advisory Commission on Maryland Alcohol Manufacturing and Promotion (“MAMP”). Many of Ms. Mitchell Griggs’s PIA requests were broken into numerous parts and asked for a large volume of records. In this complaint, Commerce, through counsel, seeks relief under § 4-1A-04(b)² of the PIA, which permits a custodian to file a complaint alleging that a PIA request or pattern of PIA requests is “frivolous, vexatious, or in bad faith.” Commerce alleges that Ms. Mitchell Griggs’s pattern of PIA requests is frivolous, vexatious, and in bad faith, and asserts that her requests have “placed a significant burden on the time and resources of the Custodian.” In response to the complaint, Ms. Mitchell Griggs denies that her PIA requests are frivolous, vexatious, or in bad faith, stating that the record “establishes structured oversight activity, not retaliatory conduct.” After review of the submissions, we conclude that Commerce has not met its burden to prove that Ms. Mitchell Griggs’s PIA requests, or pattern of PIA requests, are frivolous, vexatious, or in bad faith.

Background

We take the facts below from the parties’ submissions, including the PIA requests and emails exchanged between Ms. Mitchell Griggs and various Commerce employees. On June 30, 2025, Ms. Mitchell Griggs sent a PIA request to Commerce asking for records concerning: (1) “MTDB grant award methodology,” including internal documents that “explain[ed] how awards were calculated”; (2) “source data used for FY2024 tourism reporting”; (3) a list of certain codes or classifications “associated with each of the eight TPA2008 categories”; and (4) “[a]ny internal policy documents or communications from

¹ As discussed below, some of these PIA requests were narrowed versions of prior PIA requests, rather than wholly new requests for different records.

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

the past five years interpreting how the Tourism Promotion Act of 2008 should be applied or updated.” Commerce responded to the PIA request, producing records responsive to certain parts of the request and advising that it did not have records responsive to other parts of the request.

In July 2025, Ms. Mitchell Griggs sent two more PIA requests to Commerce. The first, sent on July 6, 2025, requested MTDB and Office of Tourism Development records, including five-year strategic plans, certain compliance documentation, and records concerning the formation of a Legislative Education Committee. Commerce later produced certain records in response and, in its response letter, provided information about the formation and function of the Legislative Education Committee. Commerce denied inspection of a draft document related to the committee, stating that it was “considered deliberative, pre-decisional material.” It does not appear that Commerce addressed the part of the PIA request that asked for records related to five-year strategic plans. On July 7, 2025, Ms. Mitchell Griggs sent a PIA request seeking certain “adopted strategic plans,” “working drafts, RFPs, public meeting agendas or minutes referencing strategic plan development or revision,” records and documentation “shared with or produced by the MTDB or OTD Strategic Planning Committee,” and the most current version of the 2026-2031 strategic plan. It is unclear when or if Commerce responded to this PIA request.³

Commerce received six more PIA requests from Ms. Mitchell Griggs in August, although two of the requests were narrowed versions of previous requests. On August 6, 2025, Ms. Mitchell Griggs submitted a second PIA request seeking records related to strategic planning and the Legislative Education Committee.⁴ Commerce responded on September 4, 2025, producing some records, stating that other records did not exist, and answering some of Ms. Mitchell Griggs’s questions in the body of the response letter. On August 7, 2025, Ms. Mitchell Griggs asked for all grant applications submitted to the MAMP Fund from January 1, 2022, to present, as well as grant awardee contracts, and various records related to the application review process, including internal correspondence regarding the evaluation and selection of grantees. On August 21, 2025, Commerce sent Ms. Mitchell Griggs a ten-day letter⁵ stating that a response to her PIA request would

³ Counsel for Commerce does not state exactly how many PIA requests Commerce received from Ms. Mitchell Griggs, or whether or how Commerce responded to the requests. Counsel attaches forty-five exhibits to Commerce’s complaint, many of which are PIA requests and responses to PIA requests. The exhibits are not in chronological order.

⁴ Ms. Mitchell Griggs stated that she submitted the request after she determined that Commerce’s response to her July 6, 2025, PIA request was incomplete.

