Office of the Inspector General

Response

Case #27-0002-I

OFFICE OF THE INSPECTOR GENERAL
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City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202

September 9, 2026

Office of the Inspector General Response to Mayor's Office and Law Department

The Office of the Inspector General (OIG) is responding to the Mayor's Office Chief of Staff John David Merrill's (COS) and the Law Department's Deputy Solicitor Stephen Salsbury's (DS) July 24th response to OIG report #27-0002-I.

This response will outline the OIG's access processes and address the false allegations made by COS' and DS' response in the following sections:

- OIG Investigative Data Retrieval Process
- **Allegation #1**: Accessing Chief Administrative Officer's Budget Document
- **Allegation #2**: Retaliation against Senior Employee
- **Allegation #3:** Tracking Internal Law Department Memo
- **Allegation #4**: Use of "It Stands to Reason"

OIG Investigative Data Retrieval Process

The OIG does not normally share investigative methods publicly, as they are confidential investigative tools. However, the OIG is sharing its previous data retrieval process in response to the COS' and DS' assertions. The COS' & DS' response implies the OIG's Assistant Inspector General of IT's (AIG IT) name and administrator permissions (permissions) found on employees' computer documents is evidence that the AIG IT was actively retrieving documents. This implication is false.

The City transitioned to the cloud-based Microsoft 365 system in 2020.[1] As part of this transition, employees' physical desktop computer documents and files were synced to their Microsoft OneDrive (OneDrive) account. OneDrive is a cloud storage platform where employees' physical computer documents and files are stored. From 2020 to July 2025, known audit deficiencies existed within Microsoft 365 for data retrievals. As a result, workflow processes were developed to maintain an audit trail.

The AIG IT has maintained the same level of administrator access for more than a decade. Since 2020, BCIT has approved the AIG IT's network security permissions and, beginning in 2022, they were approved via a Privileged Access Agreement. As part of the AIG IT's Privileged Access Agreement, he was required to ensure there was an audit trail for his actions (Figure 1).

[1] Microsoft 365 is a cloud-based service that bundles Microsoft applications like Microsoft Word, Outlook Email, Excel, etc.

Figure 1: Excerpt of Privileged Access Agreement

IT PRIVILEGED ACCESS AGREEMENT

BCIT BALTIMORE CITY INFORMATION TECHNOLOGY

Managers:
A Privileged User is authorized, and therefore trusted, to perform security-relevant functions such as patching, upgrades, installing applications, diagnosing issues and outages, granting and maintaining access to devices or applications that ordinary users are not authorized to perform.

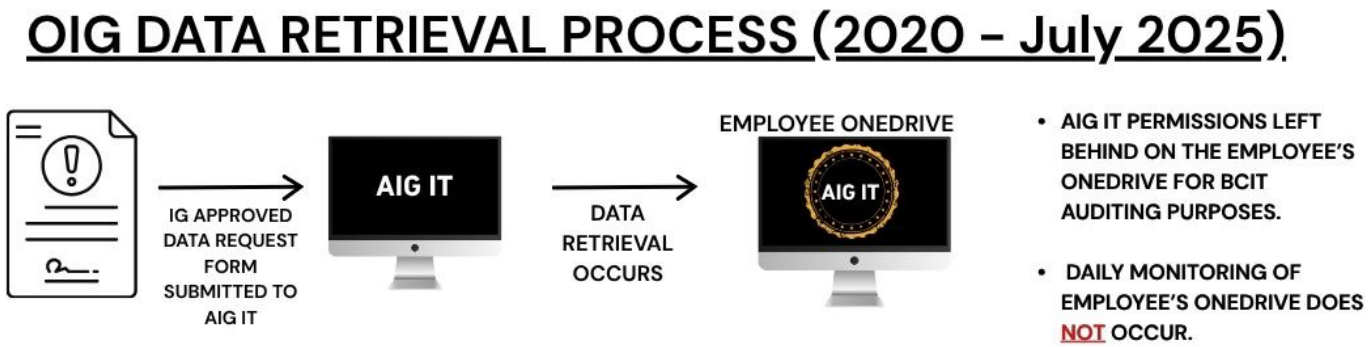
Privileged credentials provide root (full) access to computing resources and are highly prized by threat actors. To reduce our attack surface, the City of Baltimore will be driving toward centralization of administrative access to foster standardization and to ensure that privileged credentials are limited to only those who need them to perform their job duties.

- Ensuring that there is an audit trail for my actions

In 2021, the AIG IT identified audit deficiencies within the data retrieval process related to employees' OneDrive documents and files. Specifically, Microsoft 365 did not allow for the AIG IT's OneDrive retrievals to be recorded and visible for potential BCIT audits. Best practice is to have an audit trail. In order for the AIG IT to leave an audit trail for his activities, the AIG IT contacted BCIT's Information Security (InfoSec) team and engineers to discuss potential solutions. InfoSec and the AIG IT agreed the best way to create a record of data retrievals would be to leave his name as an administrator on any employee's OneDrive account after retrieving the data. The AIG IT's permissions remained indefinitely on the prior data retrievals.

In addition to BCIT, the AIG IT's name and administrator permissions could also be visible to the employee and automatically attached onto documents created after the retrieval. The AIG IT does not return to the employee's OneDrive. In July 2025, this Microsoft 365 deficiency was resolved through a system update, and the AIG IT no longer had to leave his permissions to create an audit trail. Figure 2 below shows the AIG IT's OneDrive retrieval process.

Figure 2: OneDrive retrieval with AIG IT Permissions

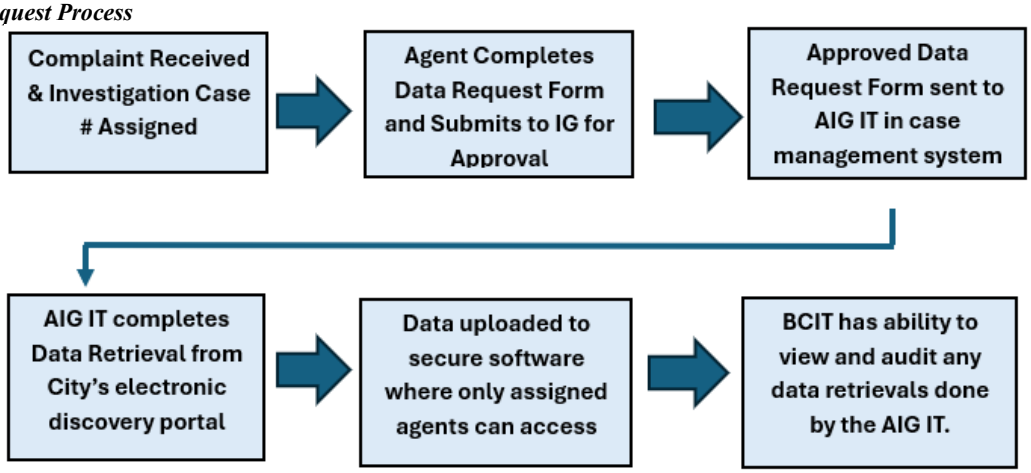


The OIG emphasizes that it ***does not*** conduct live or daily monitoring of employees' devices. Data retrievals are copied to a secure server and contain historical data to be viewed by the assigned special agent, who is trained and a Certified Inspector General Investigator.

Inspectors General use data retrievals as an investigatory tool at the Federal, State, and Local level of government. The OIG's policy manual requires special agents to complete Data Request Forms and request authorization from the IG. The Data Request Form is then uploaded to the OIG's secure case management

system and sent to the AIG IT. The AIG IT completes the request. Once data is retrieved, the AIG IT uploads the data in a secure format to the special agent. The special agent completes the search within the investigative scope. BCIT can review the OIG's data retrievals and conduct audits of the AIG IT's activity at any time. BCIT has never contacted the OIG with concerns about any specific data retrievals. Figure 3 shows the OIG's data request process.

Figure 3: Data Request Process



Before 2020, BCIT assisted the OIG with data retrievals and promptly provided the complete data request directly to the OIG. The Law Department was not involved in the data retrieval process. Currently, the Law Department has inserted itself into the independent process by demanding reviews of every document and email before providing it to the OIG.[2]

OIG Response to Allegation #1: Accessing Chief Administrative Officer's Budget Document

The City's Chief Administrative Officer Faith Leach (CAO) contacted the AIG IT in June 2025. The CAO inquired why the AIG IT's name was listed on her Microsoft OneDrive documents. The AIG IT explained the technical reasons for his permissions being visible to the CAO. The AIG IT felt the CAO failed to understand his technical explanation. The AIG IT then attempted to explain in plain language and used the term "glitch" to describe why his permissions were still visible. To the AIG IT, the "glitch" was Microsoft 365's lack of an audit trail and insufficient built-in data discovery tools. The AIG IT then suggested the CAO contact the IG directly.

The CAO wrote to the IG that she was saving a "personnel document" and noticed the AIG IT was listed as an administrator (Exhibit 1 & Figure 4).

Figure 4: Email from the CAO

> Hi Inspector General –
> I was saving a personnel document, and I noticed @Bartsch, Bryan (OIG) was added as an administrator on my document. Is this an error? Should I work with BCIT to resolve or do we need to setup a meeting to discuss?
> Thanks,
> **Faith P. Leach**

[2] The OIG has 63 pending data requests awaiting Law Department review since January 2026. The OIG does not provide keywords to any City agency, including the Law Department, as it compromises the confidentiality and integrity of an investigation. Without direct access, the Law Department learns the identities of subjects and witnesses involved in investigations.

Two hours later, the IG informed the CAO there was no error, "it" was part of an investigation (Figure 5).

Figure 5: Email reply from IG

Hi Chief Aministrative Officer

There was no error, it was part of an investigation. Hope you are well and staying cool in this weather.

Best. Isabel

The CAO then replied that the "original document was a pre-decisional budget document that I turned into a personnel document" and "given the nature of my role and my access to privileged, deliberative documents, a broad base hold on all of my documents is concerning" (Figure 7).

Figure 6: Response from the CAO

Thanks. As I expressed to Bryan, this hold is concerning given that the original document was a pre-decisional budget document that I turned into a personnel document. Given the nature of my role and my access to privileged, deliberative documents, a broad base hold on all of my documents is concerning.

Bryan expressed that the hold on all documents is a glitch with the system. I am happy to work with BCIT to get this system glitch addressed.

I will reach out to them to discuss fixing this issue.

Thanks,

The COS and DS assert this exchange shows the OIG was "caught" accessing the CAO's budgetary documents. They appear to believe the IG's use of "it" referred to the "personnel" document. However, the IG was referring to the AIG IT's overall data retrieval for the CAO's OneDrive that was done more than a month before for an official OIG investigation. To date, the IG has no idea which document the COS, DS, and CAO are referencing.

The IG spoke to the AIG IT after receiving the initial email from the CAO. The IG used the same term the AIG IT had explained to her to describe the deficiencies in Microsoft 365's discovery system. The IG wrote, "the glitch caused **by the discovery process** has been rectified," and asked the CAO to please verify. The IG was asking the CAO to verify that the AIG IT's permissions had been removed. The CAO replied and thanked the IG (Figure 7).

Figure 7: Last emails between the CAO and IG on the issue

From: Leach, Faith (Mayor's Office) <Faith.Leach@baltimorecity.gov>
Sent: Tuesday, June 24, 2025 5:33 PM EDT
To: Cumming, Isabel M. (OIG) <Isabel.Cumming@baltimorecity.gov>; Bartsch, Bryan (OIG) <Bryan.Bartsch@baltimorecity.gov>; Thompson, Ebony (Law Dept) <Ebony.Thompson@baltimorecity.gov>
Subject: RE: Admin Doc Access

Thank you!

From: Cumming, Isabel M. (OIG)
Sent: Tuesday, June 24, 2025 2:57 PM
To: Leach, Faith (Mayor's Office) ; Bartsch, Bryan (OIG) ; Thompson, Ebony (Law Dept)
Subject: Re: Admin Doc Access

Hello everyone!

The glitch caused by the discovery process has been rectified, please verify at your nearest convenience.

