

**Mayor's Office
And
Law Department
Response
27-0002-I**

*OIG redacted portions of response to comply with MPIA.



CITY OF BALTIMORE
OFFICE OF THE MAYOR
BRANDON M. SCOTT
100 Holliday Street, Room 250
Baltimore, Maryland 21202

July 24, 2026

Sent via Email

Isabel Mercedes Cumming
Inspector General
Office of the Inspector General
100 North Holliday Street, Suite 635

Re: Response to OIG Report 27-0002-I

Dear Inspector General Cumming,

We are writing in response to the “Management Alert” in OIG Case # 27-0002-I that you shared on July 20, 2026 (“the Report”). In the Report, you assert that [REDACTED] (hereafter referenced as “the Senior Employee”) violated the Administrative Manual (“AM”) and the City’s Ethics Law when they came forward to report the Office of the Inspector General’s (“OIG”) access to their electronic communications and documents, which contained privileged records. While there are numerous inaccuracies in your Report, many of which this response will seek to address, the most troubling fact is that this latest Report is one of several that focuses on this Senior Employee in the past year, and it follows a concerning trend of retaliatory behavior you have undertaken against this Senior Employee after they raised legitimate concerns about overreach and abuse of authority from your office.

To summarize, the Senior Employee raised concerns about the OIG’s unfettered direct access to their emails, including communications that were privileged. The notion that simply raising this concern was a violation of the AM has no basis in fact, and shows a complete misunderstanding of the AM. Rather, the OIG’s direct unfettered access to the Senior Employee’s records was itself unauthorized and in violation of the Maryland Public Information Act (“MPIA”). As you know, the AM explicitly states that access to content is to the “extent allowed by law.” In other words, the Senior Employee was not violating the AM by raising these concerns but was rightly troubled by the extent of the OIG’s unrestricted access as circumscribed by law.

The Report includes a reference to the fact that the Senior Employee raised these concerns “before any legal interpretation was made by Baltimore City Solicitor regarding the limiting of the OIG’s access on February 6, 2026.” However, the Senior Employee’s concern about prolonged, unfettered, and unannounced surveillance on City employees—which extended far beyond any justifiable scope of an investigation tied to a legitimate complaint—ultimately proved to be valid. And it is part of a concerning pattern.

For example, on January 8, 2026, an agency leader expressed concern over the OIG’s surveillance of their email and asked the Law Department for an opinion on the legality of the surveillance. The Law Department provided that opinion directly to the agency leader on January 15, 2026, but it was not publicly released in any format. However, the very next day the OIG publicly published their own interpretation on the same question of access. *See* Attachment 1. This public sharing of an opinion on a topic that so closely tracked the legal question the Law Department had answered the previous day prompted the Law Department to review their files. As you know, as a result of this review, the Law Department discovered that employees in the OIG had attached themselves to Law Department files, accessing attorney-client privilege communications and attorney work product. As the Administration explained at the time in its [public announcement of the action](#), this unlawful breach of privilege prompted the removal of OIG access to privileged Law Department files, and later, to the unlawful unfettered access to all City files.

However, the above example was simply the culmination of this concerning pattern, not the beginning. The concerns raised by the Senior Employee identified in your report is another key example and illuminates the scope of the unlawful overreach of the OIG’s access. By raising these concerns to relevant authorities within City government and demanding a stop to what amounted to indefinite surveillance of privileged records by your office, the Senior Employee could qualify as a protected whistleblower as described by the City Code. In fact, it is notable that you quote the Senior Employee as writing to a senior official from the Baltimore City Office of Information Technology (“BCIT”) (“Senior BCIT Official”) to say “This overstep and overreach of [the IG’s] authority is too much and I am very willing to take this issue on.” This interaction makes clear that the Senior Employee was uniquely willing to address such a sensitive concern about impropriety in the OIG, where others may not have been so willing.

The report suggests that because the Senior BCIT Official [REDACTED] to the Senior Employee, the request to halt this unauthorized and prolonged access was the equivalent of obstructing the OIG’s access. But the Senior BCIT Official—in addition to the City Solicitor—were obvious choices to report the concerns over abuse of the City’s IT system to. In addition, while the concern was raised, as clarified above, the OIG’s access was not actually cut until months later at the direction of the City Solicitor, after it was determined that the OIG’s overreach had extended to

include egregious violations of attorney-client privilege and the subsequent analysis from the Maryland Attorney General's Office, which validated the fact that the MPIA applied to the OIG.

Moreover, since there was no change to the OIG's access at the time, it is clear your entire Report is predicated on the Senior Employee raising ongoing concerns and making a request that was ultimately not fulfilled at the time. It is difficult to comprehend how such an outcome would warrant this focus by the OIG, given public statements made by you and your team regarding the OIG's workload and description of how investigations are prioritized. This contradiction with your stated priorities, combined with the Senior Employee's unique willingness to directly confront overreach by the OIG, reinforces the idea that this latest report is solely intended to retaliate against this Senior Employee by repeatedly targeting them in your reports.