⁵ See § 4-203(b)(2), which requires, when a custodian “reasonably believes that it will take more than 10 working days to produce the public record,” that the custodian send notice of this fact in writing, along with certain information, including the reason for the delay and an estimate of any fees associated with responding to the request.

require the review of “thousands of documents” and potentially result in a fee of \$11,144. Commerce explained that it would need to review thirty-five successful and twenty-seven unsuccessful grant applications.

Prior to receipt of Commerce’s letter, on August 10, 2025, Ms. Mitchell Griggs sent another PIA request, stating that it “expand[ed] upon [her] prior request dated August 7, 2025.” Ms. Mitchell Griggs asked for certain records for identified “award cycles,” including “final awardee list[s]” and the grant applications, as well as records of “contracts, deliverables, and payments” for “each funded project” and “meeting and governance records” of the Advisory Commission for MAMP. Ms. Mitchell Griggs also asked for communications between Commerce staff and four trade associations referencing certain terms, and records of “[a]ny proposed or adopted changes to the Fund’s eligibility requirements, review criteria, or scoring processes from 2022-present.” On August 25, 2025, after receipt of Commerce’s \$11,144 fee estimate for her August 7, 2025, PIA request, Ms. Mitchell Griggs advised that the August 10 PIA request fully replaced the August 7 PIA request. On September 8, 2025, Commerce provided a revised fee estimate of \$1,455 and asked Ms. Mitchell Griggs to pay the fee in advance.⁶

Ms. Mitchell Griggs sent Commerce two more PIA requests on August 29, 2025. One asked for “detailed expenditure records” for the Office of Tourism Development and the MTDB. The other asked for records related to Commerce’s contract with a consulting company called Miles Partnership. Commerce sent ten-day letters in response to both requests on September 15, 2025. For the request seeking expenditure records, Commerce advised that the estimated fee was \$193,450. For the request seeking records related to Miles Partnership, the estimated fee was \$35,957. Commerce asked Ms. Mitchell Griggs whether she wished to revise and narrow her PIA requests, or proceed with the understanding that production of records might result in high fees.

On September 15, 2025, after receipt of Commerce’s ten-day letters,⁷ Ms. Mitchell Griggs sent an email stating that, to “narrow scope and reduce workload,” she wished to amend her August 29, 2025, PIA request concerning Miles Partnership. Ms. Mitchell Griggs stated that she sought only: (1) a “statement or outline of the procurement procedure

⁶ After receiving the revised fee, Ms. Mitchell Griggs asked Commerce to waive the fee, asserting that her PIA request was in the public interest. It is unclear whether Commerce responded to the fee waiver request.

⁷ On September 12, 2025, Ms. Mitchell Griggs sent an email asking for certain meeting minutes and schedules of the Advisory Commission on MAMP. About a week later, on September 18, 2025, Ms. Mitchell Griggs sent another email stating that she had not received a response and advising that “[a]dditional requests for public information have also been made outside of meeting minutes.” Ms. Mitchell Griggs asked, “[i]f no minutes exist, please confirm in writing,” and noted that she was “preparing delegate briefing materials and need[ed] this information today.”

followed for awarding the Miles Partnership LLC contract”; (2) records showing whether Commerce was aware of a certain case involving Miles Partnership; and (3) records “reflecting deliberations or discussions of Maryland-based or minority vendors considered for this contract.” On October 16, 2025, Ms. Mitchell Griggs sent Commerce an email stating that it was out of compliance with regard to her narrowed PIA request. Commerce responded the next day, advising that, as Ms. Mitchell Griggs and Commerce had “both sought assistance from Maryland’s Public Information Act Ombudsman, that process effectively pauses the PIA clock under statutory law.”⁸

As noted above, on September 8, 2025, prior to issuing the ten-day letters for the August 29, 2025, PIA requests, Commerce contacted the Public Access Ombudsman to request dispute resolution assistance regarding Ms. Mitchell Griggs’s PIA requests.⁹ The Ombudsman’s office opened a file on January 6, 2026.¹⁰ In the meantime, Commerce continued to receive PIA requests from Ms. Mitchell Griggs—two in October, two in November, and four in December. On November 19, 2025, Ms. Mitchell Griggs asked for records concerning “special fund allocations made by the Office of Tourism Development” for fiscal years 2023, 2024, and 2025. In response, Commerce again advised that “this matter is before the Maryland Public Information Act Ombudsman,” and that, “[a]s such, the PIA process is effectively paused under statutory law while [Commerce] await[s] the Ombudsman’s decision.” On February 4, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved Commerce filed this complaint with our Board.

