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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-76

July 8, 2026

Washington County, Custodian
Justin Holder, Complainant

Complainant Justin Holder alleges that Washington County (“County”) violated the Public Information Act (“PIA”) by failing to respond to a PIA request within the time limitations in § 4-203¹ of the PIA. As explained below, we find that the County failed to comply with that section.

Background

On February 1, 2026, the County received a PIA request from the complainant asking for “records related to the Dept. of Homeland Security acquisition of the warehouse on Hopewell road [sic].” After he did not receive a response from the County, the complainant, on March 10, 2026, contacted the Public Access Ombudsman to request dispute resolution assistance.² On March 13, 2026, the Ombudsman issued a final determination stating that the dispute—described as the County’s “failure to provide a response within 30 days”—was not resolved due to conflict³ and the complainant filed this complaint with our Board.

The complaint states that the complainant “asked to inspect records related to the sale and improvements on what is now alleged to be an ICE detention center located in Hagerstown, Maryland,” and the County “just did not respond to the MPIA.” In response, counsel for the County asks that we dismiss the complaint for lack of jurisdiction. Taking the position that the complainant has “made no efforts to resolve the dispute through

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

² The PIA requires 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).

³ The final determination states that “[t]he Office of the Public Access Ombudsman is unable to mediate this matter due to ongoing conflicts that prevent both 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).

mediation, and instead, has taken overt actions to effectively deny the County of its statutory right to mediation,” the County argues that we lack jurisdiction because mediation has not been attempted, as required by § 4-1A-05(a).

The County asserts that the complainant is “the sole source of any conflicts with the Ombudsman and Deputy Ombudsman,” and that the County is “ready, willing, and able to participate in mediation.” Thus, in the County’s view, because the complainant “has created the circumstances which prevent any meaningful attempt for resolution through the Public Access Ombudsman,” he has “not fulfilled his obligation . . . to attempt to resolve the dispute.” The County urges that the complainant’s conduct, which the County calls “antagonistic and vexatious,” both “supports the conclusion that [our Board] lacks jurisdiction to resolve the complaint[],” and that the complainant’s “conduct in his dealings with Washington County staff regarding his PIA requests are inherently harassing and vexatious.” The County asks that we both dismiss the complaint and issue a “statement designating Complainant as a vexatious requester” under § 4-1A-04(b).⁴

The complainant, in reply, denies that he is the cause of the conflict that prevents mediation through the Ombudsman from occurring. As to the County’s arguments that he is a vexatious requester, the complainant states that he has “the absolute right to sharply criticize his government and express his viewpoint with harsh words and coarse language.” The complainant also argues that the County “declined and waived its right to provide any arguments on the merits of the underlying complaint[] because a meritorious argument does not exist.”

Analysis

The PIA directs us to review and resolve complaints alleging certain violations of its provisions, including that a custodian “failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d).” § 4-1A-04(a)(1)(iii). Generally, a custodian must “grant or deny” a PIA request “promptly, but not more than 30 days after receiving the [request].” § 4-203(a)(1). If we find that a custodian failed to respond to the PIA request, we must issue a written decision directing the custodian to “promptly respond.” § 4-1A-04(a)(3)(iii).

⁴ To support this aspect of the County’s position, the County attaches emails it has received from the complainant, which it describes as “incessant, unsolicited, disturbing and vitriolic communications.” The County states that, although the email messages do not concern this PIA request, they are “important to the overall context of the complaint[] as they accurately portray what it is like to deal with Complainant on a consistent basis.” Maintaining that “the PIA does not compel government employees to serve as Complainant’s punching bags,” the County argues that “[u]nless or until [our Board] designates Complainant as vexatious, County staff are required to read through these disturbing messages to determine whether a request for records is contained therein.”

We start with the County’s request that we dismiss this complaint. Under § 4-1A-05(a), we may not review a complaint unless “the complainant has attempted to resolve the dispute through the Office of the Public Access Ombudsman” and the Ombudsman “has issued a final determination stating that the dispute was not resolved.” While the County is correct that no mediation occurred here—the final determination states that the Ombudsman’s office cannot mediate matters involving the complainant—we think that the “attempt” to resolve the dispute has occurred. *See* PIACB 23-23, at 3 n.4 (June 20, 2023) (recognizing that “not all Board-eligible disputes are *actually* mediated through the Ombudsman,” and stating that “the request for dispute resolution assistance . . . [is] tantamount to the statutorily required ‘attempt[] to resolve a dispute’”). The Ombudsman’s process is voluntary, *see* COMAR 14.37.02.06, meaning that a party may decline to engage in dispute resolution. In such cases, the party requesting resolution should not be prevented from filing a complaint with our Board simply because the other party declined to engage. Similarly, there may be instances in which a conflict precludes mediation through the Ombudsman.⁵ The Ombudsman’s regulations account for such circumstances by providing that an “unresolved” final determination should normally issue. *See* COMAR 14.37.02.07C.

