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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-49
May 13, 2026
Baltimore County Public Schools, Custodian
Margaret Litz Domanowski, Complainant

In August 2025, complainant Margaret Litz Domanowski sent a Public Information Act ("PIA") request Baltimore County Public Schools ("BCPS") asking for records of email communication between the BCPS superintendent and certain current and former members of the Baltimore County Board of Education. The complainant asked for email records that contained the word "censure" and various permutations of the complainant's name. BCPS produced email records in response, but applied redactions and withheld records under § 4-301(a)(1)[1] (attorney-client privilege) and § 4-344 (deliberative process privilege) of the PIA. BCPS also redacted portions of records it advised were not responsive to the complainant's PIA request. In this complaint, the complainant alleges that BCPS improperly denied inspection of records and improperly applied redactions to the records it produced. In response to the complaint, counsel for BCPS maintains that BCPS has complied with the PIA. As explained below, we find that BCPS properly applied § 4-301(a)(1) but improperly applied § 4-344.

Background

The complainant is currently a member of the Baltimore County Board of Education ("BCBOE"). On March 11, 2025, the BCBOE passed a resolution to formally censure the complainant for certain conduct that, as the BCBOE saw it, demonstrated a "lack of courtesy and decorum during public discussion" at a BCBOE meeting that took place in January 2025. *See Maggie Litz Domanowski v. Baltimore County Bd. of Educ.*, MSBE Op. No. 25-36, at 1-2 (2025).[2] The complainant appealed the BCBOE's decision and, in August 2025, the Maryland State Board of Education ("MSDE") issued an opinion reversing the BCBOE decision as "an egregious abuse of discretion." *Id.* at 3.

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[1] Statutory citations are to the General Provisions Article of Maryland's Annotated Code unless otherwise specified.

[2] The Maryland State Board of Education's opinion can be found here: https://marylandpublicschools.org/stateboard/documents/legalopinions/2025/08/litz-domanowski-maggie-op.no.25-36-a.pdf (last visited May 8, 2026).

On August 30, 2025, shortly after MSDE reversed the BCBOE, the complainant sent a PIA request to BCPS seeking:

> [A]ll public email communications between the BCPS Superintendent, Dr. Myriam Rogers, and the following members of the Baltimore County Board of Education that contain references to both "censure" and "Maggie Litz Domanowski," or "Maggie," or "Litz," or "Domanowski."

The complainant provided a list of five current BCBOE members and two former members. On September 12, 2025, BCPS sent the complainant an email advising that information technology staff had completed a search and that there were approximately 7,239 responsive email records. BCPS further advised that legal review of those emails would "require in excess of 40 hours," and incur a fee. BCPS asked the complainant if she would "consider providing more specific search criteria or otherwise narrowing the scope" of the PIA request. In response, the complainant asked whether it was possible to exclude "repetitious emails from a single member that were sent to all board members listed and the superintendent." Later, the complainant stated that any emails that included her email account could also be excluded.

On September 19, 2025, BCPS sent the complainant an email explaining that the 7,239 email records were generated "in response to multiple email addresses and multiple search terms in addition to [the complainant's] 'name and the word censure.'" BCPS indicated that it was "unable to opine as to whether the 7,239 emails contain repetitive emails" because they had not yet been reviewed, but BCPS anticipated that duplicate emails likely existed. BCPS advised that information technology had conducted another search, "revised to include only the search terms 'censure and [the complainant's] name,' and that that search had returned 249 email records. BCPS asked the complainant to pay a deposit of $15.60, which represented 75% of an estimated $20.80 total fee. The complainant paid the fee on September 22, 2025.

On October 8, 2025, after the complainant paid a $5.20 balance on the fee, BCPS produced responsive records. Of the 249 responsive email records, BCPS advised that it had denied inspection of seven email records—six as subject to the attorney-client privilege and exempt under § 4-301(a)(1) of the PIA, and one as subject to the deliberative process privilege and exempt under § 4-344 of the PIA. As to the record withheld under § 4-344, BCPS stated that it had determined that disclosure would "contrary to the public interest because it would impair the integrity of the school system's decision-making process." Of the 242 email records produced, BCPS advised that sixteen were redacted for reasons explained in an attached exemptions log. In that log, BCPS again cited §§ 4-301(a)(1) and 4-344, and also stated that non-responsive portions of the records were redacted.