In the complaint, Commerce alleges that Ms. Mitchell Griggs’s “submission pattern is characterized by numerous, overlapping, narrowed, and supplemental requests that are unclear, confusing and difficult to reconcile, introducing significant administrative burden.” As example, counsel for Commerce points to Ms. Mitchell Griggs’s email of September 18, 2025, *see supra*, note 7, stating that she needed certain information that day. Counsel asserts that “[s]uch claims are not only unsubstantiated but also disregard the statutory response timelines established under the [PIA].” Noting that Ms. Mitchell Griggs

⁸ Ms. Mitchell Griggs sent several emails to Commerce in September that asked for information, but were not PIA requests. For instance, on September 25, 2025, she asked whether the Advisory Commission on MAMP planned to open a grant cycle in fiscal year 2026. Commerce responded to this particular email and provided the information, but some of Ms. Mitchell Griggs’s other September emails appear to have gone unanswered. Ms. Mitchell Griggs sent similar requests for information in October. Commerce appears to have responded to most of those emails.

⁹ 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).

¹⁰ We do not know why the file was not opened until almost four months later.

sometimes copies high-level officials in other departments on her requests and other communications with Commerce, counsel for Commerce suggests that her doing so is “an attempt to exercise some form of control over the decisions of the [MTDB].”

Counsel for Commerce also contends that “[a] main motive for [Ms. Mitchell Griggs] acting in a frivolous, vexatious, or in bad faith manner might be that she was not approved for two grants that she filed.” Counsel provides details about two grant applications Ms. Mitchell Griggs submitted to the MAMP Fund in fiscal years 2024 and 2025. According to counsel, “[s]hortly after [Ms. Mitchell Griggs] was notified the FY25 grant was not approved” she “spoke with Commerce and seemed satisfied with the suggestions on how to improve future applications.” But, counsel states, “soon after came the barrage of requests that has not stopped.” Counsel states that “this barrage of emails leaves the Custodian and Commerce confused, leading to the impression that [Ms. Mitchell Griggs’s] motives are not genuinely to obtain information but rather to retaliate for the grant denials.”

Finally, counsel for Commerce suggests that Ms. Mitchell Griggs has engaged in “bad faith conduct” during the time when Commerce’s obligations to respond to her PIA requests were effectively stayed, after Commerce asked for Ombudsman assistance.¹¹ Taking the position that Ms. Mitchell Griggs was aware of the provision extending the response deadlines, counsel for Commerce states that Ms. Mitchell Griggs continued to “sen[d] requests on the same matters, and Commerce continued good-faith efforts to search for and produce responsive documents where feasible, without incurring undue cost.”

Counsel for Commerce claims that Ms. Mitchell Griggs’s “numerous fragmented PIA requests have placed a significant burden on the time and resources of the Custodian, Agency staff, and the Agency Counsel’s Office.” Counsel asks that we find Ms. Mitchell Griggs’s “actions to be frivolous, vexatious, and in bad faith.” Should we not be inclined to do so, counsel asks that we nevertheless require Ms. Mitchell Griggs to “submit a single, comprehensive PIA request encompassing all desired information.”

In response to the complaint, Ms. Mitchell Griggs contends that none of her PIA requests were frivolous, vexatious, or made in bad faith but were instead perfectly legitimate requests for public records. Ms. Mitchell Griggs argues that a PIA request “serves a legitimate purpose where it seeks identifiable public records—regardless of the requester’s motive, including oversight, research, or civic engagement.” Ms. Mitchell Griggs urges that “Commerce has not demonstrated that any request—individually or collectively—lacked a legitimate purpose.” Any administrative burden, Ms. Mitchell

¹¹ See § 4-203(d)(2), which provides that the time limitations in § 4-203—including the thirty days a custodian normally has to either produce records or deny a PIA request—are extended pending resolution of a dispute, when the applicant or custodian seeks dispute resolution through the Ombudsman or our Board.