Best, Isabel

The COS' and DS' response alleging the IG accessed a document and then used it to advocate publicly for more funding is false. In January 2025, the OIG's Advisory Board had approved a request for a new position. The City's Bureau of Budget Management and Research told the IG that the position had been cut and no new positions were approved for any City agency. During the same time, the City's Budget Director testified that

the Mayor had cut the position request. The IG publicly advocated for the position to be returned.[3] The COS and DS used the IG's social media post from June 6, 2025, to support their claim (Figure 8).

Figure 8: Exhibit from the COS and DS' response

The City's Executive Summary Budget Book (Budget Book) was published in May 2025. In the social media post, the IG referenced the Budget Book data to refute the claim that no new positions were being added to other City agencies.[4] The IG referenced the 271 positions that were added to the various agencies in different media appearances from data found in the Budget Book (Figure 9).

Figure 9: Position Changes in May 2025 Budget Book

	Budget Amount			Change Amount
Fund Name	**FY24**	**FY25**	**FY26**	**Positions**
General	9,918	9,746	9,932	
Internal Service	452	453	455	
Conduit Enterprise	67	67	67	0
Wastewater Utility	919	921	919	-2
Water Utility	981	986	986	0
Stormwater Utility	148	148	148	0
Parking Management	162	162	161	-1
Federal	0	565	596	31
State	583	698	707	9
Special Revenue	297	328	380	52
Special Grant	5	7	1	-6
Total	**14,180**	**14,081**	**14,352**	**271**

[1] Change is calculated between Fiscal 2025 and Fiscal 2026

The social media post that the COS and DS presented to support their claim contains the publicly available information the IG found in the Budget Book. Moreover, the COS and DS failed to include the IG's post three days later where the IG stated the source of the numbers (Figures 10&11).

[3] After the position was approved by City Council for the budget, the OIG has dedicated this employee to frontline employee issues and other issues within the Department of Transportation and Department of Public Works.

[4] https://s3.amazonaws.com/baltimorecity.gov.if-us-east-1/s3fs-public/2026-02/fy2026_executive_summary.pdf

Figure 10: IG Social Media post

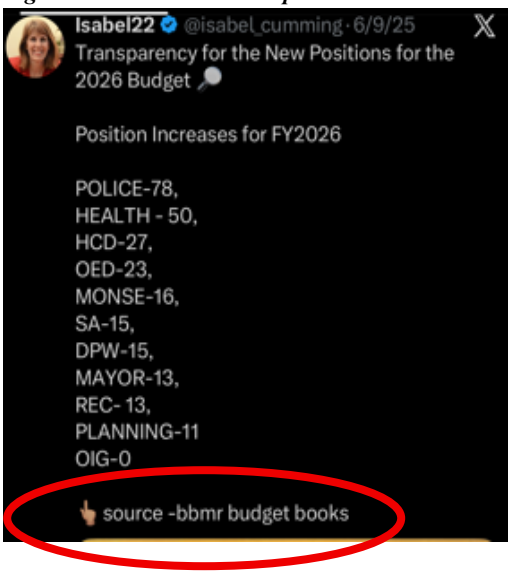


Figure 11: Example of Breakdown by Agency in May 2025 Budget Book

Fund Name	FY24	FY25	FY26	Positions
Police				
General	3,128	3,072	3,110	38
Federal	24	17	16	-1
State	113	143	184	41
Agency Total	**3,265**	**3,232**	**3,310**	**78**
Public Works				
General	758	750	779	29
Wastewater Utility	919	921	912	-9
Water Utility	973	978	974	-4
Stormwater Utility	148	148	147	-1
Special Revenue	3	3	3	0
Agency Total	**2,801**	**2,800**	**2,815**	**15**
Recreation and Parks				
General	362	354	366	12
Federal	3	4	4	0
State	61	61	62	1
Special Revenue	16	17	17	0
Agency Total	**442**	**436**	**449**	**13**

OIG Response to Allegation #2: Retaliation Against Senior Employee

The COS' and DS' response allege the OIG "intended to retaliate against this Senior Employee by repeatedly targeting them in your [OIG] reports." The response omits the background and context of the OIG's investigations involving the Senior Employee. At no time has the Senior Employee been publicly identified.

In early 2025, the OIG began the first (1st investigation) of two recent investigations. During the 1st investigation, information was discovered that showed potential policy violations and several employees brought forth concerns about the Senior Employee that resulted in a second investigation.

During the 1st Investigation, the OIG's review of the Senior Employee's City correspondence was limited to search terms related to the allegations.[5] With the limited review, the OIG discovered correspondence violating the City's Technology Acceptable Use Policy (Technology Policy). [6] Next, current and former employees contacted the OIG to report concerns about the Senior Employee's communication and hostile management style. Those employees only agreed to meet the OIG off-site, and requested their information be held in strict confidence due to fear of retaliation.

The confidential employees' concerns and the findings with the limited correspondence necessitated the new investigation and a further email review. The additional email retrieval was requested on November 20, 2025, and the AIG IT completed the retrieval on November 24, 2025. The review showed hundreds of messages from the Senior Employee that violated the City policies.

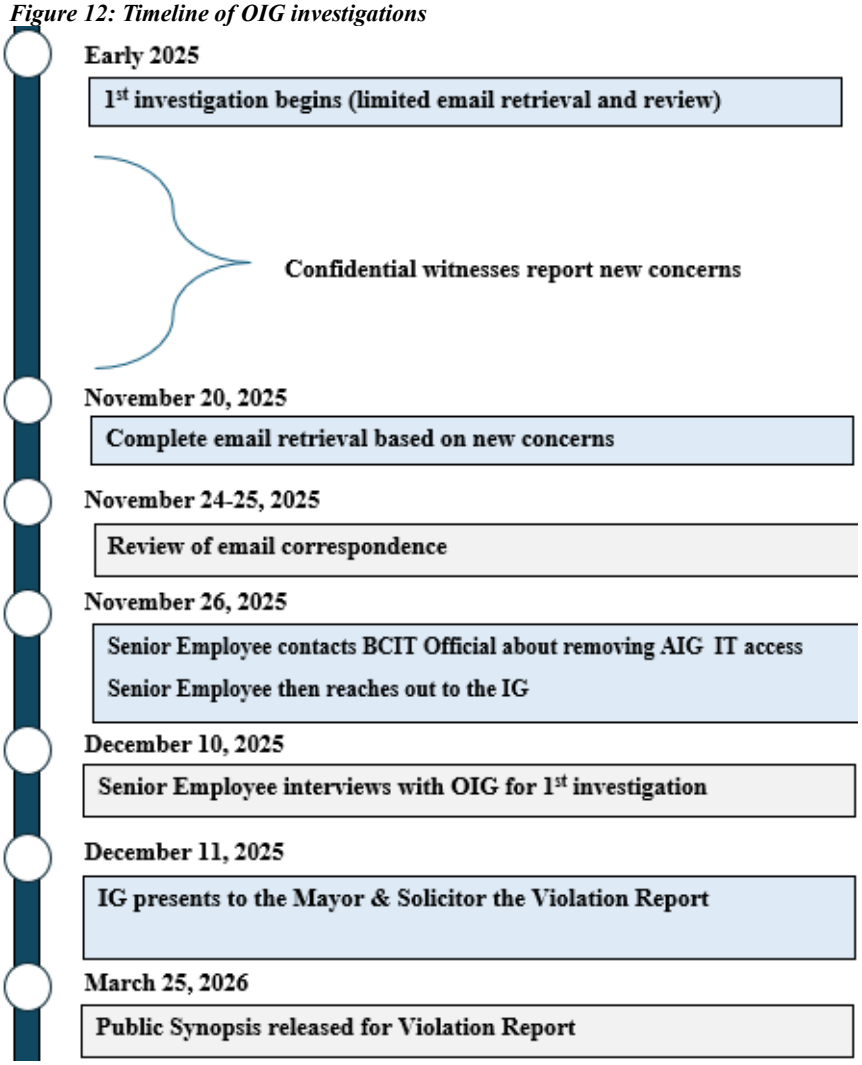
On November 26, 2025, the Senior Employee directed a BCIT Official to cut the AIG IT's access. The Senior Employee told the BCIT Official that "it has been months and no one is doing anything about it." The BCIT Official told the Senior Employee, "typically in terms of OIG and permissions, we don't interfere with that." The BCIT Official was aware the OIG's permissions "don't generally detach" from employees' OneDrive accounts. The Senior Employee later halted the order when they learned the permissions could be re-attached.

[5] The OIG does not disclose keywords to City agencies such as the Law Department as they reveal the confidential scope of an investigation.
[6] Technology policy: https://codes.baltimorecity.gov/us/md/cities/baltimore/administrative-manual/100/AM-118-1

Later that same day, the Senior Employee also contacted the IG with concerns of "unfettered access".[7] The IG told the Senior Employee they were a part of an ongoing confidential investigation and would be interviewed soon. The Senior Employee was interviewed as part of the 1st investigation and the Senior Employee confirmed they were treated fairly during the interview.

The OIG assigns the highest priority to employee safety for investigative complaints. The IG provided the investigative report (Violation Report) to the Mayor and Solicitor on December 11, 2025. The full report was more than 140 pages but condensed to six pages for the public synopsis released on March 25, 2026.[8]

Figure 12: Timeline of OIG investigations



OIG Response to Allegation #3: Tracking Internal Law Department Memo

The COS' and DS' Response alleges the IG tracked an internal Law Department memo regarding the OIG's access in January 2026. The COS and DS claim the supporting evidence is the IG published an OIG position paper (Position Paper) on the same subject matter the day after the Law Department completed their memo

[7] The use of the words "unfettered access" should be noted as this was the first mention to the OIG of that term and the wording also appeared in the BCIT and Law Department press release on January 24, 2026. This term continues to be used by City leadership (as seen in the City's response to this report), which is not accurate. The OIG has always had direct access with BCIT's knowledge as shown by the BCIT Official's replies to the Senior Employee.

[8] https://s3.amazonaws.com/baltimorecity.gov.if-us-east-1/s3fs-public/2026-03/oig_public_synopsis_only.pdf

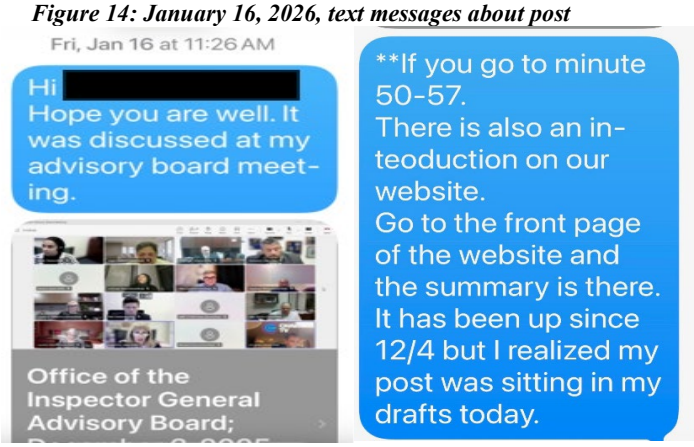
(Figure 13). Additionally, the COS and DS cite an OIG employee's permissions attached to Law Department employees' files. As explained earlier, once authorized permissions attached, they remained indefinitely providing an audit trail.[9]

Figure 13: IG's January 16, 2026, social media post

The Position Paper has been available to the public since December 4, 2025, more than a month before the Law Department wrote an internal memo and the IG's social media post. The IG met with the OIG's Advisory Board on December 3, 2025. The meeting was broadcast live to the public and later posted on Charm City TV. At the meeting, the IG shared two position papers with the Advisory Board as a result of the OIG receiving redacted records in June 2025.[10] The OIG Advisory Board discussed the two documents and approved the IG to post the papers to the public on the OIG website. One position paper explained why the MPIA does not apply to the OIG (Position Paper) and the other about privileged documents not being a barrier for Inspector General access. Both documents were posted to the public on December 4, 2025, on the official Baltimore City OIG website.[11]

A reporter directly contacted the IG on January 16, 2026, and asked about the social media post. The IG replied the Position Paper was posted on December 4th to the City website, but she realized the post was still sitting in her drafts, so she posted it. (Figure 14) The IG had mentioned the Position Paper in earlier posts as well.