The County points to some of our prior decisions, in which we asserted jurisdiction over certain allegations despite the fact that they were not presented for dispute resolution through the Ombudsman. *See, e.g.*, PIACB 26-19 (Dec. 17, 2025); PIACB 26-24 (Jan. 20, 2026). In each of those complaints, however, there was a final determination that stated that a certain dispute was not resolved—i.e., that the County had not issued a final response to a PIA request. *See* PIACB 26-19, at 2 (Dec. 17, 2025); PIACB 26-24, at 2-3 (Jan. 20, 2026) (final determinations issued as to lack of response to a PIA request from the County). However, in the time between when the complainant contacted the Ombudsman and filed the complaint with our Board, the County issued responses. *See* PIACB 26-19, at 3 (Dec. 17, 2025); PIACB 26-24, at 3 (Jan. 20, 2026).

Thus, when the complainant filed his complaint, he challenged the County’s substantive responses to his PIA requests. And, rather than asking us to dismiss the allegations related to the substantive responses, the County addressed them in full. *See* PIACB 26-19, at 3 (Dec. 17, 2025); PIACB 26-24, at 3 (Jan. 20, 2026). In resolving the complaints, we recognized that the County’s substantive responses were “not presented to the Ombudsman for dispute resolution, thus ordinarily we would lack jurisdiction to

⁵ The County asserts that the complainant is the source of the conflict with the Ombudsman’s office and that, under such circumstances, we should not consider his request for Ombudsman assistance a genuine or good faith attempt to resolve the dispute. Given the confidentiality mandates concerning mediation communications—which include communications “made for the purpose of considering [or] initiating [or] evaluating . . . a mediation or a mediator,” Md. Code Ann., Cts. & Jud. Proc. § 3-1801(c)—we do not know the precise circumstances of the conflict. *See id.* § 3-1803 (confidentiality of mediation communications).

resolve [the] allegation.” PIACB 26-19, at 6 n.8 (Dec. 17, 2025); *see also* PIACB 26-24, at 5 n.8 (Jan. 20, 2026) (containing similar language). But, we resolved the allegations, noting that the County’s “entire response is focused on the question of whether the County conducted a reasonable search” and that we had, in the past, “confronted a similar situation . . . and asserted jurisdiction ‘in the interest of efficiency.’” PIACB 26-19, at 6 n.8 (Dec. 17, 2025) (quoting PIACB 24-43, at 6 (Mar. 21, 2024)). In that past case, which also involved a conflict with the Ombudsman’s office, we reasoned that it was “possible that, were we to dismiss the complainant’s second allegation, that same allegation would be before us again,” given that the “same conflict will exist in the event that the complainant attempts to resolve his dispute with the . . . response through the Ombudsman.” PIACB 24-43, at 6 (Mar. 21, 2024) (citing *Rosales v. State*, 463 Md. 552, 569-70 (2019)).

Given the above, we decline to dismiss this complaint for lack of jurisdiction. The County also asks that we designate the complainant a “vexatious requester,” presumably in an effort to relieve the County of having to respond to the complainant’s PIA requests. We cannot do this. First, the PIA does not empower us to “designate” someone as “vexatious” Rather, it permits us to review and resolve complaints from custodians that “an applicant’s request or pattern of requests is frivolous, vexatious, or in bad faith.” § 4-1A-04(b). If we find that a PIA request or pattern of requests is one of these things, we may grant relief to a custodian, including by issuing an order that the custodian “may ignore the request that is the subject of the custodian’s complaint.” § 4-1A-04(b)(3)(i). Here, however, the complaint has not been filed by the County. *See* PIACB 24-82, at 2 n.4 (May 22, 2024) (addressing a similar request from a custodian in the context of a PIA requester who we found to have made vexatious and bad faith PIA requests to a different custodian). To file such a complaint, the County must first attempt to resolve its dispute through the Ombudsman and receive a final determination that the dispute was not resolved. *See* § 4-1A-05(a).

We thus turn to the complainant’s allegation that the County violated § 4-203(a). The County received the complainant’s PIA request on February 1, 2026, and does not appear to have issued a response. Thus, it is clear that the County did not comply with § 4-203(a). We therefore direct the County to issue a final response to the complainant’s PIA request “promptly,” but in no more than ten business days of receipt of this decision and order. § 4-1A-04(a)(3)(iii).

Conclusion

Based on the submissions, we find that the County failed to comply with § 4-203(a) of the PIA. We direct the County to respond “promptly,” but in no more than ten business days of receipt of this decision and order.

Public Information Act Compliance Board*

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

* Board member Kimberly A. Moses did not participate in the deliberation, preparation, or issuing of this decision.