Griggs argues, is properly “addressed through statutory timelines and fees—not through allegations of bad faith.”

Turning to Commerce’s allegations regarding her unsuccessful grant applications, Ms. Mitchell Griggs states that, even before her PIA requests were sent, she had “independently observed administrative inconsistencies across multiple subject areas, including but not limited to grant-related programs.” These observations, Ms. Mitchell Griggs states, “formed the basis for subsequent information and document requests and referrals.” Ms. Mitchell Griggs asserts that she “used the PIA to obtain public records relevant to those pre-existing concerns and to assess the integrity of the processes at issue.” In her view, “[a]n applicant seeking to examine the administrative processes underlying a grant decision is engaging in structured oversight activity, not retaliation.”

In reply, counsel for Commerce continues to press the position that Ms. Mitchell Griggs’s PIA requests are frivolous, vexatious, and in bad faith. Counsel does not ask us to issue an order permitting Commerce to wholly ignore Ms. Mitchell Griggs’s PIA requests, however. Rather, counsel states that “[t]he record supports consolidation to remedy gamesmanship that evades statutory management tools and imposes undue, unnecessary burden without advancing a legitimate PIA purpose.” Counsel asks that we require Ms. Mitchell Griggs to submit a “unified, clarified statement of scope . . . limited to Commerce Custodian, date ranges, and specific record types,” and that we “[p]rohibit duplicative parallel submissions or copy-all escalation that restates the same requests while the consolidated request is pending.”

Analysis

Our appellate courts have “reiterated on numerous occasions that the PIA reflects the need for wide-ranging access to public records, and therefore, the statute should be construed in favor of disclosure for the benefit of the requesting party.” *Ireland v. Shearin*, 417 Md. 401, 408 (2010); *see also* § 4-103(b) (normally, the PIA must be “construed in favor of allowing inspection of a public record, with the least cost and least delay”). The PIA requires that custodians of public records allow inspection of those records, unless a disclosure exemption applies. § 4-201(a). When a requester is dissatisfied with a custodian’s response to a PIA request—e.g., because the custodian denied inspection of the records, charged a high fee for the records, or, in some cases, did not respond at all—the PIA provides a form of alternative dispute resolution. First, a requester may seek dispute resolution through the Ombudsman, *see* § 4-1B-04(a), and, if the dispute is not resolved that way, file a complaint with our Board for certain types of disputes, *see* §§ 4-1A-04(a) and 4-1A-05. The PIA also permits custodians to request assistance from the Ombudsman. If the dispute concerns alleged frivolous, vexatious, or bad faith PIA requests, then a custodian may file a complaint with our Board, provided that the dispute is not resolved through the Ombudsman first. *See* §§ 4-1A-04(b) and 4-1A-05.

When we receive a complaint under § 4-1A-04(b), we must consider “the totality of the circumstances including the number and scope of the applicant’s past requests and the custodian’s responses to past requests and efforts to cooperate with the [requester].” § 4-1A-04(b)(3). The PIA provides certain remedies when we determine that a PIA request or pattern of requests is frivolous, vexatious, or in bad faith. We may order that the custodian may “ignore the request that is the subject of the custodian’s complaint” or direct the custodian to “respond to a less burdensome version of the request within a reasonable time frame” as we determine. § 4-1A-04(b)(3). In some cases, we may also issue an order permitting a custodian to “[i]gnore any future requests that are substantially the same as the request that is the subject of the custodian’s complaint.” COMAR 14.02.07.04D(2).

