



CHARTER REVIEW SPECIAL COMMITTEE

The Honorable Ryan Dorsey
CHAIR

HEARING NOTES

26-0164

Charter Amendment – Inspector General – Custodian of Records

Hearing Date: 5/6/2026

Hearing Start Time: 1:00 PM

Hearing End Time: 4:00 PM

Location: Du Burns Council Chamber / Webex

Total Estimated Attendance: 60

Committee Members in Attendance:

- **Chair** Ryan Dorsey
 - Zac Blanchard
 - Odette Ramos
 - **Vice Chair** John Bullock
 - Jermaine Jones
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MAJOR SPEAKERS

(This is NOT an attendance record.)

- Mark Conway – Councilman 4th District
 - Jeff Hochstetler – City Solicitor
 - Isabel Cumming – Inspector General
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NOTES

- The Chair welcomed those in attendance
- The Council President offered some opening remarks
 - This is an important topic for the City of Baltimore
 - This is a complex matter
 - Important to acknowledge that we believe strong in transparency, access to information, and real oversight
 - This committee has been incredibly deliberative and diligent
- Councilman Conway presented his bill
 - Acknowledges this is a complicated matter
 - In a hearing last week on MONSE, we learned:
 - The Sidestep program had issues with data and accountability
 - The Inspector General previously had access and found fraud in the program
 - That access was pulled in the middle of her investigation
 - We only knew about this because the IG did a report

- The Inspector General helps us to be a better city
- Amendments for the bill anticipate pushback from the Law department
 - Law department has a conflict of interest – it is actively litigating this matter in court
 - It also acts on behalf of the Mayor’s office
 - The IG was made independent exactly because of this conflict
 - The council has voted against the law department in the past
 - Children and Youth Fund, police body cameras, etc.
- The bill does two things (with amendments)
 - Requires the mayor to transmit records to the Inspector General
- There is concern that sensitive information could be disclosed
 - Further amendment requires that a designee of the IG Board review materials to ensure state and federal privacy requirements are met
- This is a political bill, the Mayor may not want this
 - Our job is to do what is necessary for the people of Baltimore
- Office of the Inspector General
 - Not asking for any more access than what the office has received for the prior two decades
- City Administrator defers to the Law Department
- Department of Legislative Reference
 - Would like more time to discuss this topic
 - The bill and amendments put forward today present internal conflicts within the Charter
 - The language in today’s amendments begs the following questions
 - Which records shall be transmitted and why
 - Is this a constant state of transmission
 - Authorized individual is not defined in the Maryland public information act
 - DLR is also responsible for keeping the records of the City
 - Passing the language as proposed today does not include a savings clause with respect to DLR’s archival responsibilities
 - The original version of the bill clarifies limitations of the records that would be turned over to the Inspector General, the proposed amendment removes that limitation
- Law
 - Cannot approve the resolution for form and legal sufficiency
 - Amendments present the same issues as the original bill
 - There is nothing about the current charter that prevents access, the state law is the preventing factor
- Ethics
 - The Law department acting as custodian has a conflict of interest
- Questions
 - Chair Dorsey
 - To IG – Do you believe that you should have access to attorney client privileged documents
 - IG – we are one city and as the oversight entity, must look to standards of inspectors general

- OIG has the ability to access messages that occur in the context of attorney client privilege
 - Yes
- CM Bullock
 - Has the OIG ever been able to access information that has not been reviewed for compliance within MPIA
 - The office has not been constrained by the MPIA until recently
 - How long does an MPIA request delay the information that you receive
 - Request for sidestep submitted on 10/22, received on 1/16
 - There were policy documents received throughout
 - What is the process for appealing redactions
 - The MPIA has administrative and judicial remedies
 - Can request mediation with an ombudsman, can be appealed to PIA compliance board, can also appeal that decision
 - Direct judicial review, specifically applies to government units
- CM Jones
 - We should not do things because something has always been done a certain way
 - What protocols does the OIG has to protect sensitive information
 - OIG follows best practices – standards for IG’s across the country
 - Agents follow strict confidentiality standards
 - Information is placed into a secure platform, information can even be kept to only one agent and their supervisor
 - Are agents trained for how to handle MPIA, HIPPA, etc.
 - Staff are certified fraud examiners, which includes data protections
- CM Blanchard
 - The Inspector General should not be subject to these limitations but there is a notable state preemption question
 - Are other jurisdictions facing similar issues?
 - IG – No
 - There has been nothing new that has happened
 - Law – older attorney general opinions and caselaw together led to this conclusion
- CM Ramos
 - For Law – does it matter where the office is positioned in the Charter, if she was positioned elsewhere, would that make a difference in terms of access to records
 - The office’s existence outside of the executive, legislative, or comptroller branches protects the IG’s records
 - OIG has had access to records in this way since the creation of the independent office, was record access discussed during the process for creating that office, what is the challenge relative to when the office was created
 - Is there a document that could give more information about what other jurisdictions are doing in terms of record access
 - Councilman Conway – this is a matter of restoring the access that previously existed
 - IG – that is the best practice, unfettered access

- Chair Dorsey – asks that the bill sponsor provides information on whether any other jurisdiction in Maryland has undertaken this proposal and what other IG’s process to obtain documents
 - Chair Dorsey
 - Just because the law department took an action does not necessarily mean that there is something intrinsically wrong with noting something is happening that shouldn’t be
 - There are two conflicting points of view that are already being presented in a court of law and does not like the notion of adjudicating that when it is the role of a judge
 - Heard the following
 - Emails are city property
 - Employees of the city sign waivers of confidentiality
 - Those waivers cannot supersede rights that are given by higher law
 - There must be some outcome, and likely will be, from judicial proceedings that resolves this question
 - Ethics
 - The case at hand addresses the enforceability of subpoenas
 - Councilwoman Ramos – are there additional agencies that would want similar access
 - Law – unable to speculate, not clear how to implement under state law
 - Chair Dorsey
 - The amendments assume that the OIG has protected information and that the designee of the Board, made up by members of the public, may review redactions
 - That designee would then be reviewing protected information despite not having access to that information
- Councilman Conway
 - The people will decide whether they want to grant access to this information
- Public Testimony
 - Grant direct access to the IG
 - Oversight is dependent on access to information
 - The ability to issue subpoenas outlined in law is being limited by the Law Department
- Chair Dorsey – thanks those in attendance

FURTHER STUDY REQUESTED

Request	From	Agency
Provide a report on any other jurisdictions in the State of Maryland that provide their Inspectors General with access to all county government records, including the process by which the respective Inspectors General obtain those records.	Dorsey/Ramos	Councilman Conway
Request an opinion from the Attorney General on whether the Inspector General is subject to the limitations of the MPIA.	Blanchard	MOGR

Hearing Packet in bill file? ----- YES NO N/A
Attendance Sheet in bill file? ----- YES NO N/A

Vote Record in bill file? ----- **YES** **NO** **N/A**
Agency reports read? ----- **YES** **NO** **N/A**
Hearing televised or audio-digitally recorded? ----- **YES** **NO** **N/A**
Certification of advertising/posting notices in the bill file? ----- **YES** **NO** **N/A**
Evidence of notification to property owners in bill file? ----- **YES** **NO** **N/A**

Notes by: Ethan Navarre
Notes Date: 5/6/2026

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