Figure 14: January 16, 2026, text messages about post



[9] The Law Department is within the OIG's jurisdiction of oversight.
[10] https://youtu.be/2uYk-m7lBug?t=2907
[11] https://www.baltimorecity.gov/inspector-general/position-paper-access-to-records

The COS' and DS' response states an Agency Director (Agency Director) sought the Law Department's guidance about the OIG's access to emails. The COS and DS response describes the Agency Director contacting the Law Department after receiving a phone call from the IG. According to the response, the Law Department then provided a memo to the Agency Director on January 15, 2026. The response falsely assumes the OIG tracked the memo.

The timeline of events is important to provide background for the IG's phone call with the Agency Director. In early January 2026, the OIG was actively investigating a City employee (City Employee). During the investigation, the City Employee resigned. The investigation revealed the Agency Director had approved the wrong amount of severance for the employee. The Agency Director had approved 30 days of severance pay for the City Employee, rather than the 15 days the City Employee was actually owed. The IG contacted the Agency Director to inform them of their error, which would have resulted in financial waste of thousands of dollars.

The IG was unaware of any concerns by the Agency Director or that the Law Department had written a memo on January 15, 2026. The Law Department did not schedule a meeting with the IG to discuss any access concerns nor the contents of the memo at that time.

As a result of the Law Department's testimony during a City Council hearing in May 2025, the IG submitted a Maryland Public Information Act (MPIA) request to the Attorney General's Office for any correspondence and documents between the Law Department and the Attorney General's Office (Exhibit 2). Only upon receipt of the MPIA request, on July 16, 2026, did the IG learn of the memo. The January 15th memo was titled "Clandestine Access of Employee Emails" (Clandestine Access Memo) (Exhibit 2c). The IG had never seen the Clandestine Access Memo before then.

As a direct result of the MPIA request, the Attorney General's Office provided seven documents, including the Clandestine Access Memo that the Law Department wrote and provided to the Agency Director. The City Solicitor Ebony Thompson (Solicitor) supplied the Clandestine Access Memo, the Position Paper, and another memo about the IG's subpoena powers (IG Subpoena Power Memo) to the Attorney General's Office on January 20, 2026. A review revealed that the IG Subpoena Power Memo (Exhibit 2d) clearly has "Attorney-Client Privilege" and "Attorney Work Product" written in red. The Solicitor appears to have waived that privilege when she sent the IG Subpoena Power Memo to the Attorney General's Office. The Solicitor is not a client of the Attorney General, so the privilege was waived.

In addition to the memos obtained via MPIA request, the Law Department arranged discussions and a meeting with the Attorney General's Office Chief Deputy Attorney General and the Chief of the Advice and Opinions Division on January 22nd — two days before the City's press release removing the OIG's access to the Law Department. The Solicitor's meeting with the Attorney General's Office occurred without the Law Department asking for the OIG's input or clarification on its processes.

Starting late on the night of January 23, 2026, BCIT accessed the AIG IT's computer and changed his passwords. The City issued a press release on January 24, 2026, without notice to the OIG and the Advisory Board, claiming the OIG had violated privilege (Figure 15 on the following page). The press release stated BCIT completed a "permissions audit".

Figure 15: City Press Release removing OIG access to Law Department

BCIT Takes Action To Address Violation Of Attorney-Client Privilege

BALTIMORE, MD (Saturday, January 24, 2026) —Today, the City of Baltimore announced action taken by the Baltimore City Office of Information & Technology (BCIT) to address a violation of the Baltimore City Law Department's attorney-client privilege.

Earlier this week, a lawyer in the City's Law Department discovered an unauthorized account had access to their files, including those protected by the confidential attorney-client and work-product privileges. As a result, a permissions audit was conducted, which discovered an account associated with the Inspector General's Office had gained unapproved and unfettered access to the lawyer's legally-protected confidential work product and communications.

The Maryland Rules of Professional Conduct require lawyers to assure confidential and privileged communications for clients. To comply with these rules, BCIT was directed to remove any accounts with unauthorized access to Law Department files and restore the confidentiality to ensure the Law Department is able to maintain its legal and ethical responsibilities.

The Office of the Inspector General did not get authorized access to these files for a current investigation. Removal of this access will not impede the lawful work of the Office of the Inspector General.

After the accusation, on January 29th, the IG asked BCIT's InfoSec for a copy of the BCIT audit logs. The Solicitor denied the IG's request and cited that they were privileged. The timeline below shows the events the OIG learned from the MPIA request of the Attorney General's Office (Figure 16).

Figure 16: Timeline from MPIA production

1/12/2026

Memo from Law Department concerning MPIA and whether a City Department should provide the Inspector General information upon request without invoking MPIA

(This Information obtained Memo from 7/16/2026 MPIA request)

1/15/2026

Memo from Law Department sent to Agency Director titled Clandestine Access to Employee Emails

(This Information obtained Memo from 7/16/2026 MPIA request)

1/20/2026

Email sent from the City Solicitor to the Chief Deputy Attorney General sending three attachments: 1) 1/12/26 memo 2) 1/15/26 memo 3) Position paper discussed with Advisory Board on 12/3/25 and published 12/4/25. Three pages of this email were blacked out citing deliberative process as this was an MPIA request.

(This Information obtained Memo from 7/16/2026 MPIA request)

1/22/2026

Emails between City Solicitor and Chief Deputy Attorney General concerning a 10:30am meeting that day with Chief Deputy and Division Chief of Advice and Opinions Patrick Hughes. City Solicitor and a Law Dept. Practice Group Chief planned to attend.

(This Information obtained Memo from 7/16/2026 MPIA request)

1/24/2026

BCIT and the Law Department issued a press release after they changed the passwords of the AIG IT and removed his access citing review of Attorney-Client Privilege with no notice to the OIG

2/6/2026

City Solicitor issued an Advice Letter citing that a recent Attorney General Opinion was received. The Mayor issues a Press Release citing "New Attorney General Opinion Clarifies Local Government Obligations Regarding Protected Information". A member of the AG Staff wanted to see the "Attorney General Opinion" and the head of Advice & Opinions wrote – "it's not an opinion, it's an advice letter . . ."

(This Information obtained Memo from 7/16/2026 MPIA request)

OIG Response to Allegation #4: Concerns With "It Stands to Reason"

In condensing a report to a public synopsis, the IG has the opportunity to correct miscommunications or clarifications from Management. The COS and DS noted concerns regarding the OIG's use of the phrase "it stands to reason" regarding the Senior Employee contacting the CAO before ordering the BCIT Official to cut the access. The OIG used this phrase as a reasonable investigative inference. The COS and DS failed to include the next OIG sentence in the actual report, "the OIG was unable to determine if [the Senior Employee] actually spoke to or reached the CAO in five minutes before [they] wrote 'cut the access to [the Senior BCIT Official]." The COS and DS responded that the CAO was not contacted regarding this order. As a result, the OIG has removed the inclusion of this reference from the public version now that further information has been provided.

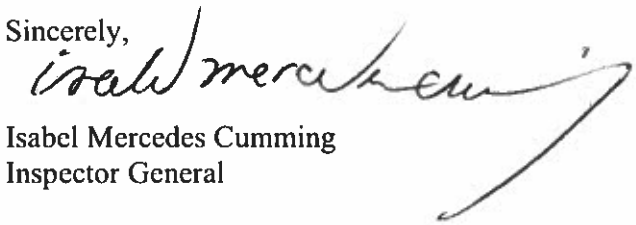
Conclusion

The IG remains unaware as to which document the CAO was referring to in June 2025. The IG was referring to the data retrieval process, not a particular document.

The Administration's characterization of the OIG's report as "retaliatory" against the Senior Employee is false. All data was accessed as the result of ongoing investigations. The evidence supporting the sustained investigative findings were provided to management to take the actions they deemed appropriate.

The memo that the COS and DS allege the IG was tracking was never seen by the IG until July 16, 2026. The IG saw the memo for the first time when the Attorney General's Office provided it via an MPIA request.

Sincerely,



Isabel Mercedes Cumming
Inspector General

CC: Hon. Brandon M. Scott, Mayor of Baltimore City
Hon. Zeke Cohen, Baltimore City Council President
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council

Exhibit List

1. June 24, 2025 correspondence between the CAO and IG Cumming
2. MPIA Production from Attorney General Office
   - 2a. Attorney General email providing documents in response to OIG's MPIA
   - 2b. January 20, 2026 email from City Solicitor to Attorney General Office
   - 2c. Law Department Memo to Agency Director
   - 2d. Law Department Memo on IG Subpoena Power (The Attorney-Client Privilege notation was waived by Solicitor Thompson when she provided it to the AG office on 1/20/26)
   - 2e. Access Position Paper
   - 2f. January 22, 2026 emails about meeting at 10:30 a.m. that morning with Deputy Attorney General and Division Chief of Advice and Opinions
   - 2g. February 6, 2026 emails between Attorney General staff regarding City press release cutting OIG access
   - 2h. Correspondence from Inspector General to Attorney General Office with letter from four local Inspectors General regarding the legislature bill

Exhibit 1
OIG Response Case #27-0002-I

1. June 24, 2025, CAO and IG Email Correspondence

From: Cumming, Isabel M. (OIG) on behalf of Cumming, Isabel M. (OIG) <Isabel.Cumming@baltimorecity.gov>
Sent: Tuesday, June 24, 2025 2:57 PM EDT
To: Leach, Faith (Mayor's Office) <Faith.Leach@baltimorecity.gov>; Bartsch, Bryan (OIG) <Bryan.Bartsch@baltimorecity.gov>; Thompson, Ebony (Law Dept) <Ebony.Thompson@baltimorecity.gov>
Subject: Re: Admin Doc Access

Hello everyone!

The glitch caused by the discovery process has been rectified, please verify at your nearest convenience.

Best, Isabel

Get Outlook for iOS

From: Leach, Faith (Mayor's Office)
Sent: Tuesday, June 24, 2025 2:34:15 PM
To: Cumming, Isabel M. (OIG) ; Bartsch, Bryan (OIG) ; Thompson, Ebony (Law Dept)
Subject: Re: Admin Doc Access
Thanks. As I expressed to Bryan, this hold is concerning given that the original document was a pre-decisional budget document that I turned into a personnel document. Given the nature of my role and my access to privileged, deliberative documents, a broad base hold on all of my documents is concerning.

Bryan expressed that the hold on all documents is a glitch with the system. I am happy to work with BCIT to get this system glitch addressed.

I will reach out to them to discuss fixing this issue.

Thanks,

Get Outlook for iOS

From: Cumming, Isabel M. (OIG)
Sent: Tuesday, June 24, 2025 1:14:25 PM
To: Leach, Faith (Mayor's Office) ; Bartsch, Bryan (OIG)
Subject: Re: Admin Doc Access
Hi Chief Aministrative Officer

There was no error, it was part of an investigation. Hope you are well and staying cool in this weather.