About two years ago, we issued our first decision under § 4-1A-04(b). In that case, we determined that the custodian proved, by a preponderance of the evidence, that it had received a series of vexatious and bad faith PIA requests. *See* PIACB 24-29, at 25 (Mar. 29, 2024).¹² The PIA requests—about sixty of them—were sent over a span of about three months from multiple email accounts and purportedly different individuals. *Id.* at 1. All of the requests sought records related to district court matters between two individuals, one of whom had been the initial requester. *Id.* After reviewing an extensive record, we determined that the PIA requests were all sent either by one person masquerading as many, or by multiple people all acting in concert with and at the direction of one individual. *Id.* at 15-19. We also found, by a preponderance of the evidence, that the PIA requests “were intended to harass and annoy the [agency], and to serve as a platform for wielding serious (and largely unsubstantiated) accusations of misconduct at its employees, and thus were not truly made for purposes of obtaining public records.” *Id.* at 25. That is, the requests were vexatious and in bad faith. *Id.* Given our findings, we issued an order permitting the custodian to ignore the PIA requests identified in the complaint, as well as “any subsequent or future requests for records related to [the two individuals] and the matters between them heard in the District Court of Maryland for Baltimore City from early 2022 through the end of 2023.” *Id.*

Section 4-1A-04(b) not define the terms “frivolous,” “vexatious,” or “bad faith,” and the terms are not otherwise defined in the PIA. To apply them, we have turned to dictionaries for guidance, as well as how courts have applied them in other legal contexts. Using such sources, we have determined that a PIA request may be frivolous “when it has no basis in law and lacks in legal merit or foundation.” PIACB 24-29, at 22 (Mar. 29, 2024). We found that PIA requests may be vexatious when it they are intended to “harass or annoy a custodian” and contain “abusive, disparaging, or profane language.” *Id.*; *see also, e.g.*, PIACB 26-59, at 12 (June 18, 2026) (finding a pattern of PIA requests vexatious where the requests and communications surrounding them had “escalate[d] to the level of

¹² In September 2025, our decision was affirmed by the Appellate Court of Maryland. *See In the Matter of William Hernandez*, No. 1398, Sept. Term 2024, 2025 WL 2684358 (Sept. 19, 2025) (unreported).

repeated abuse and harassment of government workers”). We have also said that a pattern of PIA requests may be vexatious when it is “recurring, repetitive, and unrelenting.” PIACB 24-29, at 22 (Mar. 29, 2024). As for bad faith, we have found it “when there is some clear dishonesty in the requester’s motive” or when the individual sending the PIA requests makes “a mockery of public access by, for example, pretending to be someone else when making the request.” *Id.* at 24 (cleaned up).

The record here does not support Commerce’s allegations that Ms. Mitchell Griggs’s PIA requests, or her pattern of PIA requests, are frivolous, vexatious, or in bad faith. Starting with the term “frivolous,” we see no evidence that her PIA requests are lacking in legal merit or foundation. Each PIA request she sent sought identifiable public records, even if at times the requests were somewhat difficult to parse. A broad or ill-defined PIA request is not frivolous simply because a custodian may have a hard time understanding exactly what records a requester seeks. Our State’s Supreme Court has addressed the proper course of action in such cases. Specifically, the Court recognized that a requester might submit “a broadly-worded request, intending to afford the agency no excuse for not producing the records the requester really wants.” *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017). Understanding that “[l]iteral compliance with such a request . . . would often require such a diversion of resources and agency time as to amount to a huge expense,” *Glass* observed that “a productive response to a PIA request is often an iterative process in which the agency reports on the type and scope of the files it holds . . . and the requester refines the request to reduce the labor (and expense) of searching those records.” *Id.* at 232-33. Here, it seems that Ms. Mitchell Griggs, in narrowing several of her PIA requests after receiving high estimated fees, attempted to engage in this process. Her PIA requests to Commerce were not frivolous.

Neither were Ms. Mitchell Griggs’s PIA requests vexatious. Counsel for Commerce appears to suggest that the requests were vexatious for several reasons, including that the requests were, in counsel’s words, “numerous, overlapping, narrowed . . . unclear, confusing, and difficult to reconcile,” that Ms. Mitchell Griggs expressed a desire to have certain records produced faster than the PIA’s timelines, and that she copied high-level officials and employees on certain requests and communications. In our view, none of these things demonstrate vexation for purposes of § 4-1A-04(b).