The complainant disagreed with BCPS's response to her PIA request and, that same day, contacted the Public Access Ombudsman to request dispute resolution assistance.[3] On January 13, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant then filed this complaint with our Board. The complaint alleges that BCPS improperly applied exemptions to redact and withhold responsive records. The complainant states that she "requested the release of all 7,239 email messages that were responsive to [her] original request." Noting that BCPS declined to engage in mediation, the complainant asks that we review her matter and "determine that BCPS should accept mediation."[4]

In response to the complaint, counsel for BCPS first addresses BCPS's application of § 4-301(a)(1) and the attorney-client privilege. Counsel explains that BCPS's responses to the complainant's appeal of the BCBOE resolution were filed by counsel for the BCBOE. Counsel for BCPS argues that "[b]ecause the complainant was an adverse party to the local Board in litigation she initiated involving her own censure, the discussions between Board counsel and the Board would be privileged." Thus, counsel maintains, BCPS properly denied inspection of those communications. As to the email record withheld under § 4-344, counsel for BCPS suggests that, were the email disclosed, it would not be disclosed to a member of the public, "but to a member of the local Board of Education." Counsel states that "ideally" the BCBOE "operates as a collective body with established norms of behavior and decorum." Counsel for BCPS acknowledges that MSDE "disagreed with the local Board on whether the complainant had violated these norms," and "strongly chastised the local Board for the censure, noting that the local Board's action 'defies reason.'" Noting that MSDE's decision has not been appealed, counsel for BCPS suggests that "[i]t is now time to move forward to serve the students of Baltimore County," and that a "possible return to recrimination and discord would be contrary to the public interest." Finally, as to the complainant's allegations regarding the redactions applied to the records produced, counsel for BCPS states that the claim is "baseless" and that "[p]ortions of two electronic mail messages were redacted because those messages were non-responsive." Counsel represents that those messages "appear to have been the result of a technical malfunction."

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[3] The PIA directs the Public Access Ombudsman to "make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records." § 4-1B-04(a). Before submitting a complaint to our Board, a complainant must attempt to resolve a dispute through the Ombudsman and receive a final determination that the dispute was not resolved. § 4-1A-05(a).

[4] Here we note that participation in the Ombudsman's process is voluntary, COMAR 14.37.02.06, with the PIA requiring only that a requester or custodian attempt to resolve a dispute through the Ombudsman before presenting any unresolved disputes for resolution by our Board, § 4-1A-05(a). And, in any event, we lack authority to compel participation in mediation. *See* § 4-1A-04 (outlining the extent of our powers and duties).

The complainant, in reply, recognizes that certain communications between current BCBOE members and BCBOE counsel may be protected, but contends that the attorney-client privilege "would apply only to communications strictly related to the appeal." Observing that the appeal involved the complainant and "sitting local board members," the complainant urges that "communications among local board counsel, the Custodian Law Office, the Superintendent and the Superintendent's office, and [certain] former local board members" are not protected because "the Superintendent was not a party to the appeal and [the former board members] have since resigned from the local board." As to BCPS's application of the deliberative process privilege and § 4-344, the complainant notes that, since the creation of the records, the Superintendent has announced her retirement, two BCBOE members have resigned, and the terms of three other BCBOE members (including the complainant's) expire in December. The complainant asks that we provide an "unbiased interpretation" of BCPS's application of § 4-344.

Analysis

The PIA empowers us to review and resolve complaints that allege certain violations of its provisions, including that a custodian improperly denied inspection of public records. § 4-1A-04(a)(1)(i). When we receive a complaint, we must forward it to the relevant custodian and ask for a written response. § 4-1A-06(a). When the information in a complaint and response is not sufficient to resolve a complaint, we may ask for additional information, including a "copy of the public record" or a "descriptive index of the public record." § 4-1A-06(b)(2)(ii). After consideration of all submissions, if we find that the alleged violation occurred we must issue a written decision and order a remedy as provided in the PIA. § 4-1A-04(a)(2) and (3). When we determine that a custodian has improperly denied inspection of a public record, or information within a record that is otherwise disclosed, we must "order the custodian to . . . produce the public record for inspection." § 4-1A-04(a)(3)(i).