Best. Isabel

Get Outlook for iOS

From: Leach, Faith (Mayor's Office)
Sent: Tuesday, June 24, 2025 11:00 AM
To: Bartsch, Bryan (OIG) ; Cumming, Isabel M. (OIG)
Subject: Admin Doc Access
Hi Inspector General –
I was saving a personnel document, and I noticed @Bartsch, Bryan (OIG) was added as an administrator on my document. Is this an error? Should I work with BCIT to resolve or do we need to setup a meeting to discuss?
Thanks,
Faith P. Leach
Chief Administrative Officer
City of Baltimore
100 Holliday Street
Baltimore, MD 21202
Faith.leach@baltimorecity.gov
(443)984-3734 (Phone)

Exhibit 2
OIG Response Case #27-0002-I

Documents from the OIG's MPIA Request dated June 16, 2026 to the Office of the Attorney General and received on July 16, 2026

Table of Contents

2a. Attorney General's Office MPIA email response

2b. January 20, 2026, City Solicitor email to Chief Deputy Attorney General

2c. Law Department "Clandestine Access of Employee Emails" Memo to Agency Director dated **January 15, 2026**

2d. Law Department Memo on IG Subpoena Power (metadata shows created and last modified **1/12/2026**)

2e. OIG's Access Position Paper dated **December 3, 2025**

2f. January 22, 2026, emails about planned 10:30 a.m. meeting with Chief Deputy AG and AG Division Chief of Advice and Opinions

2g. February 6, 2026, emails between AG Office staff regarding City press release removing OIG access

2h. February 20, 2026 Correspondence from OIG to AG Office with letter from four local IGs regarding legislature bill

Exhibit 2a

AG Office MPIA email response

From:	Robinson, Kavon
To:	Cumming, Isabel (OIG)
Cc:	Neil, Matthew (OIG); Mitchell, Richard (OIG)
Subject:	RE: Maryland Public Information Act Request (June 2026)
Date:	Thursday, July 16, 2026 4:19:39 PM
Attachments:	Production Docs.zip
Sensitivity:	Confidential

CAUTION: This email originated from outside of Baltimore City IT Network Systems.
Reminder: DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities using the Report Phishing Email Button, or by emailing to Phishing@baltimorecity.gov

Ms. Cumming:

This email is a response to your letter dated June 16, 2026, in which you requested certain records under the Public Information Act, Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101 et seq. Your request stated:

1. *Any correspondence, notes, and/or other recordings, written or electronic, between OAG personnel and any Baltimore City personnel including, but not limited to, Mayor Brandon M. Scott, City Solicitor Ebony M. Thompson, Hilary Ruley, and/or Jeffrey Hochstetler, pertaining to an inspector general's access to records and/or any request for the Maryland Attorney General, or their designee, to issue a formal or informal opinion on the matter.*

2. *The items in #1 above include the dates and times that the materials were created and disseminated.*

We have completed the search for and processing of the records in our custody and control pertaining to your request. Our search identified four email threads, one of which has three attachments, for a total of seven responsive records.

Three of the email threads, along with the three associated attachments, are being released in full and are enclosed with this letter.
The remaining email thread is being released with redactions. The redacted material is withheld pursuant to GP § 4-301(a)(1) which protects information subject to attorney-client privilege and legislative privilege, and §§ 4-343 - 4-344, which incorporates the deliberative process privilege. The redacted portions consist of internal communications and draft memoranda within the OAG's Opinions Division reflecting the pre-decisional deliberative process involved in developing the Office's legal advice on legislative matters related to the subject of your request.

No fee has been assessed for your request.

If you believe this response is inconsistent with the OAG's obligations under the PIA, you may refer your concerns to the Office of the Public Access Ombudsman, and if the Ombudsman is unable to resolve the matter, you may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board's jurisdiction. See Md. Code Ann., Gen. Prov. §§ 4-1A-01 et seq. and 4-1B-01 et seq. If you wish to contact the Ombudsman, you may do so by email addressed to pia.ombuds@oag.state.md.us or by phone at (410) 576-6560. Alternatively, you are also entitled to seek judicial review under GP § 4-362.

Also, if you have any questions about this letter, please feel free to contact me.

Thank you,
Kavon Robinson

Kavon Robinson (he/him)
Executive Associate
Public Information Act Coordinator
Office of the Attorney General
Executive Division
200 Saint Paul Place
Baltimore, Maryland 21202
p: 410-528-8663
krobinson@oag.maryland.gov
oag.maryland.gov

The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.

From: Robinson, Kavon <krobinson@oag.maryland.gov>
Sent: Wednesday, July 1, 2026 2:19 PM
To: Cumming, Isabel (OIG) <Isabel.Cumming@baltimorecity.gov>
Cc: Neil, Matthew (OIG) <Matthew.Neil@baltimorecity.gov>; Mitchell, Richard (OIG) <Richard.Mitchell@baltimorecity.gov>
Subject: RE: Maryland Public Information Act Request (June 2026)
Sensitivity: Confidential

Dear Isabel Cumming,

This email is a response to your letter dated June 16, 2026, in which you requested certain records under the Public Information Act, Annotated Code of Maryland, General Provisions Article ("GP"), § 4-101 et seq. Your request stated:

1. *Any correspondence, notes, and/or other recordings, written or electronic, between OAG personnel and any Baltimore City personnel including, but not limited to, Mayor Brandon M. Scott, City Solicitor Ebony M. Thompson, Hilary Ruley, and/or Jeffrey Hochstetler, pertaining to an inspector general's access to records and/or any request for the Maryland Attorney General, or their designee, to issue a formal or informal opinion on the matter.*
2. *The items in #1 above include the dates and times that the materials were created and disseminated.*

I am writing now to advise you that it will take us more than 10 working days to produce the records. We are continuing our search for all documents responsive to your request and conducting a preliminary review to determine which records can be disclosed, including a review for records that may be exempt from disclosure. Therefore, we anticipate providing a response to your request within 30 days of its receipt.

Also, if you have any questions about this letter, please feel free to contact me.

Thank you,
Kavon Robinson

Kavon Robinson (he/him)
Executive Associate
Public Information Act Coordinator

Office of the Attorney General
Executive Division
200 Saint Paul Place
Baltimore, Maryland 21202
p: 410-528-8663
krobinson@oag.maryland.gov
oag.maryland.gov

The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.

From: Mitchell, Richard (OIG) <Richard.Mitchell@baltimorecity.gov>
Sent: Tuesday, June 16, 2026 3:08 PM
To: Robinson, Kavon <krobinson@oag.maryland.gov>
Cc: Cumming, Isabel (OIG) <Isabel.Cumming@baltimorecity.gov>; Neil, Matthew (OIG) <Matthew.Neil@baltimorecity.gov>
Subject: Maryland Public Information Act Request (June 2026)
Sensitivity: Confidential

> **Caution:** This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Good Afternoon,

Please review and act on the attached PIA request for the Maryland Office of the Attorney General. If you have any questions or concerns regarding the request, please contact Isabel Mercedes Cumming at Isabel.Cumming@baltimorecity.gov or at (410) 396-3951.

Sincerely,

Facebook | Twitter | LinkedIn

CERTIFIED FRAUD EXAMINER

Richard E. Mitchell (He/Him/His)
MLS, CFE, CIGI, CIGE, CFS

Assistant Inspector General of Operations

Baltimore City Office of the Inspector General
100 N. Holliday Street, Suite 635
Baltimore, Maryland 21202

Richard.Mitchell@baltimorecity.gov
Main Office: (443) 984-3690
Desk: (443) 984-0007
Fax: (410) 837-1033
Mobile: (443) 610-4714
FRAUD HOTLINE: 1-800-417-0430

This email contains sensitive information and is the property of the Baltimore City Office of the Inspector General ("OIG"). It should not be copied or reproduced without the written consent of the OIG. This email is for

Exhibit 2b

January 20, 2026

City Solicitor email to Chief DeputyAttorney General

* Redactions on this exhibit made by Attorney General Office

[redacted]

From: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Sent: Tuesday, January 20, 2026 4:09 PM
To: Quattrocki, Carolyn <cquattrocki@oag.state.md.us>
Subject: Fw: per your request

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Good afternoon, Carolyn,

As discussed, please find the documents for review. Thank you so much.

Ebony

<image001.jpg >

From: Ruley, Hilary (LAW) <Hilary.Ruley@baltimorecity.gov>
Sent: Tuesday, January 20, 2026 4:02:43 PM
To: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Subject: per your request

Hilary Ruley

General Counsel Practice Group Chief
Chief Solicitor

Baltimore City Department of Law

<image002.png >

DEPARTMENT OF LAW

100 N. Holliday Street, Suite 101
Baltimore, MD 21202
Hilary Ruley@baltimorecity.gov

Office: (410) 396-3271

Exhibit 2c

Law Department "Clandestine Access of Employee Emails" Memo to Agency Director dated January 15, 2026

(*OIG Redacted Director Name)

FROM		
NAME & TITLE	General Counsel Division	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	Department of Law	
SUBJECT	Clandestine Access of Employee Emails	

TO [redacted], [redacted]
Director, [redacted]

DATE: January 15, 2026

Question:

You have asked if the Baltimore City Inspector General's Office ("OIG") is allowed to access your emails containing personnel information without first making a request. Specifically, the Inspector General telephoned you and read you the text of an email that you recently sent to a subordinate employee and your Human Resources liaison about that subordinate employee's ongoing process of separating from City employment. The Inspector General did not request access to your emails from you or your superior.

Brief Answer:

No. The OIG's authority to investigate a matter does not give it the ability to access emails or other documents containing personnel information without a request to the relevant employee's supervisor. The OIG's access to the records of other City agencies is governed by the Maryland Public Information Act ("PIA"), and the PIA prevents any governmental unit from disclosing personnel information to anyone except to the person themselves or to "an elected or appointed official who supervises the work of the individual." Md. Code, Gen. Prov., § 4-311.

Nothing in the Charter gives the Inspector General authority to supervise your work or the work of any City employee except those within the OIG. Thus, the PIA prevents the OIG's access to personnel information without first requesting access from a supervisor as part of a relevant investigation.

Analysis:

OIG Access to Records is Subject to State Law

The OIG has the power to investigate any complaints of "fraud, financial waste, and abuse" in City government. City Charter, Art X, § 4(b)(1). The OIG is also responsible for "promoting efficiency, accountability, and integrity in City government." City Charter, Art X, § 4(b)(2). The OIG may investigate any allegations "that involve City government and potential violations of laws or regulations" by several different types of people, including City employees and elected officials. City Charter, Art X, § 4(c).

No methods or processes for these investigations are set forth in the Charter except the ability to issue a subpoena. City Charter, Art X, § 4(d). However, Maryland's highest court has already held that a local subpoena power given by a local ordinance or local charter provision to a local inspector general's office does not permit that local inspector general access to records that state

law would otherwise prohibit. Rather, a local subpoena power when directed at the local government is subject to the PIA. *See Montgomery County v. Shropshire*, 420 Md. 362, 365-66 (2011) (Montgomery County Inspector General's subpoena to the Montgomery County Police Department for personnel records was governed by the PIA, which prohibited disclosure).

The Court's holding comports with the language of the PIA itself, which names the person requesting the record to be the "applicant" and defines that as "a person or governmental unit that asks to inspect a public record." Md. Code, Gen. Prov., § 4-101(b). A "governmental unit" is a subset of either the State or of "a political subdivision." Md. Code, Gen. Prov., § 4-102. Therefore, the PIA was written to apply to all requests from one unit[1] of a government to any other. *See Shropshire*, 420 Md. at 365; *accord Fields v. State*, 432 Md. 650 (2013).

Although the PIA defers to other law, that other law must be state or federal law; the PIA does not defer to local law. *See* Md. Code, Gen. Prov., § 4-201(a). The Maryland Attorney General and Maryland courts have been clear on this point. *See, e.g., Police Patrol Sec. Sys., Inc. v. Prince George's Cnty.*, 378 Md. 702, 712 (2003) ("A county charter is subordinate to the public general laws of Maryland. . . . Each of the mandatory denial provisions in the MPIA requires a custodian of records to refuse inspection of certain records. Thus, a county ordinance or charter that requires a custodian to act differently is preempted.") (citations omitted); 86 Md. Op. Ag. 94, 107 (2001) ("if disclosure of a particular record is forbidden by the PIA, its disclosure would not be 'otherwise provided by law' simply because the [local] ordinance authorized the disclosure. Most of the mandatory exemptions in the PIA appear designed to vindicate privacy or other interests deemed worthy of protection by the General Assembly. If a local ordinance by itself constituted other 'law' authorizing disclosure, it could thwart the sometimes delicate balance of interests struck by the Legislature.").

Therefore, any City ordinance or Charter provision attempting to govern record disclosure in conflict with the PIA is preempted. *Worton Creek Marina, LLC v. Claggett*, 381 Md. 499, 512-513 (2004) (citations omitted) ("when a local government ordinance conflicts with a public general law enacted by the General Assembly, the local ordinance is preempted by the State law and is rendered invalid."). The City Solicitor has opined consistently in the past. *See* 81 Op. City Sol. 49, 154 (1989) (opining that MECU had no ability to request payroll records from the City's Bureau of Payroll outside of the PIA, the Solicitor acknowledged that agencies are only allowed access to their own payroll files and not those of other agencies); 74 Op. City Sol. 49, 154 (1982) (opining that the department of audits had no power to compel personnel records outside of the PIA).