First, we decline to find Ms. Mitchell Griggs’s PIA requests vexatious because some of those requests were overlapping or unclear, or confusing to Commerce. We can discern no intent to harass or annoy Commerce in this record. None of Ms. Mitchell Griggs’s PIA requests or other communications contain “abusive, disparaging, or profane language.” PIACB 24-29, at 22 (Mar. 29, 2024). Instead, Ms. Mitchell Griggs conducted herself in a wholly civil and respectful manner, and attempted to refine her requests when Commerce advised of the high cost of responding as-is. And, although Ms. Mitchell Griggs may have submitted a number of PIA requests over a five-month period, we do not think her requests were “recurring, repetitive, and unrelenting,” *id.*, such that they became vexatious. This

case is very different from, e.g., cases where a requester repeatedly asks for the same record, despite a court's having found that the custodian sufficiently searched for it, PIACB 26-59, at 14 (June 18, 2026) or where the requests have a "mushroom effect," being submitted in quick succession after an agency responds to a requester's dissatisfaction, PIACB 24-29, at 22-23 (Mar. 29, 2024). In short, although some of Ms. Mitchell Griggs's PIA requests may have been "overlapping" or "unclear" to a degree, they were not vexatious because of these things.

As to counsel for Commerce's allegations that Ms. Mitchell Griggs's requests "do not comply with statutory timing requirements and instead introduce further administrative burden," we have read the communication counsel points to, in which Ms. Mitchell Griggs states that she is "preparing delegate briefing materials and need[s] this information today." That email was sent on September 18, 2025, six days after she made the initial request, on September 12, 2025. Ms. Mitchell Griggs asked for meeting minutes for the Advisory Commission on MAMP's 2024 meetings, and noted that only one meeting was listed on the website. Ms. Mitchell Griggs asked Commerce to "confirm the full meeting schedule for 2024 and whether the minutes for those session are available." She also stated that, "[i]f there is another location where minutes are posted, or if you could share a copy of the approved minutes directly, that would be greatly appreciated." Thus, Ms. Mitchell Griggs did not ask for much. And, even if Commerce could not direct her to or provide the minutes that day,¹³ there is nothing vexatious whatsoever in Ms. Mitchell Griggs's mere request that it do so. As she points out in her response, a request for earlier production does not alter the statutory timelines provided in § 4-203.

That Ms. Mitchell Griggs copied other officials and employees on certain PIA requests and other communications also does not render those requests or communications vexatious. We have reviewed the specific communications that counsel points to as evidence. Most of those communications were not PIA requests, but legitimate questions concerning the operations and functions of the Advisory Committee on MAMP. The officials Ms. Mitchell Griggs addressed and copied, e.g., the Deputy Secretary of Agriculture and the Secretary of Commerce, are ex officio members of that Advisory Committee. Importantly, the record demonstrates that Ms. Mitchell Griggs is involved in the tourism industry, specifically the sort of tourism that the MAMP is concerned with. Most of Ms. Mitchell Griggs's PIA requests were directed to Commerce's records custodian, without copies to any high-level officials in Commerce or elsewhere. Counsel for Commerce states that Commerce "does not understand why [Ms. Mitchell Griggs] is

¹³ The Open Meetings Act requires public bodies to prepare the minutes of its meetings "as soon as practicable" after the meeting. § 3-306(b)(1). The minutes are "public records and shall be open to public inspection during ordinary business hours." § 3-306(d). Although it is possible that the Advisory Commission on MAMP is not a public body subject to the Open Meetings Act, *see* § 3-101(h), we doubt that Ms. Mitchell Griggs's request was quite as burdensome as counsel for Commerce suggests.

including all these officials, but it suggests an attempt to exercise some form of control over the decisions of the [MTDB].” In our view, the record does not support this interpretation. Rather, it appears to us that Ms. Mitchell Griggs has a legitimate interest in the business of the MAMP Fund and its Advisory Committee, and that her communications were sent within the scope of that interest.

