

# PIACB annual meeting-20260828\_140122-Meeting Recording

August 28, 2026, 6:01PM

2h 36m 8s

 **Klemm, Sara** started transcription

 **Nivek Johnson** 0:08

That would be to be borrowed.

That's real.

 **Sareesh Rawat** 0:14

Okay, since we have a quorum, I'll call the meeting to order. Welcome to the Maryland State Public Information Act Compliance Board Annual Meeting. As staff requested, if you are a member of the public, we do request that you please mute your

Mute your devices now.

So just a brief introduction. My name is Sarish Rawat and I serve as the board chair. I live in PG County, where I also maintain a law office. I'm a private citizen member and an attorney member on the board. And this is my third year on the board. Now, I'd also like to briefly ask other board members to Introduce themselves, starting with Mister Encarnisio.

 **Samuel Encarnacion Montero** 1:05

My name is Samuel Encarnacion. I am from Hartford County and I believe this is my 4th year on the board.

 **Sareesh Rawat** 1:14

Thank you, Mister. Miss Gardner, please.

 **Debra Gardner** 1:18

Good afternoon, I'm Deborah Gardner. I am a citizen attorney member of the board since 2023, and I also hold the seat on the board for a person experience with making Public Information Act requests.

**SR Sareesh Rawat** 1:40

Thank you, Miss Gardner, Mister Johnson.

**NJ Nivek Johnson** 1:47

Good afternoon. I'm Niveek Johnson. I am been on the board now for about the same four years. I came on with Deb and Sam. I'm the member responsible for electronic records, an assistant member.

**SR Sareesh Rawat** 2:02

Thank you, Mister Johnson, and for our newest member, Miss Moses.

**KM Kim Moses** 2:07

Good afternoon. My name is Kim Roses. I'm from Worcester County, Maryland, and I just joined the board in July. So I'm going there, and I am the representative by the intern of MACA.

**SR Sareesh Rawat** 2:24

Great. Thank you, Ms. Moses. Members of the public who attended last year's annual meeting may recall that one of her previous board members, Mr. Herbert, resigned early in fiscal year 2026 after he completed his first year of his three-year term.

Following Mr. Herbert's departure, the board seat designated for an individual with the custodian experience, which is nominated by the Maryland Association of Counties and the Maryland Municipal League, it remained vacant for nearly the entire fiscal year. In July 26th, Ms. Moses was appointed to serve the remainder of the term for that seat. And as this is a recess appointment, Ms. Moses will be confirmed by the Senate.

during the 2027 legislative session. We welcome Ms. Moses as she assumes her new role. Now, before we move to the next item on the agenda, which is the Ombudsman's update, another quick note on logistics. You know, as we have a lot of items for discussion this afternoon,

We will reserve public comments, including all comments received via the chat function for the public comment section near the end of the meeting. We appreciate and are grateful for comments from the public, news media, and custodians. As in previous years, we have received a few suggestions regarding our recommendations

to the General Assembly.

on improvements to the PIA. Board members have reviewed these suggestions and may discuss and move to vote on them during the board member recommendation section of the meeting. If not, we may briefly discuss the submissions during the public comment section. The individuals and organizations that have sent these suggestions are encouraged to share their views during the public comment section as well.

Yeah, and finally, our board staff is also monitoring the chat for the duration of the meeting. And time permitting, we will share a relevant summary of the chat during the public comment section. After the meeting, the entire chat and the recording will be posted on the board's website.

Okay, now jumping on to the second item in the agenda, which is the update from the Ombudsman. You know, like previous years, we would request that the Office of the Public Access Ombudsman provide an update. That office offers a free and efficient Ave. to mediate PIA disputes.

The PIA requires complainants to attempt to resolve their disputes through mediation at the Ombudsman's office before they file their complaints at this board. As always, we are very interested in hearing updates on the state of the PIA alternate dispute resolution in Maryland from Ms. Lisa Kirschner.

who will be joined by Miss Alicia Bilofshare. So, over to you, Miss Kirchner and Miss Bilofshare.

KL

**Kershner, Lisa** 5:17

Thank you, Mr. Chair, and thank you to all the board members for inviting us back this year to update you on our activities. Last year, I introduced a Lisa Braylov share to the board, and she came on board in 2025. And  
and serves as currently serves as the Deputy Public Access Ombudsman. This year, Alisa has been involved in every aspect of our work and in fact has taken a lead and lead on many things. And for that reason, I wanted to ask Alisa if she would give our comments and summary to the board. I'll remain on the line in case there are any questions for me later.

Thank you.

BA

**Bralove-Scherr, Alisa** 6:04

Thanks. Thanks, Lisa. And thank you to the board for this opportunity to talk about

what's truly been a record-breaking year for the Ombudsman's Office. We are now in our 10th year and the program saw a record number of requests for dispute resolution with 400 new requests in fiscal year 26.

The office also set a program high for the number of requests concluded, closing 351. And these numbers are significant increases over the program's prior high records, 34% more new requests over our previous record of new request for dispute resolution and a 28% increase in requests closed. So we are seeing a lot of interest in the program. This was the first full fiscal year with the office's expanded staff. So that includes myself as the deputy ombudsman and also an additional administrator.

And this added capacity is really what allowed us to keep up with this increased demand. In addition to handling our dispute resolution requests, we also conducted 17 PIA trainings for various groups, and we revised our intake forms and e-mail templates

to make communications with the public more transparent and easier to understand.

We are seeing a lot of issues arise in the areas of technology and with the use of AI in PIA requests. As of July 1st of this year, the ombudsman started providing parties with the ombudsman's statement

on artificial intelligence in mediation when we open a new file. So this statement is meant to reflect the problems that we have seen with mediation participants who use AI when responding to communications with us in mediation. AI still gets a lot wrong.

especially when it comes to the PIA. So while the statement does not ban the use of AI in mediation, we do recommend against it and ask that any party who still chooses to use it just disclose that use to us with any of those communications. This year also saw an increase in requests from custodians. So in these instances, a custodian's dispute involves their

belief that a request or pattern of requests may be frivolous, vexatious, or in bad faith, or that they're overly broad or repetitive. So in fiscal year 26, the ombudsman received 18 requests for dispute resolution from custodians, and that's up from only four the prior year.

In fiscal year 26, of the 221 mediations closed that were potentially eligible for board review, 134 of those ultimately went to the board, amounting to 36% of our closed files. So this is far higher than the 25% that was predicted.

in the 2019 Joint Report. And we believe that this reflects the increased complexity of

requests and the use of AI in PIA requests. As we are entering fiscal year 27, our top priority remains reducing the wait time for dispute resolution and assistance.

And because wait times are highly dependent on just the volume that we're receiving, we are going to continue expanding and refining our standard operating procedures and focus on streamlining our internal processes to ensure consistency. We'll also continue to focus on our outreach and training initiatives.

You know, the more information we feel the ombudsman can share with requesters and custodians about the PIA and its best practices, the better the chance there is at reducing future disputes. And we're happy to answer any questions from board members that you may have at this time. Thank you.

**SR Sareesh Rawat** 10:13

Thank you, Miss. Board members, questions for Miss Kirchner and Miss.

**SM Samuel Encarnacion Montero** 10:22

Jen and maybe a comment. I just want to know my first question is, is the capacity is being met by the new staff and given the significant increase? If you can, and then I have a follow-up comment about AI.

**BA Bralove-Scherr, Alisa** 10:37

We are getting a lot of requests and we do have a bit of a wait time in getting to those, unfortunately. We're getting to them later within our 90 day statutory time frame than we would like to. So we are, you know, it would be, you know, always great to have more help, but we know in this budget climate that is unlikely and we will keep working as hard as we can to make sure we're getting to people in a timely manner.

**SM Samuel Encarnacion Montero** 11:06

My comment about AI, I do understand that AI gets a lot of things wrong and the ability to hallucinate and to create just things out of whole cloth. But I think that has to be balanced with the understanding that in a lot of ways that technology can also provide access to justice, just to borrow a phrase, and to really provide people with that counsel.

We want to make sure that that technology is not only used for people who have counsel, have access to it, and to the extent that it gets things right, I think we should

be careful in how we go dissuade people from accessing that technology, because in a lot of ways, to some people is the only thing that they have.

**BA** **Bralove-Scherr, Alisa** 11:43

Sure, and we understand that entirely. We do believe that there are a lot of benefits from AI. Our primary concern is when it comes to mediation issues, we want to make sure that the person themselves is the one who is communicating with us and giving consideration to perhaps

you know, something that is being posed to them. You know, we want to make sure we're mediating with the participants and not AI. So really the communications with us are the part that are most important on our end, not to mention that we have confidentiality requirements under the Maryland Mediators Confidentiality.

Maryland Mediation Confidentiality Act. And we do have concerns about things that we write being then put into AI bots that might be learning from that. So this is, this was our way of balancing that. We're not saying you can't use it. We're not saying you can't go off and do research using AI and come back to us, but we want to make sure that we're working with the requester themselves and not what the computer is making of it.

**SR** **Sareesh Rawat** 12:57

Great. Thank you, Miss. I had a couple of questions. So, in terms of like some statistics, I know the Ombudsman's office, they you prepare a report where you have, you know, significant number of statistics, so you may be tracking some of these. Just out of curiosity, I wanted to ask,

You know, what were the number of complaints that you know could not be mediated this past fiscal year due to a due to a conflict?

**BA** **Bralove-Scherr, Alisa** 13:24

So, yes, so I can tell you we issued one second.

10% actually of our requests involved conflicts this year, which yeah, 10% of those 400 approximately that we received. So we are talking about, let's see how many we issued. Let me just give you an exact number here in one second. We issued.

**SR** **Sareesh Rawat** 13:37

Ten percent.

**BA** **Bralove-Scherr, Alisa** 13:59

We issued 39 statements of conflict this year. No, I'm sorry. Yes, 39. 39.

**SR** **Sareesh Rawat** 14:08

39. And is that number higher than usual than previous years?

**BA** **Bralove-Scherr, Alisa** 14:14

It is slightly higher, I believe, than last year. Yeah, a lot of it is due to that volume, that additional increase that we have seen this year.

**SR** **Sareesh Rawat** 14:14

Do you have?

Thank you.

Yeah.

**KL** **Kershner, Lisa** 14:26

I would also add for the board's information that these statements of conflict do not involve unique requesters or parties. There are there's a there are instances where there is an ongoing conflict that create on a recurring basis conflict with certain parties. And we're not permitted to really go into any detail about why that is so in a public forum, but it is not as though there are 39 distinct parties that are the subject of these.

**SR** **Sareesh Rawat** 15:02

Sure.

**KL** **Kershner, Lisa** 15:06

Statements.

**BA** **Bralove-Scherr, Alisa** 15:07

And actually, I do want to make one quick correction. It was 35 this year, I believe, and 32 of them did involve a single requester.

**SR** **Sareesh Rawat** 15:16

Okay. Yeah, thank you for that clarification. I appreciate that statistics as well. I had one more question here. So I believe I asked this last year as well. What number of complaints did the Ombudsman's office deal with that concerned a fee waiver in the past fiscal year?

**BA Bralove-Scherr, Alisa** 15:36

Sure. So in fiscal year 26, we had 36 of the requests involved the denial of or the failure to respond to a request for a fee waiver, which works out to about 6% of the requests we received.

**SR Sareesh Rawat** 15:58

And my final question is, when can we expect the Public Access Ombudsman's final report? Because as you know, every year we attach it as an appendix to our final report. And would like to know the timeline of that as well.

**BA Bralove-Scherr, Alisa** 16:15

Sure, we have it in draft form right now, and we are hoping within the next few weeks to get that to you in a final version.

**SR Sareesh Rawat** 16:24

Okay, thank you, ma'am. Miss Gardner, I see your hand is up.

**DG Debra Gardner** 16:29

Yes, I had a couple of follow-up questions. Thank you, Mr. Chair. I was going to ask one of your questions and I was going to ask about what Ms. Kirshner addressed. So the follow-up on that is, do I understand that then correctly to mean that there were four unduplicated parties who received a conflict statement.  
Okay, thank you.

**BA Bralove-Scherr, Alisa** 16:54

Yes, that would be correct.

**KL Kershner, Lisa** 16:55

Yeah, I'm gonna let Lisa answer that.

**DG Debra Gardner** 16:58

Sure.

My other question is on the number of requests for assistance with fee waiver denials, or maybe we could say constructive denials in the cases of the ones that were ignored. That to my

Unschooler ear on your statistics sounds like an increase to me from over the past. Is that accurate?

**BA Bralove-Scherr, Alisa** 17:29

It is a slight increase. I want to say, I think we had about around 4% of the requests last year and it was 6% this year.

**DG Debra Gardner** 17:40

And of course, the caseload's gone up as well. So in terms of absolute numbers, it seems like a big increase. Yes. And I recall I was reviewing prior annual reports, and I think in 2023, the answer to the question was two.

**BA Bralove-Scherr, Alisa** 17:43

Like numbers, it's up, yes.

Mm.

**DG Debra Gardner** 17:56

I seem to remember that. So over that period of years, there certainly sounds like there's been a pretty significant increase.

**BA Bralove-Scherr, Alisa** 18:04

Yeah, I would also say that I think that the breakdown, if you're interested in those for indigenous versus those in for public interest, the majority are for those in public of public interest. And there are still probably a handful or, you know, let's say, or more of those that are for indigents with the majority of those coming from people who are incarcerated.

**DG Debra Gardner** 18:36

Right. Thank you very much. All very helpful. And I just want to add that it's a staggering amount of work your office is doing. So it's very much appreciated.

**BA** **Bralove-Scherr, Alisa** 18:44

Heh.

Thank you.

**SR** **Sareesh Rawat** 18:51

Mr. Johnson.

**NJ** **Nivek Johnson** 18:53

Yeah, maybe you said this and I missed it. Where are we seeing most of our, what agencies are usually coming through the...

most repeatedly coming through this cycle, do you notice?

**BA** **Bralove-Scherr, Alisa** 19:11

It's, you know, that's something that's remained pretty steady over the years. Let me just check our numbers here. So...

**KL** **Kershner, Lisa** 19:19

Yep.