Thus, without authority given by the General Assembly, the City cannot enact a local law or change its charter to give one agency power to review the documents of another agency in conflict with the PIA. Accordingly, the OIG's subpoena power in Section 4(d) of Article X of the City Charter can only be read to apply to entities outside City government. It could never be

---

[1] This also means that each City entity must be treated as its own custodian. The Mayor's Office is not the custodian of all City documents, nor is the OIG or City Solicitor because no singular agency is responsible for keeping all City documents, nor does any one agency have physical control of all documents. Md. Code, Gen. Prov., § 4-101(d). In other words, there is no general custodian of documents in the City. *Accord* Baltimore City Code, Art. 1 § 10-1. Rather, each is a "unit" of City government.

read to give the Inspector General the power to override the PIA and access all records of City government without regard to the PIA's protection of privileges and confidentiality. While the PIA does allow record custodians to waive the requirement for a formal application to inspect a record, it does not allow the custodian to waive the mandatory exemptions in the law that restrict access to some records. Md. Code, Gen. Prov., § 4-202(b)(2). Accordingly, for the OIG to access records to the same extent as the record custodian, the PIA requires that the OIG be authorized as a physical custodian, which she cannot be unless she obtains that authorization. Md. Code, Gen. Prov. § 4-101(d)(2).

State Law Prevents OIG Access to Personnel Information without Supervisor Permission

In relevant part, the PIA prevents any governmental unit from disclosing a personnel record[2] to anyone except the person in interest (meaning the person themselves or their representative)[3] or to "an elected or appointed official who supervises the work of the individual." Md. Code, Gen. Prov., § 4-311.

Nothing in the Charter gives the Inspector General authority to supervise your work or the work of any City employee except those within the OIG. City Charter, Art. X, § 4(a) ("The Inspector General shall supervise and direct the Office of the Inspector General."); *cf.* City Charter, Art. VII, § 140(2) (The City Administrator "exercises supervisory authority over all agencies, department directors, and municipal officers."). Thus, the PIA prevents the OIG's access to personnel information without first being authorized as part of a relevant investigation. This was the process followed by other local inspector generals. *Shropshire*, 420 Md. at 367. This is also the process contemplated in the City's Whistleblower protection law, allowing the Civil Service to request OIG assistance in certain personnel investigations. City Code, Art. 1, § 8-5(b). If the request is granted, then the OIG becomes, in effect, a supervisory partner for purposes of the investigation, and thus an "*authorized* individual who has physical custody and control of a public record." Md. Code, Gen. Prov. § 4-101(d)(2).

Here, the OIG never requested access and therefore was never authorized to review the emails containing personnel information.

---

[2] Personnel information is not always kept in an official personnel file and can include any government record—including emails—containing information about a person's employment, including information about his separation from employment. *See, e.g., Lamson v. Montgomery Cnty.*, 460 Md. 349, 365 (2018).

[3] "Person in interest" is defined as "a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit[.]" Md. Code, Gen. Prov. § 4-101(g).

Exhibit 2d

Law Department Memo on
IG Subpoena Power

(metadata shows created and
last modified 1/12/2026)

Hilary Ruley, Chief Solicitor

Department of Law

Memo on Inspector General Subpoena Power

Question:

Should a City Department provide the Inspector General information upon request without invoking the Maryland Public Information Act ("PIA") or other law?

Brief Answer:

No. Maryland's Highest Court has held that the PIA is the law that governs all requests for information from one unit of a government to another.

Analysis:

In *Montgomery County v. Shropshire*, 420 Md. 362 (2011), the Inspector General of Montgomery County, which had been given subpoena power by the Montgomery County Council, requested records from the Montgomery County Police Department. "The County further argued that because the Inspector General is charged with preventing and detecting 'fraud, waste and abuse in government activities,' disclosure of the records was mandated by County law." *Id*. at 369.

The Court held that the Inspector General's request for those records was governed by the PIA. *Id*. at 365. It then held that the records sought were personnel records and therefore could not be disclosed to the Inspector General of Montgomery County because the PIA prohibited the disclosure. *Id*. at 365-66.

The Court's holding comports with the language of the PIA itself, which names the person requesting the record to be the "applicant" and defines that as "a person or governmental unit that asks to inspect a public record." Md. Code, Gen. Prov., § 4-101(b). A "governmental unit" is a subset of either the State or of "a political subdivision." Md. Code, Gen. Prov., §4-102. Therefore, the PIA was written to apply to all requests from one unit of a government to any other as Maryland's Highest Court confirmed. *Shropshire*, 420 Md. at 365; *accord Fields v. State*, 432 Md. 650 (2013). This also means that each City agency must be treated as its own custodian. The Mayor's Office is not the custodian of all City documents, nor is the City Solicitor because no singular agency is responsible for keeping all City documents, nor does any one agency have physical control of all documents. Md. Code, Gen. Prov., § 4-101(d). In other words, there is no general custodian of documents in the City. Accord Baltimore City Code, Art. 1 § 10-1.

The general rule in the PIA is: "except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time." Md. Code,

Gen. Prov., §4-201(a). The PIA further clarifies: "Inspection or copying of a public record may be denied only to the extent provided under this law." Md. Code, Gen. Prov., §4-201(b).

The Maryland Attorney General and the Maryland Courts have been clear that local laws of local governments cannot be the other law referred to in the phrase: "except as otherwise provided by law." Md. Code, Gen. Prov., §4-201(a). Thus, the PIA governs unless provided by any other state or federal law. *See, e.g., Fields*, 432 Md. at 666-67 (explaining that in a legal action, the rules of state courts and the cases interpreting them govern which records can be discovered, not the PIA).

The Maryland Attorney General explained this to the City of Frederick, Maryland, when it sought to create a "citizen police review and advisory board." 86 Md. Op. Ag. 94 (2001). The City of Frederick, realizing such a board would be subject to the PIA, asked the Maryland Attorney General for the effect of its proposed local law on the records to be reviewed by the proposed board:

> a local ordinance does not constitute "other law" for purposes of SG § 10-615[1] and cannot by itself be the basis of an exemption from disclosure under the PIA. As we have previously explained, a contrary interpretation "would allow...local entities at their election to undermine the [PIA]. ... [H]ad the General Assembly intended to give this effect to a ... local ordinance, [local ordinances] would have been included in the list in SG § 10-615...." Office of the Attorney General, Public Information Act Manual 15 (8th ed. 2000). *See also* 71 Opinions of the Attorney General 297, 299-300 (1986).
>
> Similarly, if disclosure of a particular record is forbidden by the PIA, its disclosure would not be "otherwise provided by law" simply because the ordinance authorized the disclosure. Most of the mandatory exemptions in the PIA appear designed to vindicate privacy or other interests deemed worthy of protection by the General Assembly. If a local ordinance by itself constituted other "law" authorizing disclosure, it could thwart the sometimes delicate balance of interests struck by the Legislature.
>
> Thus, to the extent that the proposed ordinance purports to create a blanket exemption from disclosure for Review Board records, it conflicts with provisions of the PIA. At best, it could be construed as an instruction to the members and staff of the Review Board to exercise whatever discretion the PIA might otherwise give them to preserve the confidentiality of these records. Similarly, the direction to the PSU to provide a report to the Review Board could only be carried out to the extent that it is consistent with the PIA.

86 Md. Op. Ag. 94, 107 (2001).

---

[1] The Maryland Public Information Act used to be codified in the State Government ("SG") Article of the Maryland Code. 2014 Laws of Md., Ch. 94. It is now codified in the General Provisions Article of the Maryland Code. Md. Code, Gen. Prov., §4-101 *et. seq*.

Therefore, any law enacted by the City[2] that attempts to govern record disclosure instead of the PIA is preempted. *Worton Creek Marina, LLC v. Claggett*, 381 Md. 499, 512-513 (Md. 2004) (citations omitted) ("when a local government ordinance conflicts with a public general law enacted by the General Assembly, the local ordinance is preempted by the State law and is rendered invalid."). The City Solicitor has opined consistently in the past. *See* 81 Op. City Sol. 49, 154 (1989) (opining that MECU had no ability to request payroll records from the City's Bureau of Payroll outside of the PIA, the Solicitor acknowledged that agencies are only allowed access to their own payroll files and not those of other agencies); 74 Op. City Sol. 49, 154 (1982) (opining that the department of audits had no power to compel personnel records outside of the PIA).

Despite Law Department counsel to the contrary, some City laws are enacted that attempt to provide subpoena or others investigatory powers despite the City's inability to confer those powers. For example, Section 1-4 of Article 1 of the City Code concerning the City Council's Committee on Legislative Investigations' power to receive City government documents is unenforceable to the extent that it conflicts with the PIA. The Attorney General has reached the same conclusion with respect the General Assembly's ability to receive certain state government documents. 66 Md. Op. Atty. Gen. 98 (1981).[3]

The only way that the PIA would not apply to a request by the Inspector General to a City agency for documents is if some other state or federal law were to grant the Inspector General the power to received the documents. No City law can do so. Without authority given by the General Assembly or the federal government, the City cannot enact a law giving itself a power

---

[2] The laws enacted by the City include those in the City Code as well as those contained in the City Charter. Except that, Article II of the City Charter is state law, and constitutes powers granted to the City by the General Assembly and can only be modified by it. *See, e.g., Kimball-Tyler Co. v. Baltimore*, 214 Md. 86, 94 (1957) ("under Section 2, Article 11A of the Maryland Constitution, the City has no authority at all to legislate on the subject of its express powers, contained in Section 6 of the Charter. Only the General Assembly can alter those provisions"); 87 Op. Atty Gen. Md. 187, 191, n. 8 (2002) (Section 6 is later recodified as Article II of the City Charter).

[3] This issue was addressed by the Attorney General when asked whether the General Assembly had the right to compel the production of documents from the Governor's office when reviewing the state's budget bill. 66 Md. Op. Atty. Gen. 98 (1981). The Attorney General concluded that while the General Assembly had the "express power to make inquiries relative to the Budget Bill," which "authorizes the General Assembly to comprehensively examine the State's fiscal affairs" and to demand the appearance of executive branch officials to discuss the budget, the General Assembly's "broad power of inquiry" does not thereby "entitle the General Assembly to demand and receive any and all documents that the Governor might request from executive agencies," even if the Governor has the power to compel executive branch officials to produce documents to the Governor. *Id*. The Attorney General then went on to explain the executive privilege and conclude that it would be eroded if the General Assembly were allowed access to documents that were provided to the Governor to assist him in making his decisions. *Id*. The Attorney General noted that the executive privilege is nuanced, and that sometimes purely factual documents can be disclosed without the waiver of the privilege, but such a determination would need to be made on a case-by-case basis. *Id*. The Attorney General concluded that while it could be argued that the General Assembly's investigative function allowed a cogent argument for a subpoena power, the PIA "has been amended to permit the General Assembly, as a 'governmental agency', to require the disclosure of public records" via the PIA process, within which certain exemptions and exceptions, such as that of the executive privilege, would apply. *Id*. In short, the PIA applies to record requests by the General Assembly to the Executive Branch of Government. *Id*.

to receive documents by subpoena because it is the PIA that applies. To do otherwise, again, would "would allow...local entities at their election to undermine the [PIA]." 86 Md. Op. Ag. 94, 107 (2001). Thus, Section 4(d) of Article X of the City Charter can only be read to provide the Inspector General with the power to subpoena documents from outside of the City government. It could never be read to give the Inspector General the power to override the PIA and access all records of City government without regard to the privileges and exemptions to disclosure that the General Assembly has provided within the PIA.

Rather, only state or federal law can override the PIA. The General Assembly has many other general and local laws that govern confidentiality or record sharing in a variety of contexts. For example, the state has an Abandoned Property Act that requires the state Comptroller to disclose certain information about people's unclaimed property in order to facilitate its return. This is in contrast with the PIA, which would require that the government not disclose information about a person's finances, including assets. *See, e.g.*, Md. Code, Gen. Prov., § 4-326. A key Maryland case, *Immanual v. Comptroller*, 449 Md. 76, 95 (2016), explained that but "for the publication requirement in the Abandoned Property Act," the financial information would be unable to be disclosed under the PIA.