Finally, Commerce has failed to establish that Ms. Mitchell Griggs’s PIA requests were made in bad faith. Counsel for Commerce makes two primary arguments here: (1) that Ms. Mitchell Griggs’s “motive” for making the PIA requests was “retaliation” after her grant applications were rejected; and (2) that Ms. Mitchell Griggs acted in bad faith by continuing to submit PIA requests to Commerce after Commerce requested dispute resolution assistance from the Public Access Ombudsman. Ms. Mitchell Griggs disputes Commerce’s characterization of her motive, stating that she sought records to aid in oversight efforts. We need not conclusively resolve that dispute, however, because even if the grant application denials triggered her PIA requests, there is absolutely nothing illegitimate about that.¹⁴ We find counsel for Commerce’s use of the word “retaliation” somewhat troubling here, especially given the absence of any evidence that Ms. Mitchell Griggs behaved in an antagonistic, hostile, or spiteful way. *Compare* PIACB 24-106, at 13 (Sept. 26, 2024) (finding potential bad faith where “many of the PIA requests [were] worded in a way that would require the [agency] to admit, by virtue of providing records, and without any foundation for the accusations, that its employees engaged in the fraud and misconduct alleged,” (cleaned up)).

Counsel for Commerce also asserts that the fact that Ms. Mitchell Griggs continued to send PIA requests to Commerce after Commerce asked the Ombudsman for assistance demonstrates her bad faith. We think this claim also fails. Commerce contacted the Ombudsman on September 8, 2025. Based on the record we have, it appears that Ms. Mitchell Griggs sent, at most, ten PIA requests between that date and the end of December. One of them was the request for the meeting minutes, discussed above, *see supra*, note 7. Another was a narrowing of a request after Ms. Mitchell Griggs received, on September 15, 2025, a ten-day letter with a high fee estimate. For the remaining requests, we have no indication that Commerce responded in any way other than to reference the “stay” of its obligation to respond while the matter was pending with the Ombudsman. Such does not appear a high administrative burden under the PIA, and we attribute no bad faith to Ms. Mitchell Griggs’s continued requests. First, § 4-203(d)(2) merely extends a custodian’s time limitations for responding to a PIA request that is the subject of dispute resolution. We understand that, arguably, Ms. Mitchell Griggs’s continued requests were part of dispute resolution, to the extent that they were part of the pattern Commerce sought to address. However, nothing in the PIA prevents a requester from sending additional PIA

¹⁴ Counsel for Commerce also claims that Ms. Mitchell Griggs’s motive renders her PIA requests frivolous. For the same reasons discussed above, regarding the non-frivolous nature of the requests, we disagree.

requests while a matter is pending with the Ombudsman or our Board. And, it appears that in this case, four months elapsed between when Commerce requested assistance and the file was actually opened. Presumably, nothing was being done to address the situation in that time. While the delay may have been beyond Commerce's control, we certainly cannot find bad faith in Ms. Mitchell Griggs's actions during that time.

In sum, after considering "the totality of the circumstances including the number and scope of [Ms. Mitchell Griggs's] past requests and [Commerce's] efforts to cooperate with [her]," we find that Commerce has not met its burden to prove, by a preponderance of the evidence, that Ms. Mitchell Griggs's PIA requests or pattern of requests was "frivolous, vexatious, or in bad faith." § 4-1A-04(b). Counsel for Commerce asks, in the event that we make this finding, that we nevertheless require Ms. Mitchell Griggs to "submit a single, comprehensive PIA request encompassing all desired information." Absent a finding that her PIA requests are frivolous or vexatious or in bad faith, we cannot issue any binding order. However, it may be to Ms. Mitchell Griggs's benefit, at this point, to send Commerce a new, consolidated PIA request in which she identifies all outstanding public records she seeks. We also strongly encourage Commerce to follow the process outlined in *Glass*, 453 Md. at 232-33, whether Ms. Mitchell Griggs's chooses to send a new consolidated request, or have Commerce respond to the requests that are outstanding.

Conclusion

For the reasons stated above, we find that Commerce has not shown that Ms. Mitchell Griggs's PIA requests, or pattern of PIA requests, are frivolous, vexatious, or in bad faith.

Public Information Act Compliance Board

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