**BA** **Bralove-Scherr, Alisa** 19:22

Let's see. We really, you know, it's been consistent. About 1/3 are from state agencies. 25% are made-up of local agencies. And then the remainder comes from a mixture of everything from

you know, public school districts and higher education, law enforcement agencies, first responders, as well as agency initiated mediations with requesters.

**SR** **Sareesh Rawat** 20:00

Miss Gardner.

**DG** **Debra Gardner** 20:02

Just a quick follow up then. When you say 25% from local agencies, are you specifically talking about political subdivisions in that statistic or?

**BA** **Bralove-Scherr, Alisa** 20:14

That, that includes counties and municipalities for them, yeah.

**DG** **Debra Gardner** 20:20

So, the governments themselves, as distinguished from all the folks in the...

**BA** **Bralove-Scherr, Alisa** 20:22

Mhm.

**DG** **Debra Gardner** 20:26

the remaining category.

**BA** **Bralove-Scherr, Alisa** 20:29

Right, right.

**DG** **Debra Gardner** 20:30

Got it. Thank you.

**SR** **Sareesh Rawat** 20:35

Okay, I do.

**KL** **Kershner, Lisa** 20:35

But just point of clarification, that would include agencies at that level of government. So for example, a request comes into a local department of recreation, that would, we would categorize that as a request to a municipality, for example.

**BA** **Bralove-Scherr, Alisa** 20:42

Mhm.

Mhm.

**DG** **Debra Gardner** 20:55

I see, but school school systems and school boards are not in that category.

**KL** **Kershner, Lisa** 20:55

Or to accounting.

They are not.

**BA** **Bralove-Scherr, Alisa** 21:00

Correct, right, right.

**KL** **Kershner, Lisa** 21:02

They are not.

**DG** **Debra Gardner** 21:06

Nor it sounds like our law enforcement agencies.

**BA** **Bralove-Scherr, Alisa** 21:09

Right, we have those separated out.

**DG** **Debra Gardner** 21:14

And all of these details will be in your report. Is that correct? Great. Terrific. Thank you.

**BA** **Bralove-Scherr, Alisa** 21:18

Yes, they are. Yes.

**SR** **Sareesh Rawat** 21:26

OK, thank you, Miss Kirchner and Miss Bailoff. We we look forward to seeing the seeing the ombudsman's final report this year.

So, the board thanks Miss Kirshner and Miss Brayloff here. Next on the agenda, Assistant Attorney General Miss Sarah Clem, who serves as board's counsel, will provide us a brief overview of the number and nature of complaints in fiscal year 2026.

Miss them.

**KS** **Klemm, Sara** 22:01

Thank you, Mr. Chair. So this year in fiscal year 2026, the board received the highest number of complaints it has yet at 134 total complaints. That's up from 94 the previous fiscal year. And then in fiscal year 2024, that number was 114. So it's much

higher than its.

Ever been.

Of those complaints, 32 were dismissed without a written decision issuing. The vast majority of those were dismissed, 18 of them, because mediation hadn't been attempted through the ombudsman first, which is a requirement to filing a complaint. Seven were dismissed as not within the board's jurisdiction. So meaning maybe it was a complaint about a fee, but the fee was less than \$350. One complaint was withdrawn by the complainant before the custodian had even responded. The parties were able to work out the issue beforehand. So that was not subject to any sort of written decision. And then this year, actually, the board had six complaints that were not sufficient when they were filed, meaning that the complainant did not include everything that they needed to. I would just note that five of those were from one person. And we, you know, board staff tried to work with the persons to have those complaints be sufficient, but ultimately they just were not in the timeframe. And so those were dismissed. The board issued 73 written decisions in fiscal year 2026. 17 of those were for complaints that were filed in 2025, fiscal year 2025 and still pending.

after July 1, and the rest were for complaints that were filed in fiscal year 2026.

The board did not hold any informal conferences, as you all know, this year regarding any of the complaints. I think the board did generally kind of increase its use of affidavits from custodians to get when facts were needed, factual evidence was needed to resolve complaints.

So there was more, I think, of that practice rather than convening in formal conferences. And the board did for 14 complaints review either a descriptive index or copies of the records that were in dispute in a confidential manner prior to issuing its decision.

I would note this year, there were 46 complaints that were filed in fiscal year 2026 that are still pending after the turn of the fiscal year. That is a much higher number than it's ever been. Last year, it was 17 carryover complaints, and previously to that, there were 13.

I think that's partly a reflection of the fact that there was such an increase in the number of complaints that were filed.

And.

As to the allegations that the board addressed, the nature of the allegations that the

board addressed in those written decisions, 63 of them included denials of inspection. 14 included failures to respond to a PI request. Nine included unreasonable fee allegations.

Four included or four were frivolous, vexatious, bad faith complaints from custodians. In its written decisions this year, the board found.

of the PIA and 21 of its decisions. 36 did find a violation and then 14 decisions found some kind of a mix. So there may have been multiple allegations raised and the board found a violation as to at least one of those allegations, but not all of them. The board was able to resolve all the complaints that came before it this year. They didn't issue any decisions saying you couldn't resolve A dispute. Two complaints were dismissed at the request of the complainant, and there was one where the complaint was ultimately stayed.

Because the...

PIA allegations had been actually raised in a lawsuit in circuit court that had been filed before the complaint came to the board.

I guess just going back again to those 134.

Total complaints that the board received in this fiscal year. The nature of the allegations there, 94 involved denials of inspection, 19 failures to respond, 16 unreasonable fees, and six frivolous, vexatious, and bad faith PIA request or pattern of request allegations.

And all of this will be reported out in the boards, a final annual report when it's released.

**SR Sareesh Rawat** 27:09

Thank you, Ms. Clem, and thank you for all your work and efforts this past year. I know I understand this this past fiscal year has been has been a difficult one in terms of the decisions and the complexity of the decisions as well. Do board members have questions for Ms. Clem?

Yes, yes, Miss Gardner.

**DG Debra Gardner** 27:35

Ms. Clem, I'm curious whether you know the percentage of complaints the board decided that it found a violation of the act.

**KS Klemm, Sara** 27:53

I don't know the percentage off the top of my head. It would be, so 21, I'm sorry, 36. found a violation and 14 had it was a mixed. So I guess that would be what, 50 decisions found some form of a violation out of the 73 that the board issued.

**DG Debra Gardner** 28:13

Thank you.

**SR Sareesh Rawat** 28:22

Mr. Johnson.

**NJ Nivek Johnson** 28:24

It's not more so of a question. It's just more of a thank you to Sarah and her team. They do a lot of hard work and I don't want that to be ignored because that's a lot. That caseload is big. And as you said, we're rolling stuff over and they keep coming in. So I just want to again give kudos to this team.

**KS Klemm, Sara** 28:43

Thank you.

**DG Debra Gardner** 28:48

I certainly second that. The Ombuds office is doing this staggering amount of work. The board's staff are... staggering doesn't begin to cover it, frankly. It's so very much appreciated. Makes things for the board members, the volunteer board members, much easier.

**SM Samuel Encarnacion Montero** 29:12

I want to echo those statements, and I think a lot of it goes unknown in the terms of the amount of work that goes that Sarah and your staff does. And by the way, Deborah, I think, hope my math is right, I think the percentage is about 68%.

**DG Debra Gardner** 29:29

I was just figuring, trying to figure that out myself, but I wasn't sure I remembered the raw numbers that Sarah had mentioned. But I got that same, I got 69, so I must have been off of it. Thank you.

**SM Samuel Encarnacion Montero** 29:30

Absol.

Yes, but...

Yeah.

**SR Sareesh Rawat** 29:49

OK, thank you, Miss Clem.

**KS Klemm, Sara** 29:53

Thank you.

**SR Sareesh Rawat** 29:53

Right.

Okay, moving to the next item on the agenda, which is a review and discussion of the draft annual report. Now, Maryland law requires that the board submit an annual report to the governor in the General Assembly on or before October 1st each year.

I'll briefly review the contents of this year's annual report before opening the floor for discussion. So section 1A describes activities undertaken by the board in fiscal year 2026, acknowledges the contributions of the board members, as well as board staff. which includes Miss Clem, Miss Hollemeyer, Miss Moore from the Public Access Unit in the Maryland Attorney General's Office, who have again made invaluable contributions to the board's operations this year. Section 1B of the annual report describes the board's processes and procedures. Section 1C provides noteworthy statistics about the board's complaint and decision activities for fiscal year 2026, some of which Ms. Glem discussed in the previous section. Information about complaints dismissed without a written decision is also included in this section with the most common reason for such dismissals.

being the complainant's failure to 1st attempt to resolve the dispute through the ombudsman's office. For complaints for which the board issued a written decision in fiscal year 2026, decision summaries are provided in order by complaint number, and they identify the primary issues in each decision.

Next, we have section 2 of the annual report, for which we currently only have a partial draft. This section will include the board's recommendations to the General Assembly for the improvements to the PIA, which we will discuss in a later section.

Board members have reviewed the draft annual report and provided edits and comments to staff in advance of the annual meeting.

I now open the floor for board members to discuss the draft annual report.

Okay, seems like we have no comments from board members regarding the annual report. You know, I would just reiterate, you know, each year the board staff and particularly Ms. Clem spent a lot of time and effort in putting together the annual report. And, you know, this year it was no different. And I would like to thank Ms. Clem

and the board staff for their important contributions.

Okay, now moving along to the next item on the agenda, which is motions for changes to the draft report. So firstly, I'll make a motion. I move to include the report of the Public Access Ombudsman

when we receive it as an appendix to the board's annual report.

**SM Samuel Encarnacion Montero** 33:02  
I second.

**DG Debra Gardner** 33:02  
Second.

**SR Sareesh Rawat** 33:05  
Thank you. All those in favour.

**SM Samuel Encarnacion Montero** 33:07  
I.

**DG Debra Gardner** 33:07  
Hi.

**SR Sareesh Rawat** 33:08  
Please.  
Hi, Mr. Johnson, your camera is off and I don't think I heard you.

**NJ Nivek Johnson** 33:12  
I, I'm I, I'm an I, thank you.

SR

**Sareesh Rawat** 33:18

Thank you. So we have 5 in favor and none against. So the motion carries.

No.

Having said that, I think so, do board members have any other motions for changes to the draft report?

Okay, seeing that we have no other motions, we will move to the next item on the agenda.

which is the board member recommendations for changes to the PIA. Now, this time we've had a slight change to this section from last year. That change being that board members have shared their recommendations with the rest of the board ahead of the annual meeting via e-mail. This change has allowed us to include recommendations for improvements to the PIA in the meeting agenda.

end of this year. Now, board members have not discussed these recommendations in advance of the public meeting, and board members may and are actually encouraged to suggest additional recommendations for discussion this afternoon as well. So for the first recommendation on the agenda,

Miss Gardner proposes that PIA be amended. So, first of all, all the three recommendations, you know, that they were proposed by Miss Gardner, but you know, we have been, we have, I believe, discussed, previous boards have discussed these.

these recommendations as well. And so the first recommendation is that the PIA be amended to expand the definition of public record to include the original or any copy of any documentary material in any form that is made or received by a unit or an instrumentality of the state or if a political subdivision

including its agents in connection with the transaction of public business. So the current definition of public record in the PIA does not extend to records made or received by the agents of a governmental unit, and this recommendation would change that. Ms. Gardner, would you like to start off the discussion?

DG

**Debra Gardner** 35:30

Well, actually, as to this and the other two recommendations, I put them forward again this year because they had been adopted by the board last year for inclusion in its annual report. And this, but this one last year, the original promoter of this recommendation was the chair.

**SR Sareesh Rawat** 35:49

That's great.

**DG Debra Gardner** 35:50

So, perhaps, perhaps you would like to start off the discussion.

**SR Sareesh Rawat** 35:56

Absolutely. Yeah. Thank you for pointing that out, Miss Gardner. So as Miss Gardner was saying, last year I cited a case that was resolved by the board, number 2573, in which certain invoices of a private attorney of a governmental unit could not be obtained under the PIA because the attorney was submitting his invoices.

to the insurance carrier, which had appointed him to serve as the attorney for the governmental unit. Now, for me, this was an undesirable outcome because although the invoices were created in transaction of public business and the governmental unit paid for them, albeit indirectly through the payment of insurance premiums, the invoices could not be requested by the public under the PIA.

as the governmental unit did not make or receive them. An expansion of the definition of the public record to include agents, it would resolve this issue. And this year, we did not have any cases where this particular issue was repeated. But I nevertheless, I continue to support this recommendation.

So, are there any other thoughts from from the board on this on this particular recommendation?

**SM Samuel Encarnacion Montero** 37:14

The only comment I would make in addition to, I believe your excellent explanation is that I likewise support this recommendation and I don't think there's a need to rehash. I think the broad.

sort of explanation that you provided, especially the example in terms of what that result yielded.

**SR Sareesh Rawat** 37:37

Yeah, thank you, Mister.

**DG Debra Gardner** 37:42

I certainly continue to support the recommendation as well for all the reasons stated during this meeting and during last year's meeting.

**SR Sareesh Rawat** 37:53

Thank you, Miss Gardner.

Okay, so I think if that's all the comments we have and the discussion we have, we can move on to the next recommendation that's on the agenda.

**NJ Nivek Johnson** 38:12

Point of order, point of order. I'm sorry. Are you taking, are you, are you rolling to these recommendations? Are you asking us to pay? What it, what do we do? I like that's what I, because we have them here.

**SR Sareesh Rawat** 38:18

Yeah, go ahead, Mister Johnson.

Yeah, so the idea is to discuss the recommendations in this section, Mr. Johnson. And once we discuss all the recommendations, we will move, we will vote on the recommendations in the next section.

**NJ Nivek Johnson** 38:42

So you were voting on, so we're not voting on them separately. We're voting on mine as a block. Is that what I'm...

**SR Sareesh Rawat** 38:48

No, we will vote on them separately. We will move on them separately just in the next section.

**NJ Nivek Johnson** 38:50

Okay, so you're gonna, so what you're saying, when we take the, okay, I think I understand what you're saying.