However, if a local law can be read in harmony with the PIA, then it is not void and can be enforced to the extent there is no conflict. *See, e.g.*, 86 Md. Op. Ag. 94, 107 (2001); 93 Op. Attorney Gen. 126, 130 (2008) (citing cases that describe the different ways that a local law can be preempted by the General Assembly). For example, Section 1-6 of Article 1 of the Baltimore City Code provides:

> It shall be the duty of the head of every City department or bureau established by the Baltimore City Charter or by ordinance to provide all technical materials, plats, drawings, and information that are requested by any member or the President of the City Council for the purpose of introducing legislation into the Council.

The duties referred to above would include giving information that the PIA allows to be disclosed or in the way that the PIA permits but not giving information which the PIA would prevent from being disclosed or in a manner the PIA prohibits. As an example, Section 1-6 of Article 1 of the City Code is silent as to what a City department should do if a Councilmember requests information that the department does not have. The PIA, however, still governs and would mandate a response be given in writing to the Councilmember stating there was no record containing the information. Md. Code, Gen. Prov., § 4-202(d).

The same analysis governs with respect to the subpoena of documents from the government. Without authority given by the General Assembly, the City cannot enact a law giving itself a power to receive documents by subpoena that it cannot already receive under the PIA. To do otherwise, again, would "would allow...local entities at their election to undermine the [PIA]." 86 Md. Op. Ag. 94, 107 (2001). The General Assembly has taken care in Article II of the City Charter to confer on the Board of Arbitration for the Fire Department the specific power to subpoena evidence. City Charter, Art. II, §(55)(b). Absent a state or federal law conferring such a power on any other City entity, including the Inspector General, the PIA governs the production of documents within the government.

The subpoena powers granted to various City entities and to the City Council itself, must be read as granting no more power to receive documents from inside the government than the PIA itself provides. City Code, Art. 1, §§1-4(d), 40-12; City Charter, Art V, § 8(b); Art. X, § 4(d). However, those subpoena laws can be read to require the production of documents from third parties outside of the govenrment, subject to any state and federal constraints. *See, e.g., Burger King v. Rudzewicz*, 471 U.S. 462, 469 (1985)(Due Process Clause of the Fourteenth Amendment to the United States Constitution prevents the states from hailing into a local court a person over whom it has no minimum contacts, and whose presence there would offend the "traditional conceptions of fair play and substantial justice"); *see, also, Barenblatt v. United States*, 360 U.S. 109, 111-112 (1959) (legislative subpoenas only cover areas over which the legislature has legislative authority).

Conclusion

All requests to governments in Maryland for information are PIA requests. There is no distinction in the PIA between requests made by outside third parties and agencies within a government. A request from the Inspector General to another part of the Mayor and City Council is a PIA request and subject to the same prohibitions on disclosure of certain types of documents. Since local governments cannot make laws that override the PIA, the PIA always applies, unless a state or federal law applies instead. Anything required by the PIA must be done, whether it is related to the process of answering a request, or what records can be disclosed. However, local laws that do not conflict with the PIA must also be followed and must be read in harmony with the PIA. Therefore, if there is a local law that requires that the Inspector General be given information, that law would be read to apply to the extent that it did not conflict with the PIA.

Exhibit 2e

OIG's Access Position Paper

OFFICE OF THE INSPECTOR GENERAL
Isabel Mercedes Cumming, Inspector General
City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202

POSITION PAPER
OIG Access to Records

Approved by OIG Citizens-Based Advisory Board for Publishing

Dec. 3, 2025

Question: **Are the OIG's subpoena powers under Article X of the City Charter subject or subordinate to the provisions of the Maryland Public Information Act (MPIA)?**

Answer: **No: An OIG administrative subpoena is a compulsory, court-enforceable order that can require testimony under oath and document production. An MPIA request is a non-coercive statutory right for the public to inspect or copy government records, subject to fees and exemptions, and enforced only through civil proceedings under the MPIA. They are distinct mechanisms and cannot be treated as equivalent.**

A. Recent History: Separation of Powers

Until 2018, Baltimore City's Office of Inspector General ("OIG") was attached to the City's Department of Law ("Law Dept."). Under the Baltimore City Charter ("Charter"), the Law Dept. remains one of the "Executive Departments" that are enumerated in **Article VII**.

Council Bill 18-0199, introduced and read first time March 12, 2018 (Res. 18-008, ratified Nov. 6, 2018) sheds light on the legislative intent behind the creation of the OIG as an independent Office. It proposed that the City Charter be amended to create an "independent Office of the Inspector General." (*id*, 1, ln. 3; emphasis supplied). The unambiguous intent of the Resolution for a Charter Amendment adding "Article VII – Executive Departments} (Sections 135 to 142) to be under the new subtitle [currently, Art. X] named "Office of the Inspector General" was "establishing procedures to transition the existing Office of the Inspector General in the Law Department into the newly created Office of the Inspector General", *id.* at ln. 14-15.

Since 2018, the OIG is no longer part of an enumerated Executive Department under Art. VII. It never was associated with the Legislative Branch, either. It is an independent office within City government responsible to the citizens and overseen by an independent Oversight Board, governed by **Article X** of the Charter.

In November of 2022, 86.52% of the City's electorate voted in support of Ballot Question I, "changing the membership of the Advisory Board that appoints and removes the Inspector General for Baltimore City". According to Question I, "the Advisory Board that appoints and removes the

Inspector General for Baltimore City … would now be comprised of eleven City residents who are not elected officials, candidates for office or lobbyists, among other restrictions." Section 2. (a) {Office of Inspector General: Advisory board} now vests the 11 Members of the Advisory Board with the power to appoint an Inspector General. The Advisory Board is "entitled to the assistance of the Baltimore City Department of Human Resources for purposes of advertising a vacancy and interviewing and hiring candidates for the position of Inspector General" (§ 2 (a) (2)); in addition, "[t]he Mayor must provide the advisory board with access to City resources to facilitate the advisory board's completion of its responsibilities." (§ 2 (a) (2)). (Emphasis supplied.) This provision *de facto* eliminated elected officials (representing both the executive AND legislative branch) from supervision and oversight of the IG.[1]

B. Sources of Power to Issue Investigative Subpoenas

(1.) Authorization by Maryland Constitution and Article II of the Baltimore City Charter

The source of the OIG's power as an investigative agency power is rooted in the Charter and carries the weight/equivalency of law. Article X of the Charter in turn is derived from Title II and the Maryland Constitution:
Section 2 of Article 11-A of the Maryland Constitution requires the General Assembly to provide a grant of express powers by public general law to Charter counties, including Baltimore City. The City's express powers as enacted by the General Assembly are contained in Article II of the City Charter:

> "The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of

[1] By comparison, the Ethics Board is still an enumerated Executive Department (*see* Art. VII § 105. {Board of Ethics}. Its composition, according to Art. VII § 106 (b) (2), still vests the Mayor and the City Solicitor with the power to designate a member of their respective staff to serve as voting members on the Ethics Board. However, § 111 clarifies that the other Article VII provisions governing the Ethics Board, including Board composition in Section 106, may be modified, amended, altered, clarified, or implemented by ordinance, i.e., by the City Code. The composition of the Ethics Board as outlined in Art. 8, § 3-2 of the City Code is current, notwithstanding Article VII, Section 106 of the Charter. The Code provision removes both the Mayor and the City Solicitor (and/or their respective designees) as voting members. The power to nominate new members to fill vacancies is now vested in the Mayor (3 nominations), the City Council President, and the Comptroller, with 1 nomination each. Nominees must be affirmed by the City Council.

> Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws…"

The City is given broad police powers by Section (27) ("To have and exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City"). Section (47) gives the City broad powers to legislate the general welfare and to promote good government ("To pass any ordinance … which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City…"). (Emphasis supplied.)

(2.) Authorization by Article X of the Baltimore City Charter

Under the plain language of Article X, § 4 Office of Inspector General {Powers and Duties}, the OIG is clearly vested with the express authority to investigate any elected official and City employee[2] and subpoena *any* information from *any* City employee or elected official:
The statutory authority of the City's Inspector General, including the subpoena power in Section 4 (d) of Article X of the Charter, thus is derived from State public general law as enacted in the Charter's express Article II powers described above. The general subpoena power of the IG *for **any** information* extends to not merely *any* City Employee, but to any person, pursuant to Article X, § 4 (a)(2) and (d). Limitations of this expressly authorized power – such as imposed by redactions required under the relevant Maryland Public Information Act (MPIA) provisions – would be contrary to the statutory framework outlining the OIG's powers and duties to the City and its electorate.
To determine the validity of an investigatory subpoena,[3] the Maryland courts apply a threefold test: "[w]hether the inquiry is authorized by statute, the information sought is relevant to the

[2] For purposes of Art. 8 of the City Code (the "Ethics Law"), even uncompensated service on an entity's board of directors can be considered "employment" under the Ethics Law's secondary employment restrictions. *See*, Baltimore City Board of Ethics Opinion 21-004 (June 28, 2021).

[3] In *Washington Home Remodelers, Inc. v. State, Off. of Att'y Gen., Consumer Prot. Div*., 426 Md. 613 (2012), the Court of Appeals agreed with the Consumer Protection Division, holding that "the Division acted within its authority in issuing the subpoena, ... noting that it was authorized to begin an investigation and issue a subpoena 'on any complaint, even one largely based on issues outside the [Maryland Consumer Protection Act] if a potential violation of the [MCPA] also occurred.' (citation, quotations, and emphasis omitted)."
The Court explained that "an administrative prosecution is not the function and purpose of the initial investigative subpoena" and that an investigative agency such as the Consumer Protection Division "must retain the authority to obtain information that enables it to fulfill its statutory mandate[.]" *Id*. at 633. The Court noted that "the Division was authorized by CL § 13-405 to obtain

inquiry, and the demand is not too indefinite or overbroad." *Id*. at 623, (2012); *see also, Podles v. Consumer Protection Division*, 253 Md.App. 262 (2021). **Here, the OIG's subpoena fulfills all three components of that test: It is expressly authorized by statute, the information sought is relevant, and the demand is not overbroad.**

C. OIG Powers

Art. X § 4 {Office of Inspector General: Powers and Duties}, at (b) defines the {Responsibilities of Office}:

> The Office of the Inspector General is responsible for:
> (1) investigating complaints of fraud, financial waste, and abuse in City government; and
> (2) promoting efficiency, accountability, and integrity in City government.

According to (c) {Jurisdiction of Office},

> The Office of the Inspector General may investigate allegations that involve City government and potential violations of laws or regulations by any:
> (1) City elected official;
> (2) City employee;
> (3) member of a board or commission established or governed by the City Charter, City Code, or an executive order issued by the Mayor;
> (4) City contractor or person negotiating a contract with the City;
> (5) person seeking certification to provide goods or services to the City; or
> (6) external recipient of City funds, benefits, or services.

(1.) <u>The OIG's subpoena power</u>

The Charter Art. X § 4 also vests the OIG with extensive subpoena powers:

> (d) **Issuing subpoenas.**
> (1) To perform the duties of office, the Inspector General may issue a subpoena to require:
> (i) <u>any person</u> to appear under oath as a witness; or
> (ii) the production of <u>any information, document, report, record, account, or other material</u>.

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information as part of an investigation and that the Division's investigative authority flowed from CL § 13-405. *Id*." (Emphasis supplied.)

(2) The Inspector General may enforce any subpoena issued pursuant to this subsection in any court of competent jurisdiction.

(Emphasis supplied.)

The Charter extends the subpoena power of the OIG to those in its direct jurisdiction (*see*, Art. X § 4 (c)) *qua* City employees but to <u>any person</u>, as well as to <u>any information etc.</u> unconditioned on superseding "other law". That means, the subpoena is for *more* than getting government records while the MPIA *only* covers public records.

It is evident that the express intent of the Charter was to establish an OIG that was entirely independent and to vest the office with the necessary powers to perform its duties independently and without interference.