The report goes on to speculate—but fails to provide any evidence—that “it stands to reason” that the Senior employee checked with the City Administrator before requesting the removal of the OIG's direct access. This is false. That consultation with the City Administrator never occurred, but the fact that your office is basing investigative findings on pure speculation is deeply troubling. It also does not comport with the “Principals and Standards for Offices of Inspector General” or “Green Book,” which you frequently cite.

The inclusion of references to the City Administrator is notable, however, because it reveals further evidence about the timeline of concerns being raised by City employees about your office's overreach, particularly in regards to being discovered with access to privileged records outside of the scope of an investigation. The report describes the interaction between the City Administrator, an OIG IT Administrator, and yourself in June 2025. Its inclusion in the Report is puzzling because it includes no additional context on how it is relevant to the rest of the Report. In the episode you reference, the City Administrator caught an OIG employee accessing draft deliberative budget documents—which included information about the OIG's own budget.

When confronted, you initially claimed it was subject to an investigation, before quickly changing your narrative and attempting to dismiss it as a “glitch.” But during the period that the OIG Administrator had access to the City Administrator's deliberative budget documents, you made multiple television appearances and social media posts advocating for increases to the OIG budget. *See Attachments 2 and 3.* For an agency director to be caught accessing someone else's draft budget proposals and then using the information to advocate publicly for more funding for their agency is completely inappropriate. Rather than indicating some coordination between the City Administrator and the Senior Employee, the inclusion of this incident further underscores a pattern of abuse of access to privileged materials.

Lastly, the Senior Employee's request to the Senior BCIT Official was not an “abuse of power”, let alone a “prestige of office” violation. Indeed, it is troubling that the Inspector General, as Executive Director of the City's Ethics Board, could be so mistaken about the City's Ethics

Law. Section 6-36 of Article 8 of the Code states: “A public servant may not intentionally use the prestige of his or her office or position for his or her own private gain or that of another.” By reporting their valid concerns about the extent of the OIG’s unlawful and overbroad access to their communications and other documents, the Senior Employee was being a conscientious and astute public servant. Never did they use the “prestige” of their office for private gain. Not to mention, as referenced above, no action resulted from the Senior Employee’s request at that time.

In conclusion, it is deeply disconcerting that the OIG, which has championed ethics and the protection of whistleblowers, is now grossly misconstruing the AM and the City’s Ethics Law in an apparent attempt to retaliate against this employee for reporting the OIG’s pattern of unlawful and abusive overreach in their records access practices.

Sincerely,

A handwritten signature in blue ink, appearing to read "John D. Merrill".

John David Merrill
Chief of Staff

A handwritten signature in blue ink, appearing to read "Stephen Salsbury".

Stephen Salsbury
Deputy City Solicitor

Attachment 1

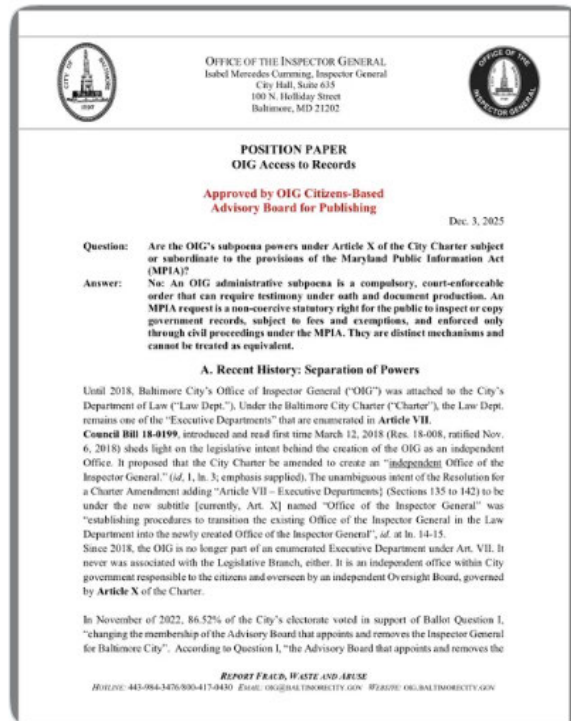


Isabel22
@isabel_cumming

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Many thanks again to our Citizen Advisory Board for unanimously agreeing to post the paper on continued @OIG_Baltimore access to records. This is the foundation of a strong OIG as affirmed by the Green Book & the Blue Ribbon Commission in Balt Co 🙌❤️💛

oig.baltimorecity.gov/sites/default/...



11:55 AM · Jan 16, 2026 · 454 Views

Attachment 2



Attachment 3