**SR Sareesh Rawat** 38:57

Yeah, so we will, what we will do is, that's a good question. So what we're doing is we're going to go through, as in the agenda, each of the recommendations for discussion. And once the discussion is complete, we will move for each individual

recommendation and then vote on them.  
separately not as a block in the next section.

Okay, so the...

The next recommendation on the agenda, it's an important one, and if adopted by the General Assembly, this recommendation would expand the board's jurisdiction to include complaints involving A custodian's denial of a fee waiver request. Now, under general provision section 4206E,

Custodians may waive fees or costs assessed under the PIA if the applicant asks for a fee waiver and if the applicant is indigent, or if the custodian determines that a waiver would be in the public interest. The decision to grant a fee waiver is ultimately at the discretion of the custodian, but the decision must not be made arbitrarily or capriciously. So despite this discretion, when a denying a fee of a request, custodians must create a sufficiently detailed record so there's enough information about the actual decision-making process to determine that the decision was not arbitrary or capricious.

So if the, my understanding is if the board's jurisdiction is expanded to include fee waiver denials, the board would resolve complaints surrounding the custodians exercise of this discretion. Now, I would, just with that little bit of a background, because the agenda didn't, we don't have a big background. I just wanted to provide a little bit of background before I invite board members to please share their thoughts, starting with Ms. Gardner.



**Debra Gardner** 40:59

Thank you again, Mr. Chair. I have this recommendation has been adopted by the board for the last two years for inclusion in its annual report. And I continue to believe that denials of fee waivers, both for indigency and for public interest, are a pretty significant barrier to access to public records. And I would only add to your excellent summary that case law has mandated certain considerations and by custodians. And so compliance with the law as interpreted by the Maryland courts continues to be an area of concern that I think this board could certainly help the courts flesh out on in cases if it had the jurisdiction. I'll also note that the increase over time of the number of complaints, requests for consideration for mediation and complaints to the board that we do not, that have to be dismissed by us because we don't have the jurisdiction over fee waivers does suggest that even though the workload for the staff and the workload for the board

is increasing,  
that this remains an important priority for us to be able to assist parties with in order  
to get access to public records in the state.

**SM Samuel Encarnacion Montero** 42:36

Mr. Chair, I likewise support this recommendation. And I just briefly would state that, like the first recommendation, this aligns with the spirit of the statute and the purpose of the statute. So I think that's very significant. I've tried to be very sensitive to the custodian, but having access to the public records as mandated by the statute, I think that aligns with our purpose.

**SR Sareesh Rawat** 43:10

Yeah, thank you. Yes, Mr. Johnson.

**NJ Nivek Johnson** 43:20

Help me for a second.

How often do we get, or we send people away because we don't have jurisdiction?  
Over the waivers.

Is there a number that we can attach?

**SR Sareesh Rawat** 43:35

That's.

Yeah, that's a good question, so...

I would like to, I think that's the question for Miss Clem. How many, how many fee waiver complaints does the board receive? And I'm assuming that would be in conjunction with, you know, with other complaints over which the board does have jurisdiction.

**KS Klemm, Sara** 43:59

Yeah, so in this year, I guess just to backtrack a little bit, I think when the board was first formed, it had the only dispute the board could decide were fee waiver or fee disputes, if a fee is higher than \$350. And the board then did receive a decent number of complaints that were about fee waivers. That being said, I mean, I say a decent number, you know, it was...

four or five or six, because the board received a whole total of like 15 complaints over the whole, you know, year. But this year, I don't, there wasn't, I don't think there were any complaints that were solely about fee waiver denials that got dismissed. And there, you know, there may have been some fee complaints where that was an issue that was presented during dispute resolution with the ombudsman's office. And it may or may not have also been part of the complaint. But, you know, of course, the primary issue that the board would have focused on would have been the fee. And so again, this year, there were 16 complaints of the 134 that the Board received that related to fees. So of those 16, there may have been a handful or more than a handful that did also dispute fee waiver denials or failures to respond to requests for fee waivers.

**NJ Nivek Johnson** 45:28

Thank you. I just, just curious, you know, we're living in unprecedented times and people are struggling, but also our custodians are struggling too.

**SR Sareesh Rawat** 45:30

Yeah, I think.

**NJ Nivek Johnson** 45:42

and especially in small towns as well. So I was just curious. Thank you.

**SM Samuel Encarnacion Montero** 45:49

Mr. Johnson, I thought it was an excellent question. And actually I was heartened by the answer and the fact that we don't have many. It doesn't change my opinion because, but I think in a way, it makes us less of a problem and easier to police. But it was an excellent question, by the way.

**SR Sareesh Rawat** 46:19

OK, thank you, Mr. Mr. Johnson and Miss Clem. Miss Moses, did you? Did you want to say something?

**KM Kim Moses** 46:27

I just wanted to say I do concur with Mister Johnson's questions regarding.

I'm so new on this board, I'm hesitant to jump into any discussions.

I do have concerns for custodians, not not with regard to indigency, you know, such a denial should be permitted. However, I do have concerns with custodians who do refuse to waive.

In this.

Simply replace.

You know, someone has said it's in the public. Of course, I understand there's a whole gamut of criteria that go into that, so I would support this. I just do nothing.

SR

**Sareesh Rawat** 47:21

Yeah, yeah, thank you, Miss Moses, and I appreciate your comments, and please don't feel like you're new on the board, so you can't comment. Please, you welcome your comment, and please, we do and carry some.

Miss Gardner, did you did you want to add something there?

I'm wondering if it would help to kind of go over, you know, a couple of the factors that Ms. Garner mentioned as well. You know, the...

You know, the custodians exercise of discretion involves a range of factors, and you know, which includes, as Miss Gardner was saying, by law, you know, through case law, you know, including the applicant's ability to pay and the cost to the governmental unit, as long as...

Along with, you know, other factors.

So I personally, I would support this recommendation again this year as well. And.

Just want to ask if there are any additional comments from board members before we move to the next recommendation.

DG

**Debra Gardner** 48:37

Actually, Mr. Chair, I do have one additional comment to make. And it's grounded in my experience as a practitioner, an attorney working in a public interest organization that uses the Public Information Act quite frequently.

We continue to receive responses to public interest fee waiver requests from custodians far too commonly that simply say, we have a policy of no public interest waivers, period. And that is certainly very distressing.

And one of the reasons, one of the reasons, you know, one of the reasons it would be great for the board to have jurisdiction over those denials.

**SR Sareesh Rawat** 49:19  
Sure.

**DG Debra Gardner** 49:29  
And because custodians have a tremendous amount of discretion, but they do need to explain it and they do need to consider factors that the court has required them to consider. So.

**SR Sareesh Rawat** 49:45  
Yeah, no, absolutely. Exercise of that discretion needs to be done in a manner that is not arbitrary and capricious, and having a blanket policy such as that sounds to me that that's not what's happening. So, actually, before we move on, I just did have one question for you, Miss Gardner. So, under the proposed jurisdictional expansion, Do you envision the board having the authority to issue binding fee waiver orders, or would the final decision-making authority still reside with the custodian as it currently does?

**DG Debra Gardner** 50:18  
I think it probably wouldn't be most efficient if considering access to public records with the least cost and least delay if the board had the authority in the same way that it does in other circumstances to order the waiver.  
once the custodian has had the opportunity to argue its case before the board. And of course, all of that would be subject to judicial review as well.

**SR Sareesh Rawat** 50:51  
Sure.

Thank you.

Do you have any other comments or points of discussion from board members?

Okay, so seeing none, we'll move to the final recommendation for discussion on the agenda, which involves information contained in databases and would require custodians to provide portions of the public record in searchable and analyzable electronic form.

Even if the request requires data compilation, extraction, querying, statistical aggregation, or any other form of data manipulation, as long as the database

program is capable of performing in order to produce a public record. Now, given the advancements in...

database technology today, and given that they allow significant automation, scalability, and flexibility, I'm personally of the view that the act of extracting data from within the same database, albeit from a larger data set, should not be viewed as creating a new public record.

Now, last year, during the public comment section of the follow-up meeting, we had a remark that it was perhaps a misconception that all agency databases are equally robust. You know, how would an agency provide evidence that its database cannot perform the required function?

Um...

So, and I think Mr. Johnson as well, if I recall, he raised a really key concern during the follow-up meeting regarding database technical gaps and custodian capacity, noting that staff in smaller municipal offices often lack specialized training while juggling competing administrative responsibilities.

Now, I invite board members to discuss these and other considerations involving this recommendation.

Hi, yes, Miss Moses.

**KM** **Kim Moses** 53:02

This one, just because it comes up quite frequently at the county government. So just on my own experience, this is a long overdue addition. But I believe that the people who are involved with these records are, for the large part, highly trained.

because they're dealing with financial and human resources information. And I think being able to verify whether they have the ability to adapt those records is simple enough by identifying the systems that they use. You know, if you're using a certain system, then anybody who works with those systems knows whether we can.

Manipulate that data, so.

**SM** **Samuel Encarnacion Montero** 53:51

Sure, could I ask a question?

**SR** **Sareesh Rawat** 53:54

Of course, sir.

**SM Samuel Encarnacion Montero** 53:55

I mean, I don't know, maybe to you as well as to Deborah. I just want to make sure that I'm understanding the recommendation properly. If there's a situation where somebody is actually complaining that the query or the prompting of the search is insufficient, how would that you see that as affecting that?  
and that you're not creating a new record. How would that person be able to complain like you're intentionally not searching for the right thing?  
Or am I just misreading this? Just, I'm open to any answer on that. Just a thought that I'm having.

**DG Debra Gardner** 54:30

Let me see if I can, let me see if I can understand your question and answer it responsibly. The impetus for this is a request for data in databases managed, maintained by

**SM Samuel Encarnacion Montero** 54:38

Yeah.

**DG Debra Gardner** 54:51

Uh, government entities that were that that, you know, for example.  
that want information about...  
the incidents of certain kinds of things, aggregate data that is available in the database, but not maintained in exactly the way it's being requested by the entity, it's the government entity itself.

**SM Samuel Encarnacion Montero** 55:10

Yeah.

**DG Debra Gardner** 55:24

but could easily be pulled from the database with queries, even queries that lay people like me could create, you know, in the database, or certainly that the technology staff of the government and  
could create. But some custodians say we don't have to do that. That constitutes creating a new record because you're asking for a different data set or different

comparisons of data points than we customarily maintain for ourselves. If I understood your question correctly, if the board already quite frequently addresses complaints where the applicant doesn't believe the custodian has done an effective search in electronic records because of flawed queries or incomplete search terms or whatever. And that's a different issue that I think because it relates to whether a reasonable search has been conducted under the Glass case. That's something the board already has jurisdiction over and regularly addresses.

**SM Samuel Encarnacion Montero** 56:42

Deborah, then thank you for that. That was actually very helpful in clarifying, but let me amend my question then a little bit, given that information. Is then the is the burden.

On the person or the entity requesting the records to get that.  
to get that right meaning.

Are they?

Under the definition of a new public record, are there aggregate records that would remain either hidden? I'm not talking about whether you do an adequate search. I'm just meaning that somehow, for lack of a better word, there's aggregate records that in itself means something. You know, maybe a pattern or maybe that a person is not going to be able to

To assess, to access.

**DG Debra Gardner** 57:27

Well, that's exactly the kind of data that we're talking about that some custodians will say involves creating a new record. And this board issued a decision last year to that effect as well. And so

**SM Samuel Encarnacion Montero** 57:30

No, no, no.

**DG Debra Gardner** 57:46

And nonetheless, the board members recommended this change to the statute in partial response to its own decision that it felt constrained to make in the case that I happened to be recused from.

The appeal, I should say, the appeal of the board's decision in that case is still pending in the appellate court.  
I'm not sure if that answered your question, Sam.

**SM Samuel Encarnacion Montero** 58:19

It does, so I'm just I'm trying to see if I if I should ask an additional question or not, but I wanna not sure.

And maybe the chair, I was wondering as to the adequacy as to if anyone wants me to provide with a, as to whether our understanding, I guess I'll ask you there by directly as to what you think in terms of creating a new record.

**DG Debra Gardner** 58:50

Sorry, I'm not sure I know who you were addressing that to.

**SM Samuel Encarnacion Montero** 58:54

That was to you, Deborah.

**DG Debra Gardner** 58:56

Oh, sorry, so I don't think I understood the question.

**SM Samuel Encarnacion Montero** 59:01

Well, as you post, you know, your answer, and I believe you said you abstained, do you think it does create a new record?

**DG Debra Gardner** 59:15

Well, certainly I don't believe that it does, which is why I proposed, but because the board had made that decision and because it was a disputed issue legally and it's in the courts and may get resolved in the courts, there was also a sense that perhaps the board could recommend that the statute be changed as a clarification, because the, you know, it's being litigated whether it does or doesn't create a new record. And one way to resolve that would be to clarify the statute. as we learned from the legislature that considered a bill along these lines in the 2026 session, the many custodians actually already perform those kinds of functions because their databases can do it and they know how to do it and they don't consider it creating a new record. Some custodians take the position that it

creates a new record. And this board took that position in a decision last year that's under appeal. So

This is in the nature of clarifying to the contrary, because part of the problem is the last time the...

Maryland courts spoke on what constitutes creating a new record technology was, there was 2011 technology that was at issue. And, you know, database manipulation and data manipulation and analysis techniques.

Have greatly improved in the time since.

**SM Samuel Encarnacion Montero** 1:01:08

And finally, maybe Chair, maybe you can answer this as well and against everyone on the board. What is the best articulation, the best argument, respective of your position, for that it does create a new record?

**SR Sareesh Rawat** 1:01:23

For me, it's the case law, Mister. So, as Miss Gardner was mentioning, the case law from, you know, 2014-15 is the, I think, is the manual decision as well. You know, it states that, you know, if there's, you know, data compilation, extraction, querying. statistical aggregation, things of that nature, it creates a new record. And as Ms. Gardner was mentioning, we did have a case in which we actually held a hearing where we had, we felt restricted by the existing case law. Hence, we are requesting this legislative fix here.

**SM Samuel Encarnacion Montero** 1:02:03

Thank you. Thank you for all the answers. Thank you.