(2.) <u>OIG subpoena power: Legislative intent</u>

The OIG's investigative and subpoena powers contemplated by the legislature in Council Bill 18-0199, were extensive:

D. Section 137 (C) {Inspections, Investigations, and Evaluations}:

The Office of the Inspector General may conduct <u>independent reviews</u> of government operations, including inspections, investigations, and evaluations of:

(1) Any activities, records, or individuals involved with City contracts and procurements; or

(2) Any other official Act or Function of any Government entity under the jurisdiction of the Office.

(*id*. at 4, lns. 22-29; emphasis supplied.)

E. Section 139. {Office of the Inspector General: Access to Persons and Records; Subpoena Power}:

(B) Access to Records.

<u>As allowed by law</u>, the Inspector General shall <u>have access to all records</u> of any City entity under the Jurisdiction of the Office of the Inspector General. Officers and employees of City entities shall promptly provide to the Inspector General any information, document, report, account, or other material requested by the Inspector General, <u>and the Inspector General is not required to obtain a subpoena for any records request made to any City entity</u>.

(C) Subpoena Power

(1) As part of an investigation under the jurisdiction of the Office of the Inspector General, the Inspector General <u>may issue a subpoena **independent of any further approval from the Mayor and City**</u>

Council of Baltimore, requiring any person to give testimony, or produce any document, report, record, account, or other material.

(2) A subpoena issued under this subsection may be judicially enforced by the City Solicitor in any Court of competent jurisdiction.

(*id*. at 7, lns. 1-21; emphasis supplied.)

Article X's final all-encompassing "[t]o perform the duties of office, the Inspector General may issue a subpoena to require: (i) any person to appear under oath as a witness; or (ii) the production of any information, document, report, record, account, or other material" clearly demonstrates the Mayor and City Council's intent to give the OIG the most independent scope of investigatory power and oversight possible.

Moving the proposed assignation to litigate enforcement of such subpoenas in Circuit Court from the City Solicitor to the Inspector General in the final Article X suggests that the legislature considered potential conflicts of interest as it assigned that power to the OIG. The Law Dept. did not oppose that provision: In a letter dated June 15, 2018, the City Solicitor's Office "reserved comment until we review the amended version." No additional communication is on file.

In passing Article X of the City Charter, the Mayor and City Council clearly DID NOT intend to (a) interface or control record collection via the Law Dept. And clearly DID NOT (b) consider an OIG subpoena the functional equivalent of an MPIA request.

(3.) Statutory Construction

"In statutory interpretation, our primary goal is always 'to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by a particular provision, be it statutory, constitutional, or part of the Rules.' We begin our analysis by first looking to the normal, plain meaning of the language of the statute, reading the statute as a whole to ensure that 'no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.' If the language of the statute is clear and unambiguous, we need not look beyond the statute's provisions and our analysis ends. If, however, the language is subject to more than one interpretation, or when the terms are ambiguous when it is part of a larger statutory scheme, it is ambiguous, and we endeavor to resolve that ambiguity by looking to the statute's legislative history, case law, statutory purpose, as well as the structure of the statute." *Int'l Ass'n of Fire Fighters, Local 1715 v. Mayor of Cumberland*, 407 Md. 1, 8–9 (2008). "'If the language of the statute is unambiguous and clearly consistent with the statute's apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction.'" *Noble v. State*, 238 Md. App. 153, 161 (2018) (*quoting Espina v. Jacks*on, 442 Md. 311, 322 (2015)).

Maryland case law provides a method of resolving ambiguity. "The paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature." *Andrews & Lawrence Pro. Servs., LLC v. Mills*, 467 Md. 126, 149 (2020) (citation and quotations omitted). Emphasis supplied

"A statute is ambiguous when two or more reasonable interpretations exist". *Himes Associates, Ltd. v. Anderson*, 178 Md.App. 504 (2008). "If the language of a statute is subject to more than one interpretation, or when the terms are ambiguous when it is part of a larger statutory scheme, it is ambiguous, and courts endeavor to resolve that ambiguity by looking to the statute's legislative history, case law, statutory purpose, as well as the structure of the statute." *Jackson v. State*, 408 Md 231 (2009). "If, on the other hand, words of a statute are ambiguous, 'a court must resolve the ambiguity by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process.'" *Noble v. State* at 162 (citation and quotations omitted). "[W]hen interpreting any statute, the statute as a whole must be construed, interpreting each provision of the statute in the context of the entire statutory scheme." *Andrews*, 467 Md. at 149. *Id*. (citations and quotations omitted). (Emphasis supplied throughout.) **Here, the statutory language is clear: Article X expressly, clearly, and unambiguously vests the OIG with extensive duties and jurisdiction, including investigative and subpoena powers that are not subordinate to the MPIA. Article X does not contemplate automatic classification of an OIG subpoena as an MPIA request, even on an inter-agency level.**

F. OIG Subpoena vs. MPIA

By law, the OIG is to be independent of both the executive and the legislative in City government. However, the OIG has encountered resistance to obtaining information pertinent to its lawful investigations. Specifically, the Law Dept. has established a policy that all requests for documents are to be considered requests made under and subject to the limitations of the MPIA.
This policy is applied indiscriminately to document requests by the public and to OIG subpoenas. The City's internal guidance of May 15, 2024, "RE: City Bills-- ATTORNEY CLIENT COMMUNICATION" (herein "City's guidance") states that "[a]ny request by any City entity (agency, board, commission) to any other City [entity] is a PIA request under State law. Md. Code, Gen. Prov., §4-202.[4] In *Montgomery County v. Shropshire*, 420 Md. 362, 383 (2011) Maryland's highest court held that a request from one agency in Montgomery County to another was a PIA request as defined in the PIA statute itself. Any request from a state or federal or foreign entity for records would also be a PIA request.)" (Emphasis supplied.)

This policy fails to recognize three important issues:
(1.) The OIG does not make "requests" but demands information via subpoenas that the Office is statutorily entitled to – a clear distinction. These demands are enforceable in a court of law, which "requests" are not.

[4] MD General Provisions Code § 4-202 (2024): "(a) Except as provided in subsection (b) of this section, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian."

(2.) Subpoenas are not the equivalent of "requests", which is precisely why not every agency has subpoena power.
(3.) The OIG is not "the public" but an agency entitled by statute to perform oversight over other government agencies and the City officials who work for them.

(1.) Scope of the MPIA

The MPIA attempts to balance the public's right to access government records with other policies that respect the privacy or confidentiality of certain information. For example, some public records are confidential under federal or state statutes, under court rules, or under various common law privileges such as attorney-client privilege and executive privilege. GP § 4-301. The MPIA itself also protects certain records from disclosure (such as adoption records, personnel records, certain personal information in Motor Vehicle Administration records). In addition, some information contained in public records must remain confidential, such as an individual's medical information, confidential commercial information and trade secrets). GP §§ 4-304 to 4-327 (Part II), §§ 4-328 to 4-342 (Part III).

Some protections may be waived. Other records may be withheld if the agency decides that disclosure of those records would be "contrary to the public interest." Examples of records subject to discretionary disclosure include investigatory records, information related to academic, licensing, and employment examinations, and documents of a pre-decisional and deliberative nature. GP §§ 4-343 to 4-357 (Part IV)." *See*, MARYLAND PUBLIC INFORMATION ACT MANUAL (19th ed., Dec. 2024) Appendix I-2.

The Maryland appellate courts have long held that there is a strong presumption in favor of disclosure, such that exemptions from disclosures "must be applied narrowly." *Blythe v. State*, 161 Md. App. 492, 51 (2005). A custodian cannot invoke a blanket exemption "to shield an entire file if the shielding of only a part of the file would suffice to serve the purpose of the exemption." *Id*; *Cranford v. Montgomery Cnty*., 300 Md. 759, 777 (1984) (explaining that the General Assembly "did not intend for custodians broadly to claim exemptions") (emphasis supplied). Rather, the custodian must "**permit inspection of any part of the record that is subject to inspection and is reasonably severable.**" *Blythe*, at 519. (Emphasis supplied)

(2.) Limitations of *Shropshire*

Shropshire's focus is the classification of a particular kind of records ("records relating to an internal investigation" as "personnel records") within the parameters of the MPIA. In that case, the Montgomery County Inspector General ("MoCo IG") had submitted **a request** to the Chief Administrative Officer of the Offices of the County Executive for numerous records."[5] *Shropshire*

[5] The then effective Montgomery County Code, Section 2–151(h) prescribes a three-step process for the MoCo IG to follow when "requesting documents – (1.) the initial request, (2.) the "appeal" to the Chief Administrative Officer, County Attorney, Council President if not timely provided, and (3.) issuing a

at 367.[6] However, a subpoena had never been issued. Nor was the respective request made under the MPIA. Thus, it does not follow that per *Shropshire* "[a]*ny* request by any City entity (agency, board, commission) to any other City [agency] is a PIA request under State law."

(3.) Waiver

At issue here is not a specific and narrow "request" for "personnel records" regarding a concluded disciplinary/personnel matter (as in *Shropshire*), but records generated in the ordinary course of City business subpoenaed pursuant to City Charter Article X Section 4 (d), the administrative equivalent of judicial subpoena power – not the MPIA – for the specific lawful purpose of collecting pertinent facts in support of an ongoing, active and confidential investigation.
In addition, according to the City's Technology Acceptable Use Policy AM-118-1, which must be signed and agreed to by all employees, the information requested via OIG subpoena often involves records that the employees affected have no reasonable expectation of privacy in VI. OWNERSHIP AND PRIVACY:

> The City owns all rights to all content created, updated, or maintained on City IT resources unless ownership rights are reserved in writing to a third party or unless federal copyright or other laws provide for different rights. Users have no expectation of privacy when using City IT resources. The City reserves the right to access and monitor all messages, files, logs, and content created using City IT resources. Communications or content may be subject to disclosure to BCIT, **the Office of Inspector General ("OIG")**, the Law Department, law enforcement, or the Department of Human Resources ("DHR"), to the fullest extent allowed by law. (Empasis supplied.)

City IT resources include devices, means of communications and applications (such as email, texts, DM's, etc.) provided, paid for, or managed by BCIT. By executing the agreement, every City employee has waived privacy and expressly consented to the disclosure of such records.

(4.) Further Distinction between MPIA Request and OIG Subpoena

Further distinguishing OIG subpoenas from MPIA request is the fact that the OIG may enforce its subpoenas directly through the Circuit Court. However, in the case of an MPIA request, the right

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subpoena. The Baltimore City OIG is not subject to a similar process. This process was completely struck down and now resembles that of Baltimore City, and the MoCo IG now has access to all records.

[6] It should be pointed out that even *Shropshire* allows for disclosures *under the MPIA*: "[FN5: Section 10–616, governing "required denials," provides, in relevant part … (2) A custodian shall permit inspection by: (i) the person in interest; or (ii) an elected or appointed official who supervises the work of the individual."

to invoke judicial review is predicated on the requestor's prior appeal to and subsequent denial by the State Public Information Compliance Board.[7]
The subpoena powers delegated to the OIG do not require an appeal to the State PIA Compliance Board, but require direct enforcement by and through the Circuit Court (much like a judicial subpoena). **This is another indicia that the legislature did not intend OIG subpoenas to be considered the equivalent of MPIA requests.**

Conclusion

Subpoenas are investigative. MPIA requests are for public access. Both serve fundamentally different functions and place different obligations on the recipients: MPIA compliance is limited to record availability and applicable exceptions. OIG subpoenas may require the production of otherwise exempt documents, which are enforceable through the courts.

The Baltimore City OIG has the electorate's mandate to provide independent and objective oversight to promote accountability, transparency, and integrity in government. The ability to conduct meaningful, independent oversight requires the IG to have comprehensive, unencumbered access to documents, communications, and other materials belonging to the entities it oversees. **In other words, the OIG is to be deemed *de facto* or at least constructive co-custodian of all records and communications generated by all City employees**.
The right to comprehensive access is necessary for the OIG to fulfill its statutory functions and it includes the right of access to materials that may otherwise be confidential or privileged from disclosure without interference by third-party entities including both Executive and Legislative departments.