**SR Sareesh Rawat** 1:02:08

Yeah, thank you. Thank you, Ms. Gardner, and thank you, Mr. Encarnacio. And Mr. Johnson or Ms. Moses, any other comments on this point before we move to the next item on the agenda?

**NJ Nivek Johnson** 1:02:23

I, I see the point, and I get it, and I really do, I...

I think part of me wants to, like we said, some agencies do it this way, some agencies do it that way, and this would help codify. I wonder, and this is just me, I wonder if

some people, when they see, think new record, they think about a published document. You know, I feel like at times when we publish.

Data.

in certain organizations I'm in, we can do the, we can do the hard work and do all the data work on the backside. And then, but the requirement, our processes is that when we do these data, then we publish that data. And I wonder if folks, Often think that.

just not the putting it all together, but also that the publishing aspect of the data, these results also mean something. And I know technology is changing, and yes, we can definitely do these things. I just...

Again, I often wonder if everybody is where we're all at. And I come and I represent a very rural, you know, area, small towns. And I know, and I always, I talk about this all the time, how some of the small towns are barely have one person on staff. And so you're asking, asking a lot of them.

And so there, and even sometimes in this like days and days again, you know, I go to a small town and I have to get over here, there, everywhere to get a decision made in some of our bigger districts. There's so much red tape of things. So, you know, I understand, I know that technology and we have to change with the times. I just, Again, I'm always leery if everybody else has changed with the times.

**DG Debra Gardner** 1:04:24

Excuse me.

**SR Sareesh Rawat** 1:04:26

Yeah, Mr. Johnson, I certainly appreciate the importance of the issue you raised, and I believe you raised a similar issue last time as well. You know, some of the ways that, you know, I was just thinking some of the ways that we could kind of you know, to try to fill that void, that training void, that technological gap is potentially by, you know, centralizing, you know, technical assistance or, you know, providing more training, which again, all of that, like you say, like it will take effort and...

you know, training and helping folks catching up with technology would take effort and time and resources. So, but your comment is well received.

So.

**SM Samuel Encarnacion Montero** 1:05:27

Chair, can we, can I, and I'm sorry to belabor this point, but I told Mr. Johnson raised a good point and I don't want to belabor this point anymore, but do we know, anybody knows what the, if the burden is shared equally in terms of how this data extraction is done? I mean, people using different software, we're talking about technology, but we're talking about the same technology across the board or? different technology or a mismatch of technology all over the place with the different custodians.

**DG Debra Gardner** 1:05:53

I think it varies greatly, but the proposed amendment to the statute accounts for that in its language, because it's the inquiry is if it's not creating a new record if the database program is capable of performing the functions.

And, you know, other issues like people asking for massive amounts of data, are... things that the board already can address. You know, if they if there's a if there's an objection that the from a custodian that the request is over broad or burdensome, you know, those kinds of concerns exist regardless of what the technology is.

This simply says, if it's possible for the custodian to do it with the existing functionality of whatever technology it uses, it doesn't involve creating a new record. It just sort of closes that, closes that sort of loophole. I don't know if loophole is really the right word.

in the statute by clarifying that.

**SM Samuel Encarnacion Montero** 1:07:15

But Deborah, who, who, how we, how we assess the functionality of that technology, of the capacity of that technology, as to whether it can do it or not? I mean, who the custodian, the custodian makes an assertion us to that?

**DG Debra Gardner** 1:07:25

I think we do that.

Well, yes, of course, the custodian and the custodian would carry the burden of proof that it's on the issue of not, you know, the statute not requiring them to comply because it would involve creating a new record, just as with every other, every other

denial of access to records. The custodian always has the burden to carry. you know, to prove to the board or to a court that it's appropriate under the statute.

**SM Samuel Encarnacion Montero** 1:08:00

Thank you.

**NJ Nivek Johnson** 1:08:02

So, we're saying, if it is capable, excuse me, Mister Chair, I'm sorry, if the if the database is capable to produce the information, OK.

**DG Debra Gardner** 1:08:11

Yes, exactly. And only in that circumstance. If their credible evidence from their knowledgeable staff is that it can't be done with a particular database they have to work with, then they would carry their burden.

Of demonstrating that it would constitute creating a new record for them.

**SR Sareesh Rawat** 1:08:39

Yeah, and just to add, Miss Gardner, the I think I believe you mentioned, you know, carrying that the burden, the evidentiary burden, that would just be, you know, having somebody with technical knowledge to provide an affidavit, as we do in current denial scenarios at the board.

So.

**DG Debra Gardner** 1:09:01

Or an informal conference, exactly, yes.

**SR Sareesh Rawat** 1:09:03

On contrast here.

**SM Samuel Encarnacion Montero** 1:09:05

Yeah.

**NJ Nivek Johnson** 1:09:18

I have one more question. I'm sorry. I maybe Sarah, for the public's knowledge, how often do we get cases like?

**SR Sareesh Rawat** 1:09:18  
K.

**NJ Nivek Johnson** 1:09:28  
Similar to these, where we are tasked with looking to see if this is a new record versus a current record, creating a new record versus just how many times do we, how often do we usually see that?  
For board staff.

**DG Debra Gardner** 1:09:51  
I can say that I recall two in my tenure on the board. That's three years.

**KS Klemm, Sara** 1:09:55  
Yeah, I think that's right. I think there have been two.

**SR Sareesh Rawat** 1:10:10  
Any other comments or points of discussion regarding this proposed recommendation?  
Okay. Seeing none, at the conclusion of the section, I would like to ask board members if they would like a discussion on any other potential recommendations to the General Assembly. So I know we discussed the three recommendations that we have on the agenda, but do we have any other recommendations that we'd like to discuss this afternoon?

**DG Debra Gardner** 1:10:46  
Mr. Chair, is this where we might be discussing recommendations that were requested, were submitted to us from members of the public?

**SR Sareesh Rawat** 1:10:56  
Yeah, so great question, Ms. Gardner. So my plan was to, because they were, you know, public comments, we would discuss them in the public comment section, unless of course the board, one of the board members would like to discuss it as a proposed recommendation to the General Assembly, in which case we would discuss

it now. So thank you for that question.

OK, so seeing that we can, we can move to the next item on the agenda.

**NJ Nivek Johnson** 1:11:26

Point of information, I'm sorry, point of information. I'm just curious. So if we, when we get to the public comment, are you saying we can bring back additional recommendations in lieu of the public comment?

**SR Sareesh Rawat** 1:11:29

Yes, sir.

No, so in the public comment section, what I was saying is we would, you know, I plan to summarize and provide some of the comments that we received in advance of the public meeting. So because, but if you would like to adopt or I shouldn't say adopt, if you would like to support one of these public comments or the recommendation that these public comments provide and would like a discussion from the board, we can do that now. And then we would potentially vote on it on the next section.

during the next section to include it as part of our recommendation to the General Assembly. I hope that is clear.

**DG Debra Gardner** 1:12:30

If I may suggest, Mr. Chair, it seems a little awkward though, because if we don't move to adopt one of those public recommendations now, then we have foretold that we are not going to do so before.

**NJ Nivek Johnson** 1:12:30

Okay.

**DG Debra Gardner** 1:12:48

if there's been any discussion. Could I ask if you would consider providing that summary now and letting us have that discussion now, in particular because folks who are here who might be interested are, you know, I think overstaying graciously with us the time for our that was scheduled for our meeting. So I hate to put that off any longer.

**SR Sareesh Rawat** 1:13:12

Sure.

No, I think we can certainly do that. I think...

So in terms of like, so we have received two.

Have them here.

I so if you have received two sets of recommendations or potential recommendations to for the improve.

**DG Debra Gardner** 1:13:35

I believe there were three.

I believe there were three.

**SR Sareesh Rawat** 1:13:40

So I think the third one, it's not necessarily a recommendation to improve the PIA. It relates more to the Open Meeting Compliance Act. Is that correct, Ms. Klem?

**KS Klemm, Sara** 1:13:54

Yes.

**SR Sareesh Rawat** 1:13:55

Okay, yeah, so we have two sets of recommendations. One is from Miss Laura Anderson Wright again this year. If you may recall, she submitted a set of recommendations last year as well. So I have that, I have those here and then Also, we have recommendations for changes to the PIA from the Public School Superintendents Association of Maryland and the Maryland Association of Board of Education. So I'm happy to kind of provide a quick summary of Of the of the PSSAM and MAPE or MAPE. I'm not sure recommendation now and we could we could potentially discuss it.

**SM Samuel Encarnacion Montero** 1:14:46

Yeah, that makes, I think that's a good idea.

**DG Debra Gardner** 1:14:51

Thank you.

**SR Sareesh Rawat** 1:14:53

Yeah.

So, as I mentioned, these two organizations in their joint submission to the board received on August 14th, 2026, a couple of weeks ago. The organizations, they highlight severe administrative strains on local school systems caused by an exponential surge in commercial data farming.

and AI-driven requests for purchasing, invoicing, and contract records. Now, these organizations would like the board to address these operational burdens by recommending statutory amendments that would allow agencies to apply higher fees, extend response timelines, or deny mass commercial solicitations.

and sensitive financial queries. Now, they point out that other states like Indiana, New Mexico, and Ohio are beginning to address these task requests through statutory changes.

**SM Samuel Encarnacion Montero** 1:15:56

Do I have a can I follow up on that, Chair?

**SR Sareesh Rawat** 1:16:00

Yes, sir.

**SM Samuel Encarnacion Montero** 1:16:01

I just, does it recommend any specific statutory change other that we should consider statutory changes?

**SR Sareesh Rawat** 1:16:09

Yes, so...

So, first, they they request.

**DG Debra Gardner** 1:16:21

If I may, Chair, if I recall it, there's no bill language with the comments, but...

**SM Samuel Encarnacion Montero** 1:16:30

Yeah.

**SR Sareesh Rawat** 1:16:30

No, there is no bill language. That is correct.

**SM Samuel Encarnacion Montero** 1:16:32

Yeah, that's what I was that was trying to find. OK.

I mean, the only the only comment I have then, if we, I, I...

I generally support this, and I think I would be open to considering that at a later date and with more details, especially in terms of the specificity has to be provided of this data-driven, mass-data-driven commercial outfits. I will need to understand a little bit more, but whoever in terms of proposing this, yes, I am sensitive to it, and I think

You know, with time and more information, I would I would consider.

**SR Sareesh Rawat** 1:17:08

You.

**SM Samuel Encarnacion Montero** 1:17:11

you know, the statutory language necessary, you know, to curtail some of, to the extent that there is abuse. I'm not saying that there is abuse, but if there is, I'm open to it.

**SR Sareesh Rawat** 1:17:20

The.

**DG Debra Gardner** 1:17:24

I'll just add as well that though I don't plan to move to adopt these recommendations for similar reasons, because I do think it would be important to know exactly what we were talking about. Bill language is critical, obviously, because it can have unintended consequences and so forth. I am very sympathetic to the comments from the two organizations and similar comments from Ms. Anderson Wright on this same subject as part of her portion of her recommendations.

because there is there are there are a number of ways in which the Public Information Act already treats commercial requests for commercial or pecuniary

purposes differently and

That's certainly the burdens on the custodians from the types of things that these organizations described is certainly something that the legislature ought to address.

**SR Sareesh Rawat** 1:18:41  
Yeah.

**NJ Nivek Johnson** 1:18:42  
I wonder, I mean, in the last note, I'm just talking about the, from Maben Pazam, it kind of does say, you know, if this was an interest in the topic for consideration, we should have reached out to them and I don't think we did we even attempt that.

**DG Debra Gardner** 1:18:43  
Yeah.

**NJ Nivek Johnson** 1:19:02  
that they could have been providing us language. And I'm assuming, you know, in the past, we've had to have another meeting. If we get the language in time, right, is that something we could bring up at our second meeting?

**SM Samuel Encarnacion Montero** 1:19:20  
I think, Mr. Johnson, I think that's a good point, but the only thing I would like to add that I think this is probably, at least as for me, will require a lot of definitional understanding in terms of this mass enterprise, mass data, you know, with the bill language. So I think to me it will take  
This will take a lot more than one meeting.

**NJ Nivek Johnson** 1:19:42  
I'm not asking us to vote on it. I'm asking, they put in, they put, I'm saying they put in the statement that if this was a topic of consideration, but we didn't reach out to them. So they put in the statement that, you know, did anyone reach out to them to say, hey, this is something, you know, we didn't do that. And I think we have failed that part.

**SM Samuel Encarnacion Montero** 1:19:44

No, no, no, I, I, no.

**SR Sareesh Rawat** 1:19:54

Yeah.

**NJ Nivek Johnson** 1:20:01

of it. And so I'm saying, and I don't think this could wait until next year because we keep pushing stuff off. Oh, we'll just take care of it next year. And then we get it late. We're not having the conversation ongoing. You know, this is the space that we take business, unless we're saying we want more public meetings, which I'm all for, but I think we do it owe to them and say,

**SR Sareesh Rawat** 1:20:03

So.

**NJ Nivek Johnson** 1:20:20

This is something we're considering. When can you come talk to us about it? I know I'm not necessarily advocating one direction, but we do have another and pass another meeting coming up, I think, to as we discuss motions and drafts. So I think we do owe it to this, you know, this body because they did say. Please reach out if this is a topic to be considered.

**SM Samuel Encarnacion Montero** 1:20:39

I, I don't.

Mister John, I don't disagree with what you stated, no.

**SR Sareesh Rawat** 1:20:45

Yeah, I'm not either, Mr. Johnson. And I think for me, I would kind of echo what Mr. Encarnacion was saying. For me, two weeks was not sufficient time to properly think about these issues and propose a recommendation for the General Assembly to amend the PIA. I don't think a month, you know, if you're referring to the follow-up meeting, which would

potentially be in the middle of next month. I don't think even that is sufficient time. But I do think.

**NJ Nivek Johnson** 1:21:12

So, are you saying so, Mister Chair? I'm sorry, 'cause I think there's a there's a disconnect to what I'm saying here. I'm saying...

in the next meeting, can we at least have this organization come? Because what is the, I think this is the question that I'm asking, what is the timeline for requests? Are people, are people putting a request because they know it's getting time? Or do we stop the request at a certain time and say, hey, you know, we stop. I'm all I'm asking for the is a chance for them to come.

and speak. I'm not asking us for us to make a decision to go forward this year. I think it is, we owe this to people because they said it in their letter. If we are concerned, you know, let's, if you have questions or are considering things, I think we do owe it to them, you know, not now, later.

**SR Sareesh Rawat** 1:21:56

Yeah.

Yeah, no, I completely agree with you, Mr. Johnson. And in terms of the, you know, the reason that we had, or I had scheduled this, this part of the discussion during the public comments meeting of doing the public comment section was because I was hoping that, you know, Mr.

Mister Mathias and and and Miss Fannin, who who signed the who signed the letter to the board, would potentially be on the be on this call and and you know share their views with us during the public comment section. And and I and if they are on the call, I do welcome them to and

and actually request them to please provide additional views during that part of the meeting.

**NJ Nivek Johnson** 1:22:55

I don't think they're on the call.

**SR Sareesh Rawat** 1:22:59

Okay, and you know, and to just add one more thing, you know, as much as it refers to like, you know, having, I think I said this at the last, last year's annual meeting as

well, we encourage as the board, we encourage organizations, individuals, custodians to provide us recommendations for the General Assembly throughout the fiscal year.

**N** **n/a** 1:23:17

A loop.

**SR** **Sareesh Rawat** 1:23:19

So that it doesn't mean, you know, it has to be in August, doesn't mean it has to be, you know, in January, it can be at any time. And if the board, you know, decides to, you know, if board members feel strongly enough about certain recommendations, we can absolutely have public meetings. My understanding is during during the fiscal year as well, to propose recommendations. And Ms. Clem, please correct me if I'm wrong in this regard.

**KS** **Klemm, Sara** 1:23:48

Um...

Yeah, that is, I mean, the board is certainly free to have more public meetings. I would just note that someone called state agency in the chat has said, someone on the call can speak to this. I am, my hand is raised. So maybe state agency can speak more to the issue.

**SR** **Sareesh Rawat** 1:24:12

Sure, thanks, Ms. Clem. Would board members be averse to hearing what they have to say in this part of the meeting as opposed to later?

**SM** **Samuel Encarnacion Montero** 1:24:22

I'll leave it to the chairs' discretion, but I'm fine either way.

**SR** **Sareesh Rawat** 1:24:26

Sure. In that case, Miss Clem, if they don't mind speaking up now, I think that would be perfectly fine.

**KS** **Klemm, Sara** 1:24:42

Um...

**SM Samuel Encarnacion Montero** 1:24:42  
I believe I believe the state agency has his the hand raised.

**SR Sareesh Rawat** 1:24:46  
State agency, yep, so.

**KS Klemm, Sara** 1:24:46  
Yeah.

**MK Moore, Kentiara** 1:24:48  
State agency, I would just like to say we are not building you on the on the organizer side, so there may be something wrong on your end with your audio.

**SR Sareesh Rawat** 1:25:17  
Yeah, Ms. Moore, I see their, I see their hand raised, but I don't think, and I see that they're muted, but I don't think they're muted on my end either.

**SM Samuel Encarnacion Montero** 1:25:27  
Yeah, their mic is muted. I don't know if we independently muted it.

**SA State Agency** 1:25:31  
Hello, hello?

**SM Samuel Encarnacion Montero** 1:25:32  
Yeah, we can hear you.

**SR Sareesh Rawat** 1:25:33  
Yeah, yeah, we can hear you now.

**SA State Agency** 1:25:34  
Oh, finally. I was unmuted. I am state agency. I work at a state agency and am the recipient of literally dozens of these requests that come through to the agencies. They want everything from copies of all purchase orders in the last six years to include several headings, several

sets of information and metrics, some of which is not easily producible in a database format.

And they're using them to sift, actually the requests themselves are generated by AI, they're submitted into their databases, and they are essentially reselling the information to anyone who will be willing to pay the fee. It's extraordinarily time consuming.

And essentially, the government is giving away free information simply to be resold when we can't even recapture the cost of producing all of this information. It's 100% for a commercial purpose. They say so in their requests. For Mr. Encarnacion, if it would help,

We can send you, I don't know, 100 such requests. I know they hit the K through 12 districts. I know they hit higher education. I know they hit the state agencies. And it has become a complete drain and therefore truly undermining the spirit of the public Records Act, because we can't get to the real requests that are out there.

**SM Samuel Encarnacion Montero** 1:27:17

I'm sensitive to that, and I would read anything that you sent me. The one thing, are you able to identify the entities or the commercial enterprises doing this?

**SA State Agency** 1:27:27

Smart Procure is 1. Those in the chat, those who are on the call, please chime in, because I know you know of others. There's Justin Wenig in particular, who has been vexing agencies across the United States. He's apparently the son of the founder of eBay.

Ah, yes, data branch. Can't forget data branch. Many, many, they're just collecting all of this information in order to sell it to their members.

**SM Samuel Encarnacion Montero** 1:27:50

Okay.

Okay.

**SA State Agency** 1:28:03

Yeah, those are Smart Procure, Data Branch, Justin Winig. He is with a firm, but he always puts it, he always puts his own personal name on it. So I can't remember the name of his company right now. Oh, Sunlight Access. That's a really good one. One

thing that's really bad when they submit their requests

They will ask for, let's say, oh, I'd like copies of contracts that relate to any office supply.

Well, that now requires a thought of, well, what constitutes office supplies, figuring out in a very large decentralized agency, all of the purchase orders that relate to a very broad topic of office supply. They also don't keep straight what records they've already asked for. Again, that may be the fault of the AI bot. Sadly, though they admit that they are commercial entities, they do sometimes ask for fee waivers because it sometimes does take more than two hours to produce this information. Some will pay, some argue that it's in the public interest. And unfortunately, the threshold for public interest in practice has been so very low. It's very hard to almost really deny a request for a fee waiver because it's almost just not worth the trouble. But those, but if we can send you copies, and I encourage all my colleagues on this call to send you copies of the actual requests, that come in, would that be helpful? Because what we see is not what you see. And what we, the decisions and discussions that are made here don't take into account, as I think Member Johnson alludes to, the realities of the people who are actually trying to do right and fulfill all of the requests. Even in the mediation context, maybe 90 days isn't enough.

even with two ombuds on the team now, you know, maybe it has to be 120 days. Because to be reached out to in the 70th day, when there's only 90 days left, doesn't leave a lot of time for mediation. So again, all examples of how the statute doesn't necessarily

fit with the reality of those who are on the ground. And I wish there was honestly meetings that weren't just kind of listening to the updates, but supplementary meetings to hear the actual people at all levels of agency, whether they be very large state agencies or much smaller municipalities and towns.

because you have to calibrate the recommendations that you make to the realities of the people who are there. When I think about fee waivers and I think about the idea that, oh, well, agencies just don't want to give them, I hope that that's not the case. That would make me feel very upset as somebody who works for an agency myself. But at the same time, when 50,000 pages of e-mail are requested and the person gives a very general, oh, it's in the public interest, so I really need it.

There has to be a balancing with that. We're not going to be able to get that out to anybody in 30 days, and they often don't agree to a time extension. So again, all

examples of things that need to kind of be, that could potentially be tweaked to make it a win-win. One of those is definitely the plethora of requests that we get.

**DG Debra Gardner** 1:31:40  
Fiction.

**SA State Agency** 1:31:49  
for this commercial information from the governmental agencies.  
I don't know if there are any other questions on that, but I've been listening intently since this meeting started at 2:00. So I'm taking advantage of all opportunity to speak on behalf of those who are actually doing the work to fulfill, to comply with the statute.

**SR Sareesh Rawat** 1:32:14  
Yeah, thank you, ma'am. Thank you for those comments. And we will hopefully, time permitting, we'll have some additional time at the end of the meeting as well for you to express additional views. But at this time, I would ask, do board members have any thoughts and comments on what was just expressed?

**DG Debra Gardner** 1:32:34  
I would just say that I'm not sure that sending us a large quantity of examples of these requests would necessarily be particularly helpful because I don't think any of us doesn't, you know, has any questions about the severe nature of the problem being addressed. I just want to clarify that two things, really. One, obviously, this board can only recommend to the legislature that it make legislative changes.  
But in this particular instance, because this does sound like something that's quite complicated, and in comparison with other things that the board has recommended, For example, the three recommendations on our agenda are relatively easily fixed with legislative language that's there in the recommendation. So to answer the question of what can you send us that would assist, as I mentioned earlier, it would be bill language.  
And I realize that's probably a heavy lift, but it, you know, it is usually a heavy lift to draft bills for the Maryland General Assembly. But that's the detail we need to be able to dig into. And unfortunately,

I just want to reiterate that at the end of that process, whatever it might be, all the public's going to get out of the board is a recommendation for legislation. We're not going to be in a position to adopt changes or, you know, address the type of problem that

that these comments or these recommendations, these public recommendations are addressing, to which, again, I say I am extraordinarily sympathetic. And I think it's pretty straightforward to deny a public interest waiver under the case law for anyone making a pecuniary

a request for pecuniary or commercial or profit. And so I think that that's already well covered in the case law.

**MK Moore, Kentiara** 1:35:06

Sorry, I don't know if you saw the comments in the chat.

**SR Sareesh Rawat** 1:35:06

Yeah, I...

No.

Miss Moore, let's hold off on those comments until the public comment section.

Yeah, I think, you know, in terms of the comments that Ms. Gardner made, you know, I would echo those, you know, I'm of the view that these organizations raise important issues, really important issues surrounding

you know, AI-driven PIA requests for such purchasing information really made for really commercial purpose. So, you know, these requests, they impose an added burden on custodians, who in my experience are typically already operating at capacity, if not more. So,

We are cognizant of the burdens, but, as Miss Gardner was saying, I think it would make it would be more helpful for us for the board to see some draft language for, you know, for proposed for proposed bill, so.

**KS Klemm, Sara** 1:36:13

Chair Sirish, I'm sorry to interrupt, but I just, I wanted to let you know, I just got an e-mail from Miss Moses that said that she, her computer locked up. So she may no longer be in the meeting right now. I think she.

**SR Sareesh Rawat** 1:36:13

And.

Oh, I'm sorry to hear that.

Oh, I'm sorry to hear that. I was actually, I was actually looking for her on the on the chat, but I completely understand. Thank you for that update, Miss Clem.

Um...

Mr. Mr. Johnson or Mr. Encarnation, did you guys, did you have any comments?

**SM Samuel Encarnacion Montero** 1:36:43

No, I don't have any additional comments. I'm ready to vote on the, I mean, whatever the next item is.

**NJ Nivek Johnson** 1:36:48

Yeah. Yeah, I'm ready to move to the next item. I do do want to thank the state agency individuals for shining some light. I do still stand by with what I was asking earlier. I think we, I think we, we might not.

be the people to make the decisions and drive the decisions, but we do have a voice here. You know, and I think we have to, sometimes we find ourselves, we're here to, we make the decisions, but I would really like us to see, you know, if there are concerns, you know, we are appointed.

by the state of Maryland. You know, we're not, we're appointed by the governor. We serve at the pleasure and we can be gone anytime. But I think we're here for a reason. They saw something in us to help uplift this process and work through this process. And so I find that maybe we should start to think, and I don't want to put more work on anybody,

But there are people who cannot make it to this. And this might be their only platform that they can't get to their delegate or their senator, that this is their platform to help elevate that. Although we can't make the decision, we can also help to be aware of these types of things. So that when we happen to come across, or happen to be in Annapolis, that we can advocate or or find somebody or work with our own attorney general, you know, he can advocate for things. And so these are, I think these are the conversations that we have to have at times. It's not always the black and white, so.

**SR Sareesh Rawat** 1:38:27

Yeah. Thank you. Thank you, Mr. Johnson. And thank you for those public comments

as well. I think at this point, we can move to the next item on the agenda this afternoon, which is the

The motions to include specific recommendations in the report. Now, the board discussed 3 recommendations just now or previous to the public comment. Now, board members, we can move to include these recommendations in the annual report if it's easier.

I can move, I can make these three motions. If Ms. Gardner, if you'd like to make these motions, or any other board member would like to do that.

**DG Debra Gardner** 1:39:14

I'm happy for you to do it, Mr. Chair.

**SR Sareesh Rawat** 1:39:14

Please let me.

Sure, so.

**NJ Nivek Johnson** 1:39:22

I'm sorry, is this in order though, with Robert's Rules? Can he make a, can the chair make a motion if he's also going to call for, you know, are you not calling for a motion? Are we not, are we just, I'm asking.

**SR Sareesh Rawat** 1:39:36

Mr. Johnson. Yeah, yeah, Mr. Johnson, it's my understanding that we have a small enough board that that would be fine. But if you would like to make the motions, that's fine. That would be that.

**NJ Nivek Johnson** 1:39:43

Okay, that's all. No, no, no, no, I just want it to be, I want to be, you know, I'm always want to be transparent so the public knows that work. Okay, because there's, that was all. I don't want to make any motion. Okay.

**SR Sareesh Rawat** 1:39:58

Sure, Mr. Johnson. Thank you. So, I so the first the first motion is I move to amend GP section or I move to add as a recommendation as the board's recommendation to the General Assembly that they amend

General provision section for 101K1 of the PIA to expand the definition of public record to include the original or any copy of any documentary material in any form that is made or received by a unit or an instrumentality of the state or of a political subdivision, including its agents, in connection with the transaction of public business.

**DG Debra Gardner** 1:40:40  
Second.

**SR Sareesh Rawat** 1:40:42  
Thank you, ma'am. All those in favor, please say aye.

**SM Samuel Encarnacion Montero** 1:40:45  
Hi.

**DG Debra Gardner** 1:40:45  
Right.

**SR Sareesh Rawat** 1:40:49  
So...  
All those opposed?  
So seeing that we have four votes in favor and none opposed, and Miss Moses is no longer present on the call. So it's my understanding that you'll be abstaining. The motion carries.  
Four to nothing.  
Next, I move to include as the board's recommendation to the General Assembly that they amend general provision section 41A04A to give the board authority to review a custodian's denial of a request for a fee waiver under GP Section 4-206E.