Subordinating the OIG's broad statutory power to issue subpoenas to the limiting provisions of the MPIA creates the appearance that OIG investigations may be vulnerable to potential partisan actors within the overseen government entity, whose perceived or real interference in investigations may chill witness participation and enable potential subjects to avoid complete scrutiny.

The need for access to otherwise protected information is essential to both the perception and reality of the IG's effectiveness. Denial of access to or redaction of potentially relevant information under the pretext of the MPIA prevents the OIG from conducting its mandated oversight functions by obstructing investigations and materially harming the public's faith in government, by sending the message that potentially inculpatory communications can be shielded from oversight.

[7] "Except as otherwise provided in Subtitle 1A of this title and subject to paragraph (3) of this subsection, an applicant, a complainant, or a custodian may appeal to the circuit court a decision issued by the State Public Information Act Compliance Board as provided under § 4–1A–10 of this title." MD General Provisions Code § 4-362 (b) (2) (2024).

Exhibit 2f

January 22, 2026 emails about planned 10:30 a.m. meeting with Chief Deputy AG and AG Division Chief of Advice and Opinions

Hughes, Patrick

From: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Sent: Thursday, January 22, 2026 8:42 AM
To: Quattrocki, Carolyn
Cc: Hughes, Patrick
Subject: Re: Call this morning

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Thank you, that's perfect.

Ebony

Ebony M. Thompson
(she/her/hers)
City Solicitor
Baltimore City Department of Law

100 N. Holliday Street, Suite 101
Baltimore, MD 21202
Ebony.Thompson@baltimorecity.gov

(410) 396-8393 (Office)

DEPARTMENT OF LAW

From: Quattrocki, Carolyn <cquattrocki@oag.maryland.gov>
Sent: Thursday, January 22, 2026 8:39:13 AM
To: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Cc: Hughes, Patrick <phughes@oag.maryland.gov>
Subject: RE: Call this morning

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I'll send a teams invite now, unless that's a problem for you all.

From: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Sent: Thursday, January 22, 2026 7:49 AM
To: Quattrocki, Carolyn <cquattrocki@oag.maryland.gov>
Cc: Hughes, Patrick <phughes@oag.maryland.gov>
Subject: Re: Call this morning

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Good morning, Carolyn,

That would be perfect. Should I just give you a call? I will have Hilary Ruley with me as well. Thank you both.

Ebony

Ebony M. Thompson
(she/her/hers)
City Solicitor
Baltimore City Department of Law
100 N. Holliday Street, Suite 101
Baltimore, MD 21202
Ebony.Thompson@baltimorecity.gov
(410) 396-8393 (Office)

DEPARTMENT OF LAW

From: Quattrocki, Carolyn <cquattrocki@oag.maryland.gov>
Sent: Thursday, January 22, 2026 7:46:12 AM
To: Thompson, Ebony (LAW) <Ebony.Thompson@baltimorecity.gov>
Cc: Hughes, Patrick <phughes@oag.maryland.gov>
Subject: Call this morning

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Hi Ebony,

Patrick and I could talk this morning from 10:30 – 11:00, if that could work for you?

Thanks,
Carolyn

Exhibit 2g

February 6, 2026, emails
between AG Office staff
regarding City press
release removing OIG access

Outlook

RE: RELEASE: City of Baltimore Takes Additional Action to Comply with State Law Regarding Inspector General Access

From Desautels, Kelly <kdesautels@oag.maryland.gov>
Date Fri 2/6/2026 2:38 PM
To Hughes, Patrick <phughes@oag.maryland.gov>; Meloy, Dorianne <dmeloy@oag.maryland.gov>

1 attachment (167 KB)
Hayes 02 03 26.pdf;

Please see attached.

Kelly Keyser Desautels
Executive Associate
Office Manager
Office of the Attorney General
Office of Counsel to the General Assembly
90 State Circle, Room 124
Annapolis, Maryland 21401
p: 410-946-5600
kdesautels@oag.maryland.gov
oag.maryland.gov

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From: Hughes, Patrick <phughes@oag.maryland.gov >
Sent: Friday, February 06, 2026 2:33 PM
To: Meloy, Dorianne <dmeloy@oag.maryland.gov >
Cc: Desautels, Kelly <kdesautels@oag.maryland.gov >
Subject: Re: RELEASE: City of Baltimore Takes Additional Action to Comply with State Law Regarding Inspector General Access

It's not an opinion, it's an advice letter from our Counsel to the General Assembly. I'm out of the office, but Kelly (copied here) can share it with you.

On Feb 6, 2026, at 2:30 PM, Meloy, Dorianne <dmeloy@oag.state.md.us> wrote:

Patrick

Is this an opinion I can review?

Dorianne

From: Mayor Brandon M. Scott <baltimorecity@alerts.baltimorecity.gov>
Sent: Friday, February 6, 2026 10:52 AM
To: Meloy, Dorianne <dmeloy@oag.state.md.us>
Subject: RELEASE: City of Baltimore Takes Additional Action to Comply with State Law Regarding Inspector General Access

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Brandon M. Scott

Mayor,
City of Baltimore

250 City Hall
Baltimore, Maryland 21202
410-396-3835
Fax: 410-576-9425

For Immediate Release
Friday February 6, 2026

Press Contact:
press@baltimorecity.gov

City of Baltimore Takes Action to Comply with State Law Regarding Inspector General Access

New Official Attorney General Opinion Clarifies Local Government Obligations Regarding Protected Information

BALTIMORE, MD (Friday, February 6, 2026) - Today, the City of Baltimore announced additional actions taken to more fully comply with state law regarding information sharing with the Baltimore City Office of Inspector General (OIG).

On Thursday, February 5, 2026, Baltimore City Solicitor Ebony M. Thompson received notice of an official legal opinion issued by the Maryland Attorney General's Office clarifying the obligations of local governments to follow mandatory confidentiality provisions outlined in state law. These provisions include, among other things, protections of personnel records, medical information, and financial information. The opinion made clear that these mandatory obligations prevent disclosure of such information to any entity, including a local inspector general, even when local law or charter provisions seek to expand the scope of what a local inspector general may access.

This Attorney General opinion, which can be found here , was sought by State Senator Antonio Hayes (District 40) to provide advice on the issue following the introduction of legislation in the State Senate regarding the Baltimore County Inspector General and recent public discussion regarding the Baltimore City OIG.

In part, the Attorney General Office's opinion states:

> "In my view, a local law or charter provision may not authorize or require a local custodian of records to disclose a record that is covered by one of the PIA's mandatory exceptions to disclosure. This is true regardless of whether the disclosure would be to a member of the public or to another agency of the local government, such as a local inspector general whose powers derive from the local charter."

In turn, Solicitor Thompson analyzed the Attorney General Office's opinion and provided recommendations on how to proceed. That analysis concluded, in part, that the Attorney General Office's newly-clarified opinion legally requires significant changes to how the Baltimore City OIG currently operates. The analysis and recommendations from the City Solicitor can be found here .

As a result, the City of Baltimore has acted on the recommendations and taken steps necessary to come into compliance with state law. This includes changes, effective today, to the OIG's direct access to records, files, and communications, including digital platforms like Workday which contain protected information.

Today, the administration notified the Chair of the Inspector General Advisory Board and Inspector General Isabel Cumming about the City's receipt of the opinion, the City Solicitor's analysis of the legal and liability

concerns raised by noncompliance with state law, and the actions being taken to achieve compliance with state law.

In part, the City Solicitor's recommendations stated:

> "These measures will not weaken the OIG. They protect the integrity of OIG investigations and strengthen the City's ability to defend them, as the OIG will still be able to request and obtain records that do not contain materials protected from disclosure under the MPIA. They also ensure that both the OIG and the City comply with State law—law that the City cannot waive and that local enactments cannot override."

In these communications, the City has expressed eagerness to brief the Inspector General Advisory Board on the opinion and for the Law Department to work collaboratively with them to outline an updated written protocol to ensure the OIG's work continues without interruption, while ensuring compliance with state law.

In response to this significant, but legally-required change, Mayor Brandon M. Scott released the following statement:

> "Transparency and integrity are sacred in public service. Throughout my entire career in Baltimore City government, I have fought to strengthen oversight and accountability measures to ensure the city is managed with the integrity, lawfulness, and responsibility that all Baltimoreans deserve. To that end, I am deeply committed to the purpose, value, and independence of our OIG. All of these values must extend to every individual working on behalf of the city, no matter their role.
>
> "The actions we are reluctantly taking today were not decided lightly, and they are not intended to hinder or interfere with the lawful work of the OIG. They are intended solely to ensure the City comes into compliance with state law to ensure the integrity of investigations and limit liability.
>
> "As we move forward, we are eager for the Law Department to work with the OIG and the Advisory Board to establish renewed written protocols to effectively guide the OIG's work under this new legal understanding, and lay the groundwork to further strengthen the sanctity of the role of the Inspector General in Baltimore. There should be no confusion, debate, or doubt about the parameters of the OIG's work, and the people of Baltimore deserve to know that the Inspector General is operating in a way that is lawful and above reproach. I am hopeful that the newfound clarity provided by the opinion from the Attorney General's Office and the protocols that will arise from this necessary discussion will guarantee that assurance."

###

Mayor Brandon M. Scott | Office 410-396-3835
City Hall, 100 N. Holliday Street (Room 250), Baltimore, Maryland 21202
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Exhibit 2h

February 20, 2026 Correspondence from OIG to AG Office with letter from four local IGs regarding the legislature bill

Robinson, Kavon

From: Clark, Tiffany
Sent: Thursday, May 21, 2026 9:58 AM
To: Robinson, Kavon
Subject: FW: Legislature for the Inspector General bill

Tiffany Johnson Clark
Director – Legislative Affairs Unit
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
p: 410-576-6592
tclark@oag.maryland.gov
oag.maryland.gov

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From: Cumming, Isabel (OIG) <Isabel.Cumming@baltimorecity.gov>
Sent: Friday, February 20, 2026 12:59 PM
To: Clark, Tiffany <tclark@oag.maryland.gov>
Subject: Re: Legislature for the Inspector General bill

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Thank you Tiffany. Hope you have a great day!
Best, Isabel

From: Clark, Tiffany <tclark@oag.maryland.gov>
Sent: Friday, February 20, 2026 11:58 AM
To: Cumming, Isabel (OIG) <Isabel.Cumming@baltimorecity.gov>
Cc: .gov <Abrown@oag.maryland>
Subject: Legislature for the Inspector General bill

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Dear Inspector General Cumming,

Thank you for reaching out and for sharing the proposed legislative language and the letter from the four local Inspectors General.

Given that this proposal addresses local inspector general access to records under the MPIA, we anticipate that our office's involvement will be in our capacity as counsel to the General Assembly, providing advice as requested and reviewing for legal sufficiency.

We will continue to monitor the bill's progress.

Thank you again for your outreach and patience,

Tiffany

> On Feb 17, 2026, at 4:25 PM, Cumming, Isabel (OIG) <Isabel.Cumming@baltimorecity.gov> wrote:

You don't often get email from isabel.cumming@baltimorecity.gov. Learn why this is important

> **Caution:** This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Good afternoon Assistant Attorney General Clark –
I spoke with Attorney General Brown on Thursday and he suggested that I send the letter and proposed language to you concerning the Local IG bill. Below is proposed language below that was drafted with the help of the Montgomery county attorney's office. Also attached is the letter from the four local IG's of Maryland.

GP 4-301(c). Access by Local Inspectors General. Notwithstanding the required denials in Parts II and III of this subtitle, a custodian shall provide a public record to an inspector general where

the inspector general is authorized by local law to demand the public record,
the inspector general requires access to the public record to perform its duties, and
any redisclosure by the inspector general is limited by the Act.

Hope you have a great day –
Best, Isabel

<image001.jpg>
Facebook | Twitter | LinkedIn

Isabel Mercedes Cumming
Inspector General

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Baltimore, MD 21202
O: (410)396-3951 | C: (443) 682-2130
FRAUD HOTLINE: 800-417-0430

<Statement from IGs on OAG Advice Letter on MPIA.pdf>