**DG Debra Gardner** 1:41:42  
Second.

**SR Sareesh Rawat** 1:41:44  
All those in favor, please state aye.

**DG Debra Gardner** 1:41:46  
I.

**SM Samuel Encarnacion Montero** 1:41:46  
Hi.

**SR Sareesh Rawat** 1:41:49  
Mister Johnson.

**NJ Nivek Johnson** 1:41:52  
I'm abstaining at the time.

**SR Sareesh Rawat** 1:41:55  
Okay, okay, all those against.  
Mr. Johnson, you're abstaining. Is that correct?

**NJ Nivek Johnson** 1:42:08  
Yes, that's correct.

**SR Sareesh Rawat** 1:42:10  
Okay, thank you. So we have three votes in favor, none against, one abstention, and Miss Moses is not present. So the motion carries.  
Three to nothing to 1 abstention.  
Now, for the 3rd and final recommendation, I recommend that the board include in its report for the General Assembly to amend GP general provision section 4205C5 to add language and italics.  
Uh...  
If a public record exists in a searchable and analyzable electronic format, the action of a custodian providing A portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record, even if the request would require data compilation, extraction, querying, statistical aggregation, or any other form of data manipulation, the data program is capable of performing to produce the public record.

**DG Debra Gardner** 1:43:28  
Second.

**NJ Nivek Johnson** 1:43:28  
Yeah.

**SR Sareesh Rawat** 1:43:30  
Thank you, ma'am. All those in favor, please state aye.

**SM Samuel Encarnacion Montero** 1:43:33  
Hi.

**DG Debra Gardner** 1:43:34  
Okay.

**SR Sareesh Rawat** 1:43:36  
All those against.  
Any abstentions?  
Mr. Johnson, I'm sorry again, I don't think I caught ear. I...

**NJ Nivek Johnson** 1:43:50  
I was saying, yes, sorry, I was raising my hand.

**SR Sareesh Rawat** 1:43:52  
Yeah, I don't have you on video here, so maybe your camera is turned off.

**NJ Nivek Johnson** 1:43:56  
Oh, it's okay.  
I'm on, but, but yeah.

**SR Sareesh Rawat** 1:44:01  
Okay, yeah, sure. So we have three votes in favor, not against, one abstention and one absent, Ms. Moses. So the motion carries 3 to nil to 1 abstention.  
Now, at this time.

**NJ Nivek Johnson** 1:44:21  
Mhm.

**SR Sareesh Rawat** 1:44:23  
I would like to ask if...  
If board members would like to make any other motions.  
for changes to the PIA.

**SM Samuel Encarnacion Montero** 1:44:37  
I don't have anything.

**SR Sareesh Rawat** 1:44:39  
Okay, seeing none, we can move to the next section of the meeting.  
which is the discussion of legislative advocacy by board regarding the  
recommendations. Now, as we move to item 8 on our agenda, we will turn our  
attention from creating and approving statutory recommendations for our annual  
report to discussing how the board can advocate for these recommendations for the  
General Assembly.  
Now, Ms. Gardner asked that we include this topic for a discussion today. This is an  
important issue, especially for recommendations that involve, you know, for instance,  
expanding the board's jurisdiction. I believe when the board's jurisdiction was last  
expanded, the board took an active role in legislative advocacy, and I'm quite  
interested in hearing  
the board members' thoughts on this matter. Ms. Gardner, would you please kick off  
this discussion?

**DG Debra Gardner** 1:45:35  
Excuse me. Well, I I'm not quite sure how to how to proceed. I raised I wanted to  
raise the question and find out.  
you know, what board members' thoughts were about this, because I don't really  
know what the process is. I mean, I don't know that the board itself has the authority  
to, for example,  
find a sponsor and, you know, for the introduction of a bill or whether that would  
need to be done by the Attorney General's office? And if so, is there a process for us

to advocate that the OAG do so since it

Is the the the home, as it were, of the Public Information Act Board?

So I'm not, I'm interested in folks' thoughts and I don't know whether staff have any advice about that or any knowledge of what the process has been in the past. For example, when the board was advocating for additional staff and resources, I believe that those bills were introduced by or were promoted

to the legislature by the attorney general's office. And I just don't know what the process is for engaging that. I'm motivated to ask to raise the question and have this discussion because we've made the same, at least one of these recommendations the same, you know, for like three years in a row.

But it, they haven't been adopted by whoever it is that's supposed to adopt them.

**SM Samuel Encarnacion Montero** 1:47:25

Deborah, I think this is a very important discussion. And I'm also very curious as to the process or the procedure for that and the scope of whether we can engage in that type of advocacy. I like to say in the spirit of Mr. Johnson, because I always tried to be a good listener,

And I think he somewhat has opened my mind about certain sort of a certain, which I believe are very good comments he has made. I think this this board, we're going to be as good as we as we can be in terms of accuracy, in terms of how we relate to the public and their interests and their concern.

**SR Sareesh Rawat** 1:47:54

You.

**SM Samuel Encarnacion Montero** 1:48:04

So as a related matter, I also would like to see if we can explore advocacy in terms of how we can more directly listen and relate to the people that we serve. I don't think maybe the annual meeting in itself is sufficient enough. That's no one's fault. I'm not blaming anybody for that.

But I think to the extent that we can do advocacy, I don't want to do long with St. advocacy just representing my views, but want to make sure I was all responsive and transparent, which I think is, I don't want to speak for Mr. Johnson, but I think he's sort of opened my mind in that issue.

**SR Sareesh Rawat** 1:48:43

Yeah.

**NJ Nivek Johnson** 1:48:43

Yeah, I mean, Mr. Chair, I was, I was, I agree with Deborah. I think we have come to this table and I often wonder, like, and I know Deb, you've been a forced supporter of this, bringing recommendations and up every year and trying to get things moving and the ball rolling. So I'm curious too what the procedure is because I think These are great recommendations. My abstentions are not, I don't think they're bad. I don't think they're good. You know, I just want, I want to hear more and I have to process more about it. But I do think we need, because we come to this meeting year after year and we hear recommendations, we take recommendations and then they kind of just say, we pass the annual report.

And what is the next step? And I think that's what I would also would like to know.

**SR Sareesh Rawat** 1:49:29

Yeah, yeah, and I would echo the thoughts that of all three of you. I'm also interested in, you know, in finding out what the board can do, whether that's whether it's in that's in terms of direct legislative engagement, you know, hearing testimonies, you know, briefing materials.

stakeholder collaboration, like what types of things can the board can the board engage in? Also given our role as an impartial, you know, adjudicator of PIA disputes. So I would love to hear Miss Clem's thoughts on this if she would be willing to share her thoughts.

**KS Klemm, Sara** 1:50:12

Sure. I mean, I don't, I guess I can say, you know, the PIA requires the Office of the Attorney General to provide the staff and the support to the board. The board is not part of the Attorney General's office, though. You are an independent state entity. And so in that respect, I think the board has the authority to approach legislators or to, you know, to do legislative advocacy in the forum that the board decides is fit. You know, as to the bills that involved the staffing, I think the OAG took a role because it was the public access unit, right? Like we are staff of the OAG.

And I know, like, historically, when the board's jurisdiction was expanded in 2021, I think there was a little bit more separation. And I had just come on board at that point, but my memory is that the board designated two members. One was the chair, and then there was another citizen member.

to kind of take a more active lead on legislation. So that could possibly be something that the board considers. The board at that point too also did hold another public meeting closer to the start of the legislative session to kind of discuss more concretely.

**DG Debra Gardner** 1:51:22  
It.

**KS Klemm, Sara** 1:51:36  
Those sorts of things.

**SR Sareesh Rawat** 1:51:39  
Yeah, those are all. Thank you for those for those thoughts and that information, Miss Clem. I think those are all really good ideas. I certainly would be open to doing whatever that I can in my capacity to, you know, promote the, you know, this legislative process. I'm happy to request, I would request volunteers as well. We could, you know, I think if we, what Miss Clam states, that we have myself and a board member designated for this purpose that can, you know, promote legislative advocacy for the board's recommendations. I think that makes sense too. So I would love to hear your thoughts.

**SM Samuel Encarnacion Montero** 1:52:33  
Chair, I'm not volunteering, but I just want to be, I want to be like a broken record and I'm sorry being repetitive. I do welcome with open arm this extension and this need for advocacy, but again, I want to say that to the extent that we do it, and I think we should do it,

**DG Debra Gardner** 1:52:37  
Okay.

**SR Sareesh Rawat** 1:52:43

Okay.

**SM Samuel Encarnacion Montero** 1:52:54

You know, maybe we need to hold more public meetings and would ask the chair to be open to that. I don't want us just to be advocates for ourselves and be advocates for our own kind of boutique positions within all the five board members, but make sure that we get a good understanding of what's happening with custodians, with everybody involved, all the stakeholders.

So then we can be effective in that role. So I see it as two separate things. Yes, I think we should engage, you know, the legislature and pursue those matters. But we also at the same time, we need to educate ourselves and listen, you know, to the people to see that we know exactly what's happening on the ground. And that's my position.

**SR Sareesh Rawat** 1:53:32

Yeah. Thank you, Mr. Chair and Carnie. Miss Gardner.

**DG Debra Gardner** 1:53:39

Well.

I certainly am happy to help. My concern is whether whether the board really has, whether the board itself really has the clout needed to advance these legislative, its legislative recommendations, whatever they, whatever they include.

It obviously makes a great deal of difference whether the Office of Attorney General supports the legislation or not. And so that's why I was thinking that that would be a route to explore at the very least, rather than just being, just trying to spearhead a legislative effort ourselves.

The.

So I suppose what I think I'm hearing from Ms. Clem is that...

The board itself can approach whatever entity it is within OAG that manages its legislative agenda and ask maybe for a meeting or whatever to discuss.

OAG supporting our legislative recommendations. Is that, am I understanding correctly that that's an option we have?

**KS Klemm, Sara** 1:55:05

I mean, I think it would be. I don't think there's anything that would prevent the board from doing something like that.

**DG Debra Gardner** 1:55:12

And what is that office? Do you happen to know, Miss Clem?

**KS Klemm, Sara** 1:55:18

I can find out and let you know.

**DG Debra Gardner** 1:55:21

Thank you.

**SR Sareesh Rawat** 1:55:25

Yeah, thank you, Miss Gardner and Miss Clem. Mister Johnson, any any thoughts on this before we?

Move to the next section.

**DG Debra Gardner** 1:55:39

I just want to thank everyone on the board for even sort of entertaining the possibility that we might do something more than put recommendations in our report and watch them sit there on the annual report shelf.

**NJ Nivek Johnson** 1:55:42

Sorry.

**SR Sareesh Rawat** 1:55:52

Yeah, no, ma'am, thank you for thank you for having this, you know, having us include this in the agenda. I think this discussion is an important one, and you know, and thank you for you know, expressing your willingness to to support the board in this in this matter as well.

You know, we will, I think we'll continue to have these discussions offline as well, and you know, via e-mail, and hopefully come with a come with an action plan.

**DG Debra Gardner** 1:56:30

Thank you, Mr. Chair.

**SR Sareesh Rawat** 1:56:32

Mr. Mr. Johnson, any parting thoughts before we on this section, before we go to the next section?

**NJ Nivek Johnson** 1:56:39

No parting does. Again, I would just want to thank Deb. I know this is something that she's been passionate about since getting on this board, and so it's good to see that we're having these discussions and really try to move the needle.

**SR Sareesh Rawat** 1:56:53

Yeah, thank you, Mister. Yeah, thank you, Mister Johnson.

**DG Debra Gardner** 1:56:54

Thank you, Nadi.

**SR Sareesh Rawat** 1:56:58

So, moving to the to the to section 9 of the or the agenda item number 9, which is the final instructions to staff for content of the annual report. Now, you know, once we provide these instructions to the staff, the annual report will be finalized and no other substantive changes.

will be permitted. So if board members have any instructions for staff regarding the regarding the annual report, now is the time. My first instruction for the staff would be to include the report of the Public Access Ombudsman. When we receive it, as an appendix to our annual report. I would also request that the board's recommendations that were passed this afternoon for the improvement of the PIA be included in section 2 of the annual report.

Um...

So are there any other instructions for board members to staff regarding the annual report?

Okay, so seeing none.

Ms. Clem, are we good on the instructions? Is there any other step that we need to take or?

**KS Klemm, Sara** 1:58:14

No, but that's fine.

**SR Sareesh Rawat** 1:58:15

Staff is clear. Excellent, thank you. Okay, so we'll move to the public comment section of the public meeting. Now it looks like we scheduled this for, I believe, 2 hours, and we're at the two-hour mark. But I would still like to you know, open the meeting for the members of the public. I understand we had a, we were able to have a public comment on the specific issues that were raised in the letter sent to us by P, Sam and Mabe.

**SM Samuel Encarnacion Montero** 1:58:41

Yeah.

**SR Sareesh Rawat** 1:58:54

Are there?

**SM Samuel Encarnacion Montero** 1:58:56

Chair, can I kind of point of order or an inquiry? I just like to say to the extent into the sensitivity of the staff, because I want to make sure I'm sensitive to the staff, can we make sure that there's sufficient time for the public to speak? And I mean, I can stay here as long as I need to, but.

**SR Sareesh Rawat** 1:58:57

Actually.

Yes, sir.

Yes, sir.

**SM Samuel Encarnacion Montero** 1:59:15

I just want to make sure that, and I'm not suggesting that you're thinking something else, but I just want to support.

**SR Sareesh Rawat** 1:59:15

Likewise.

No, no, absolutely, likewise. We were planning on opening this for, you know, as long as folks have comments, we will entertain them. And so in terms of the, I think it may make sense

because board staff was, they were monitoring the chats. I would request board staff to please let us know briefly if there have been any public comments in the chats and provide, you know, provide us some of the comments, some highlights. Of course, the entire chat will be available on the board's website following the meeting as well. So, Miss Moore or Miss Hallemeyer?

**MK Moore, Kentiara** 2:00:07

Um, I...

There's a couple of comments gone back from...

state agency that says, I thought your AG who was supported by the OAG can write a bill, can write bill language. Well, your sponsorship, support, and testimony matters. FWIW, Senator Kagan, then delegate.

Delegate Limmer specifically did not want to expand PICB authority to include the review of fee waiver denials. A long list of statute recommendations were not submitted. Won't each one be discussed? Will they be even shared with the attendees posted here on the website?

Someone named Peggy from DNR said the list of recommendations is on the agenda and then provided the website of our agenda that's posted on the OAG's website.

And then state agency followed that up by saying thank you, but this agenda does not include the non

PICB recommendations. So I get the sense that state agency wants to talk about non-PICB recommendations.

**SR Sareesh Rawat** 2:01:26

Sure, sure, yes. And they briefly mentioned those as well. And just to go back to the point about the logistics, I think, so we'll be posting the comments following the meeting, the entirety of the comments, as well as the recording of this meeting will be posted on the board's website as well. In terms of, I think, I believe the first The comment, if I understood it correctly, was regarding the OAG support in drafting bill language. Did that, if I caught that correctly,

**MK Moore, Kentiara** 2:02:02

I think that was in reference to Deb's comment about what would need Deb X that they needed bill language to be provided. And that was a comment that was in reply to that about who could do right bill language. And I believe

This is inferring that Sarah Clem, the AG for the board, could do that. If I'm wrong, state agency can correct me.

**SR Sareesh Rawat** 2:02:34

Miss Klem, you can correct me if I'm wrong, but I don't believe this is, it would be one of your functions. So if the public or certain organizations, they want us to propose as our recommendation to the General Assembly, certain changes to the PIA,

what we requested, and I, and I hope that was clear from Miss Gardner's comments earlier as well, is that you know we would benefit from from from certain bill language, and I don't think Miss Clem or the OAG's office can can support. you know, independent organizations on that. Miss Clem, any thoughts?

**KS Klemm, Sara** 2:03:19

I don't have anything to add to that, no.

**SR Sareesh Rawat** 2:03:23

Thank you. Board members.

**DG Debra Gardner** 2:03:28

Well, I do just want to point out that I have tremendous respect for the members of the board and the members of the public who are advocating for recommendations from us.

But there is limits, there are limits to our capacity and to the staff's capacity, of course. And in my own my own experience lobbying in the General Assembly, bill language is usually drafted by subject matter experts.

and proposed, you know, proposed to legislators and with requests that they sponsor the language and then the Legislative Services Office gets gets involved in the in in the bill drafting as well.

So that's not something I would expect that the board itself could do, particularly with respect to the subject matter of the recommendations that we were discussing earlier, which sound quite complicated. And I just also want to reiterate that, you

know, the recommendations that we have made, to my knowledge in the past, have generally included bill language that we, so we knew exactly what we were recommending that the legislature do. I don't think it would be feasible for the board to recommend an idea about how about a problem that needs to be solved that doesn't carry with it specific bill language, because I think that could be quite dangerous because who knows what the bill would end up looking like based on a recommendation from us that a particular problem be solved.

**SM Samuel Encarnacion Montero** 2:05:30

I, Deborah, I don't think I disagree with that, but I just want to clarify something and address my remarks more specifically to state agency. I think we, I don't want to miss what we're saying. Maybe we're just talking past each other. I think what Deborah is saying is ultimately correct, but to the extent that you do have recommendations, that you want us to look at. And to the extent that you have a problem that you want us to look at, please do so and reach out. I don't feel like I have the specificity enough, you know, to make a decision now, but I might have at a later time. And I might not hold you to the standard you need to write a bill right now. And maybe there are ways around that. I mean, Deborah ultimately is right. Because if we're going to go to the legislature, it's going to require a bill. But I'm open. In the meanwhile, there's a lot of other things they can't do. So I don't think we're only restricted to our own recommendation. In fact, I don't want to be restricted to our only recommendation. You know, I want to be open to the public and I want to open to your to what you're seeing. So I don't want you to get discouraged.

**DG Debra Gardner** 2:06:27

Right.

**SR Sareesh Rawat** 2:06:29

Yeah.

**SM Samuel Encarnacion Montero** 2:06:31

You know, and I don't think I don't want you to for you to take anything that we're saying to be discouraged, because I don't think it's being said in that way.

**DG Debra Gardner** 2:06:40

I agree with you and I echo what you're saying, Mr. Incarnacion. I will also just add that there's an additional comment in the chat that members of the public might not have the expertise to do so, write the bill language. I understand that 100%.

I will just point out that the specific recommendations that we have been discussing concerning these mass requests for commercial information for purposes of fraud and for purposes of profit and that subject matter,

That recommendation came to us from professional lobbying organizations on behalf of governmental entities in Maryland. They do have the expertise. They're making a recommendation to us to solve a particularly complex problem, have pointed out steps

that some other states had started taking and so forth. It was a very well-written letter, and I'm very sympathetic to the issue.

But the folks making that recommendation to us, they are capable of working on bill language, of making a specific proposal that we could consider recommending to the legislature. And we might very well take a different approach. As you all have mentioned,

**NJ Nivek Johnson** 2:08:00

Me, me.

**DG Debra Gardner** 2:08:08

to folks that don't have that same expertise, don't have that same capacity, don't do that sort of work for a living. But that's what, that's, I'm responding to the particular recommendation that came to us today that we've been discussing.

**NJ Nivek Johnson** 2:08:28

But may I ask, may I ask, but how is that different from the language, the three recommendations that we took and voted on today? Who wrote that billing? We say billing which, and I don't, I think that's where I'm having trouble. Is it billing which are asking where to admit? I think they're totally two different.

When I hear bill language, I hear bill language. But we took three recommendations and, you know, those recommendations from this board, I'm not, I don't know if I'm a lobbyist in my own right, but we were making recommendations and motions on

things we would like to see change. So how is that different?  
You know.

**DG Debra Gardner** 2:09:10

Each one of them included the very specific bill language we were recommending that the.

**NJ Nivek Johnson** 2:09:14

So, so that's not built, I think, and I think I think we gotta be clear on building, which I think that is.

Language from the...

the Public Information Act that we want to change. And I think that's not necessarily bill language, that's just pointing to where in the statute do you want to change. And I think that's.

Because, and I must have...

That's what we...

**DG Debra Gardner** 2:09:38

I'm sorry, Mr. Johnson, I just do really want to clarify. Each one of the recommendations included exact statutory language changes that we were recommending.

**NJ Nivek Johnson** 2:09:50

Statutory language in the in the PIA, and I think that's where I think.

**DG Debra Gardner** 2:09:50

It happened.

Yes.

Yes.

**NJ Nivek Johnson** 2:09:55

I'm and I want to put that that pointing to where in the PIA we want this or where this should go is is what you're saying. OK, that's what I'm.

**DG Debra Gardner** 2:09:56

Yes.

Yes.

the exact the exact section or subsection and the exact change changes in language to to be adopted in those in those provisions.

**SR Sareesh Rawat** 2:10:27

Um...

So I think we can move now to another set of recommendations, actually. So we again had recommendations from Miss Laura Anderson Wright this year. You know, these recommendations, they're substantially similar to our recommendations from last year. Miss Wright, who is the public records officer and Senior Associate General Counsel at the University of Maryland. She provided recommendations that were read into the board's minutes at the board's August 2025 annual meeting. Ms. Wright was not in attendance at last year's annual meeting. Is she present at the meeting today?

And if so, would you like to discuss any of her recommendations in more detail?

**SA State Agency** 2:11:19

Yes, I am here. I am state agency.

**SR Sareesh Rawat** 2:11:22

Oh, okay.

OK, Miss Wright.

**SA State Agency** 2:11:25

And I explain that because I'm always concerned about voicing opinions on behalf of my agency, but not because I don't stand by them, but because I fear they aren't always listened to. So I'm actually on vacation today.

**SR Sareesh Rawat** 2:11:32

Sure.

**SA State Agency** 2:11:42

And the recommendations that I submitted this year are similar to last year's, but there are additional ones. And I know that another agency, state agency, also

submitted them. So there are actually at least two from non-lobbying agencies. If you tell me what the first one is, because I do cite the sections to be adjusted, I can go through them from memory. I'm one of those people that are on the ground, so I can, I can, I can hopefully go off the fly. What's the first one you want that you have in front of you?

**SR Sareesh Rawat** 2:12:20  
Are you asking me, Ms. Wright?

**SA State Agency** 2:12:23  
Yes, you say you have them?

**SR Sareesh Rawat** 2:12:24  
Okay, yeah, I have the recommendations here. So the first is add a new subsection, section 4-101, K33, records within archival or library collections.

**SA State Agency** 2:12:36  
Yes, okay. This comes up a lot of times for entities. It could be a county entity, a state entity that have archives. And we are public agencies, yes, but we have faced times and it's very difficult when a requester comes to you approaching the library, which has its own distinct process for library users to access those records, they go through the public records process instead. And then in one case in particular, they asked my agency for 20 bankers boxes of records, to be produced to them within 30 calendar days. We did attempt to refer them to the existing process because library materials are very, very different. That is not, I think, the intention, either in spirit or in letter of what the Public Record Tech was trying to accomplish.  
However, they use the Public Records Act to try and access this information. So by revising 4101K to exclude archival collections, particularly since I know for my agency, the archival collections have to be handled very carefully in a particular room with while wearing gloves, certain materials can't even be brought into the room. The application of the Public Information Act is misplaced in that regard. So again, you ask for, for what I'm listening to, you ask the public for recommendations. I now learned that you really want the, I guess, the code, the specific code section that needs to be amended, and you would prefer that bill language also be

submitted. And if that's what you want, I think people will try to give that to you, but at least say that.

**SR Sareesh Rawat** 2:14:30

Oh, ma'am.

**SA State Agency** 2:14:35

because I don't think a lot of people know that, and so they feel like they're wasting their time.

**SR Sareesh Rawat** 2:14:38

No, no.

No, I don't think, I don't think we, so I think what Ms. Gardner was saying that having build language is helpful for us. That doesn't mean that we don't value your comments or we don't want to hear from you unless you have, you know, a specific build language at a minimum.

What we want to do here is to provide you and other custodians and requesters and other folks within the PIA realm to have a have a public forum to express, you know, the practical or at least the public comment section.

Of this meeting to to express the, you know, the the issues that you're dealing with on a daily basis now.

**SA State Agency** 2:15:27

I feel, I believe in your authenticity, but I will tell you among the community throughout the state, that doesn't, that doesn't, that feeling is not being received. So we're hoping for being an opportunity to kind of turn the page, but we're not, our voice isn't always being heard.

And I know I speak for many, many other people at all levels all across the state. They get discouraged. They don't even want to come to the meeting. They say, why try? They don't understand. And they just kind of give up. And I'm stubborn and maybe foolish and naive, but I'm not giving up on a statute that I actually believe very, very much in.

**SR Sareesh Rawat** 2:15:50

Yeah.

Sure, and and and thank you for that, Miss Wright, for your candor as well. I think one of the things that the board can consider is to have more of these public meetings, right? Have a provide more of a forum. I know we have to like Today, the agenda item had, we had 11 items on the agenda, and and and it's our annual meeting and part of our part of our function to to provide, you know, recommendations for the General Assembly, but we can certainly look into having other additional public meetings, and I will personally You know, try to ensure that we that we do that during the fiscal year.

**SA State Agency** 2:16:56

Awesome. I know that it's been a long day already. I want to be able to answer any other questions you have related to the long list of recommendations that I submitted.

**SR Sareesh Rawat** 2:17:05

Yeah, Ms. Wright. So I read, I read into the record your recommendations last year, and I do want to give, you know, other members of the public that are on the call an opportunity to speak as well if they would like to. Yeah, so

**SA State Agency** 2:17:18

Definitely.

Now, there's one that is new related to VIN numbers that would not have been read into the record. That one is a very new one, which is of high importance. So I'll, and I don't know if anyone else has raised their hand. I don't want to monopolize their time. But VIN numbers have been requested.

**SR Sareesh Rawat** 2:17:34

No, please, please go ahead. Please go ahead.

**SA State Agency** 2:17:39

Period. VIN numbers can be used for fraud. They can be used with the VIN number in hand. The recipient can make a fake title for the vehicle. Right now, there is not an exemption to protect the disclosure of VIN numbers. I was shocked. And you can Google, if you have time, I know you're a voluntary board, do the research yourself. Literally Google

VIN number fraud, V-I-N fraud. You will find YouTube videos, investigative reporting. We agencies don't want to release these numbers. You got to give us a tool in order to do it. I don't know why anybody would want a roster of VIN numbers, but at least two state agencies have received such a request just this month.

And it's problematic. And it's something you just may not be aware of. It's new. I'm not a criminal, so I didn't know you could do all these horrible things with a VIN number. But now that I know, I want to protect my client.

So that's the only one that's new, new.

SR

**Sareesh Rawat** 2:18:38

Okay.

Okay, thank you, Ms. Wright. Do board members have any thoughts on the important issues raised by Ms. Wright?

Okay, so...

SM

**Samuel Encarnacion Montero** 2:18:57

I actually have a just a very quick question, if you can give me a very brief answer.

Who are those regarding the VIN number? Who are they addressing those requests due to the Maryland Transportation?

SA

**State Agency** 2:19:10

They sent, yeah, I can speak for me. They sent a request to the University of Maryland College Park. We are, yeah, a whole list of VIN numbers in the make and model of the car. And when I got it, I was like, why do they want this? Now, I can't ask them why they want it, but I do, you know, I can read and I'm thinking, gosh, it just doesn't feel right.

SM

**Samuel Encarnacion Montero** 2:19:16

For VIN numbers.

Okay.

Okay.

Okay.

SA

**State Agency** 2:19:30

It just didn't feel right. And I spoke with some folks in law enforcement. Again, I'm

not a criminal. I don't have that kind of mind, but I literally Googled VIN fraud. You can do it yourself. And my hands were tied. And I know myself and another state agency had to turn

**SM Samuel Encarnacion Montero** 2:19:31  
Yeah.

**SA State Agency** 2:19:49  
a long list of VIN numbers over. I don't want to out that agency. They want to out themselves, but I got my, I received it and I was devastated that I, and I fear what kind of exposure I may have placed on the agency. And I'm looking for a tool to prevent that.  
Because I don't think that's what the spirit of the statute was about. Why would you want me to release something that could be used in, you know?  
A criminal capacity.

**SR Sareesh Rawat** 2:20:24  
Okay, thank you, Ms. Wright and Mr. Encarnitio. Any other thoughts from board members before we move on to the next topic?

**SM Samuel Encarnacion Montero** 2:20:32  
I don't have any additional question.

**SR Sareesh Rawat** 2:20:36  
OK, thank you. Thank you, Mister Ray. The board thanks you for your submission again this year. Now,  
Are there members? Ohh, looks like looks like Miss Moses might have joined the meeting.  
Miss Moses.

**KM Kim Moses** 2:20:58  
I have a question again. I'm new, so I'm still learning this process.  
This to me seems to fall under sensitive records. Would someone be within their rights to deny these records and then the requester would simply have had the opportunity to come to the ombudsman and then

you know, if it went that far to our board to argue that they are public records, in which case then a state agency has the ability to discuss why they feel that releasing something that could be used for fraud is a concern.

**SA State Agency** 2:21:45

So there isn't a sensitive records exemption. There is an exemption for confidential, commercial, or financial information, but that exemption only applies to information that the agency receives, not information that the agency creates. So

**SR Sareesh Rawat** 2:21:45

Yeah, this.

**SA State Agency** 2:22:01

Short answer, particularly with very unrealistic deadlines of 10 business days and 30 calendar days, and the time it takes to actually go through a mediation, if you really wanted to shift more work to your ombuds, pair of ombuds, it's not realistic. It'd be better to

Fix it.

**KM Kim Moses** 2:22:23

I understand that. I'm just thinking about in the interim before.

**SA State Agency** 2:22:23

Right, like, kind of fix it.

I know for us, we already had to reply. And I tried to slow it down to find some creative solution as long as I could. But the statute tied my hands because of the very constrictive deadlines and the lack of a clear exemption that I could use. But I appreciate the creativity, Ms. Moses.

But 2026, there are a lot of things the statute just doesn't, just couldn't imagine, right? Couldn't envision when Sunshine Laws came about in the post-Watergate era.

**KM Kim Moses** 2:23:02

I appreciate your comments. Thank you.

**SM Samuel Encarnacion Montero** 2:23:04

I mean, we could expand, we could expand the definition of protected personal information, but I mean, I'm just thinking out loud, but thank you.

**SA State Agency** 2:23:05

No, thank you.

I like that idea, and I think the MVA does something like that when it relates to an individual. The problem is, in a sense, we're not an individual in that same way.

**SM Samuel Encarnacion Montero** 2:23:19

Yeah.

I'll give us, I'll give us some thought.

**DG Debra Gardner** 2:23:30

This, I have a, I have a question. Sorry.

**SR Sareesh Rawat** 2:23:34

Yes, Ms. Gardner, please.

**SM Samuel Encarnacion Montero** 2:23:35

Go at that.

**DG Debra Gardner** 2:23:37

I have, it's actually a question for Ms. Anderson Wright. The...

Is the.

Do you know whether the VIN numbers for...

the colleges, the vehicles the college owns can be accessed through MDA because they're not owned by individuals.

**SA State Agency** 2:24:02

You know, I've never tried, I mean, you know, I have a car, I have my own VIN number, but I never tried to look for a VIN number myself, right? I know that, I don't know what the MBA does. I'm not going to lie. I'm not their AAG. I'm not in the office of the Attorney General. So, and, you know, my division, the higher education division, wouldn't wouldn't necessarily know. They would have to reach out to their counterpart. Ms.

Clem could, because she's OAG, and they could talk to each other.

But I know that we have a huge fleet. We have buses, long buses. We have short buses. We have sedans, you know, things that look just like regular cars in parking lots that our facilities folks use, our dining services folks use, athletics. And they're left all over 1,300 plus acres of campus.

I don't know why this man in Baltimore wanted these numbers. And it was very distressing. I don't know why he wanted these numbers. But I don't know the answer to your question. I'm sorry.

**DG Debra Gardner** 2:25:07

It's quite all right. I was just curious. I don't either, obviously.

**SA State Agency** 2:25:09

Yeah.

Yeah, yeah, I know.

**NJ Nivek Johnson** 2:25:11

Deb, Deb, what was your question, Deb? I'm sorry, I'm...

**DG Debra Gardner** 2:25:14

Whether you can get VIN numbers, whether you can get VINs from...  
MVA of vehicles that are owned by government offices.

**NJ Nivek Johnson** 2:25:25

Okay, that's a good question.

That's a good question.

**SM Samuel Encarnacion Montero** 2:25:30

And we, we could, we could, well, we could have other, I mean, we could extend it to public institutions, you know, to sort of break down that.

Too personal, but you know, but I, Ms. Wright, I do thank you, and I'm gonna give this some thought. I do thank you.

**DG Debra Gardner** 2:25:50

This kind of points out something about the comments I was making earlier about

subject matter expertise and bill drafting expertise and so forth. It feels like this problem might be a much easier legislative fix. We just need to figure out Where in the statute we need to add VIN numbers owned by government entities?

**SM** **Samuel Encarnacion Montero** 2:26:11

Yeah.

Yeah.

**KM** **Kim Moses** 2:26:18

I got one more.

When I'd like to question, so these are VIN numbers that are...

created by the motor vehicle administration. Am I understanding that correctly?

**SA** **State Agency** 2:26:34

I, I don't know who creative in number, but I mean, maybe the thing is not sure of us.

**SM** **Samuel Encarnacion Montero** 2:26:37

No, no, they, the car, the car, the car comes with a VIN number.

**NJ** **Nivek Johnson** 2:26:37

I, I can, I can.

**KM** **Kim Moses** 2:26:39

I should say they they they.

**NJ** **Nivek Johnson** 2:26:40

The car.

**SM** **Samuel Encarnacion Montero** 2:26:41

Yeah.

**DG** **Debra Gardner** 2:26:42

The manufacturer.

**SM Samuel Encarnacion Montero** 2:26:44

Yeah, the manufacturer, yeah.

**KM Kim Moses** 2:26:44

Yeah, then.

But when a vehicle is assigned a license plate and all of that goes into it, it's a motor vehicle record, I guess is where I'm trying to go back to. We've had something similar in my own experience with individuals wanting

**SM Samuel Encarnacion Montero** 2:26:52

Yes.

**NJ Nivek Johnson** 2:27:03

You.

**KM Kim Moses** 2:27:06

all the property tax records for Worcester County government. And that has been an issue with all the jurisdictions throughout the state. And then the State Department of Assessment and Taxation spoke up and said these records will be released, but only through the State Department of Assessment and Taxation. So that sort of took the pressure off of the local governments to supply those records. I don't know. Again, I'm not on this board as a legal representative. Is that something that you would query the motor vehicle department about and find out how they handle these records and if.

**SA State Agency** 2:27:45

So one thing that's tough when you look at GP44101K is this idea of does the agency possess the record and is the record used in the transaction a state business? So I can't, I feel like, if I'm being honest, I would love to, trust me, punt or shift the responsibility to another agency because my agency technically does have a roster of all the VIN numbers. Like we possess it. And I can't say, oh, yes, I possess it, but I'm not really the custodian. Maybe you go to the MBA. If I'm understanding your concept, Ms. Moses, correctly. I possess it.

**KM Kim Moses** 2:28:26

You are, and I understand that as well, but the State Department of Assessment and Taxation said the records belong to them, not to the county, which is, which is. what enabled the counties to defer that to the state. Whether that's an option with the Mellon Department of Transportation, I don't know. I'm always suggesting similarly related issues and that that might be a temporary fix as well.

**SA State Agency** 2:28:49

Yeah.

**KM Kim Moses** 2:28:57

Again, I agree with where you're going, but I just wanted to know if there are some things we can do in the interim to help protect sensitive interest.

**SA State Agency** 2:29:00

Yeah.

**SM Samuel Encarnacion Montero** 2:29:01

And, and...

**SA State Agency** 2:29:01

Yes.

**SM Samuel Encarnacion Montero** 2:29:06

I also like to add, I'm sorry, Miss Miss Miss Moses, I'm sorry.

**SR Sareesh Rawat** 2:29:07

Yo.

**SM Samuel Encarnacion Montero** 2:29:12

I said I was going to also would like to add that if, I mean, if the fraud component is as high as you say, Ms. Wright, which I tend to believe you, I mean, if just communicate with us, I'll be willing to support even an expansion of the general prohibition for public institution who own this type of information. I would have to

look at it carefully, of course.

you know, but even if we have to expand certain things in the statute, I mean, we don't have the power to do it, but to advocate for that. I just want to give you a sense that I don't want you to feel discouraged and I don't want you to feel like you don't have a say so in trying to reach us for us to consider things. And I cannot tell you where I'm going to end up, but I don't want you to be discouraged.

**SA State Agency** 2:29:53

I appreciate that. I figure all I can do is look at the actions. I've been in this game for about 32 years. So the jury will hear the evidence and we'll see, and we'll see what happens. Right now, a whole bunch of us are hopeful for change. And this for the first time, quite honestly, the idea that you're allowing people to engage who it is refreshing and absolutely brand new.

**SM Samuel Encarnacion Montero** 2:30:25

Well, I know you don't know me from a kind of pain, but I didn't sign up not to listen to you, so I'll tell you that, and I keep my word.

**SR Sareesh Rawat** 2:30:38

Thank you. Thank you, Ms. Wright and members of the board for that discussion. Do we, at this time, do we have any other members of the public? I know we may have been waiting for, I would say, a very long time now to speak.

During the public comments section.

K.

Seeing none, I think we'll move to the final item on the agenda this afternoon, which is the closing remarks. You know, I open the floor for board members to provide any closing remarks at this time.

**NJ Nivek Johnson** 2:31:23

Mr. Chair, go ahead. Go ahead, Sam. Okay. I just wanted to tell you, thank you, Mr. Chair. And again, I want to thank our team from the Ombudsman office to Sarah and her team. This is a long day, it's a long Friday, but this is the why we're here. This is the work that we've been tasked to do and I think we made a lot of

**SM Samuel Encarnacion Montero** 2:31:24

Go ahead, Mr. Johnson. No, go ahead. I'll follow you.

**NJ Nivek Johnson** 2:31:46

a lot of good conversation today. I think we've elevated in her concerns that we might have been missing in the past. And I think this is a good trajectory. And I wanted to again welcome Ms. Moses on the board. And it's important work that we're why we're here. And it's, you know, we have an oath to the constitution of the state of Maryland and to its citizens.

that we take and we shouldn't be taken lightly. So I think everybody, I just wanted to say it, I enjoy being on this board because I learn from you all.

I learned from you all. And this board actually has gotten me thinking about I want to be a lawyer because I've learned from Deb and Sam and yourself. And so I just want to say we are doing great work and it's really inspiring work.

**SM Samuel Encarnacion Montero** 2:32:33

Mr. Johnson, I hope it's never too late. I hope you do make it to law school. Let me know. I want to just echo his statements. And yeah, I just want to echo his statement and thank everyone and the expertise that the board brings and all the work that the staff does. I always like to learn something from this meeting. I think I've learned something.

**NJ Nivek Johnson** 2:32:37

Okay.

**SR Sareesh Rawat** 2:32:40

Yeah, thank you, Mister Johnson.

Yes, the same condition.

**SM Samuel Encarnacion Montero** 2:32:56

in terms of, again, going back to basics and listening to who we serve. I'm willing to do that. I'm committed to that. I know the chair is and everybody here is committed to do that. I don't want anyone here to feel discouraged. I'm not saying that we're

perfect, but I'm a big believer in solving problems. To the extent that that is a problem,

**SR Sareesh Rawat** 2:33:00

You.

Yeah.

**SM Samuel Encarnacion Montero** 2:33:14

I would work as long as it takes. And I think the chair and everybody here will work very hard in doing that, whether that includes having additional meetings, which I will support. I don't want any citizen here thinking that they cannot be heard. Without support, what you say doesn't matter. That's beside the point. But I want you to feel like you're heard and you're able to recommend things to the board at any time for whatever reason.

You know, I don't want to put any restriction on that type of communication. Thank you, Chair.

**SR Sareesh Rawat** 2:33:42

Thank you, Mr. Encarnacion.

Miss Gardner.

**DG Debra Gardner** 2:33:49

I'm not sure I have anything to add other than to echo the comments that have already been made, particularly given the hour.

Thank you, Mr. Chair.

**SR Sareesh Rawat** 2:33:56

Sure. Thank you, Miss Carter. Miss Moses.

**KM Kim Moses** 2:34:00

I would echo Ms. Gardner. I'm honored to be on this board and I'm very interested in what the public has to say, and I'm saying, and I'm looking forward to getting up to speed and

Thank everybody for attending.

**SR****Sareesh Rawat** 2:34:20

Yeah, I would like to thank you all and echo what we're saying. Thank you all for your participation as well. I sincerely thank the citizens of Maryland, you know, who use the Public Information Act. I thank the Maryland custodians who respond to 10s of thousands of PIA requests every year.

You know, often in addition to handling other responsibilities, I would like to thank Governor Moore for his continued support of the board's important mission and for promoting transparency and accountability in our government. I thank Attorney General Brown for providing OAG resources and excellent staff for the board's operations.

I also thank Miss Kirchner and the Ombudsman's Office for their vital roles in Maryland's PIA process. I once again thank Miss Clem, Miss Moore, Miss Hallemeyer of the Public Access Unit of the OAG for their tireless work in support of the board's functions. And I want to sincerely thank our board members for today.

his engaging and insightful discussion. I deeply appreciate your dedication, especially given that these are voluntary roles with many competing professional demands. You know, your commitment to giving this board the time and rigorous attention it requires. It's invaluable.

And lastly, I would like to thank all of those in attendance today for your interest in Maryland State Public Information Act Compliance Board and for staying on for this long meeting. And I wish you a very good afternoon and the board hopes to see you again.

At its next public meeting, thank you. I now declare this meeting adjourned.

**NJ****Nivek Johnson** 2:36:05

Amen.

**Klemm, Sara** stopped transcription