The PIA is meant to give people "access to information about the affairs of government and the official acts of public officials and employees." § 4-103(a). Our courts have repeatedly explained that the PIA favors disclosure. *See, e.g.*, *Ireland v. Shearin*, 417 Md. 401, 408 (2010) ("We have reiterated on numerous occasions that the PIA reflects the need for wide-ranging access to public records, and therefore, the statute should be construed in favor of disclosure for the benefit of the requesting party."); *see also* § 4-103(b) (providing that the PIA be construed in favor of disclosure). Under the PIA, custodians must allow inspection of public records unless a disclosure exemption applies. § 4-201(a). The PIA contains both mandatory and discretionary disclosure exemptions. If a mandatory exemption applies, a custodian generally may not allow inspection of the relevant records or information. *See, e.g.*, § 4-313 (student records); § 4-329 (medical or psychological information). When a discretionary exemption applies, a custodian may deny inspection only if inspection would be "contrary to the public interest." § 4-343; *see, e.g.*, § 4-351 (certain law enforcement records). A custodian has the burden of justifying

the application of an exemption to deny inspection of public records. *See Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

We were unable to resolve this complaint based on the submissions alone, so we asked BCPS to provide a detailed descriptive index of the email records withheld under § 4-301(a)(1) and the attorney-client privilege, as well as copies of the records withheld and redacted under § 4-344 and the deliberative process privilege and the messages that were redacted as non-responsive. *See* § 4-1A-06(b)(2). We asked that the descriptive index contain information about the date and time the email was sent, the sender, recipient and subject, and enough information about the substance of the email for us to evaluate the application of § 4-301(a)(1). As required by law, we will maintain the confidentiality of the descriptive index and records we received from BCPS. *See* § 4-1A-06(b)(5); COMAR 14.02.06 (regulations governing confidential records). Any references to the information in the descriptive index or records will be general in nature, so as not to reveal any information that BCPS maintains is not disclosable under the PIA. COMAR 14.02.06.05.

Under § 4-301(a)(1) of the PIA, a custodian must "deny inspection of a public record or any part of a public record if . . . by law, the public record is privileged or confidential." Section 4-301(a)(1) encompasses the attorney-client privilege. *See Abell Found. v. Baltimore Dev. Corp.*, 262 Md. App. 657, 711-12 (2024). The attorney-client privilege "bars compelled disclosure, without the client's consent, of attorney-client communications made in confidence between the attorney and client." *Id.* at 712 (citation omitted). To qualify as privileged, the communication must "relate to professional advice and to the subject-matter about which such advice is sought." *Harrison v. State*, 276 Md. 122, 132 (1975).

After review of the information in BCPS's descriptive index, we find that BCPS appropriately applied § 4-301(a)(1), both to the records fully withheld under the attorney-client privilege, and to privileged material redacted in the records otherwise disclosed.[5] The communications were exchanged between counsel for the BCBOE and BCBOE members and staff, i.e., "between the attorney and client." *Abell Found.*, 262 Md. App. at 712. Although it is true that the complainant is a member of the BCBOE, for purposes of her appeal of the BCBOE's decision against her, counsel for the BCBOE was essentially opposing counsel. For the limited purposes of defending the BCBOE against the complainant's MSDE appeal, then, the attorney-client relationship did not include the complainant. In addition, the communications between counsel for the BCBOE and BCBOE members and staff concerned the complainant's MSBE appeal and related to professional advice regarding that appeal. *Harrison*, 276 Md. at 132. Thus, we find no violation of the PIA as to BCPS's application of § 4-301(a)(1).

[5] The complainant provided the redacted versions of the records with her complaint.

We next turn to § 4-344. BCPS withheld one email in its entirety as subject to the deliberative process privilege, taking the position that disclosure would "impair the integrity of the school system's decision-making process." Section 4-344 permits a custodian to deny inspection of "any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit," if inspection would be "contrary to the public interest." § 4-343. The deliberative process privilege, which ordinarily covers only pre-decisional, deliberative material, falls within § 4-344. *See Stromberg Metal Works, Inc. v. Univ. of Maryland*, 382 Md. 151, 165 (2004); *see also Admin. Office of the Courts v. Abell Found.*, 480 Md. 63, 92 (2022) (observing that § 4-344 is a "conditional exemption" that may be invoked only if the custodian believes that "the requested inspection would be contrary to the public interest," (internal quotations omitted)).

The deliberative process privilege typically applies to records that reflect "advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated," *Stromberg*, 382 Md. at 165, and is intended to encourage government officials and employees to "give completely candid advice by reducing the risk that they will be subject to public disclosure, criticism and reprisals, and to enable decisionmakers to think out loud uninhibited by the danger that tentative but rejected thoughts will become the subject of public discussion," *Abell Found.*, 480 Md. at 92 (cleaned up). This purpose is important to the public interest analysis. *See, e.g.*, *Cranford v. Montgomery County*, 300 Md. 759, 772 (1984) (observing that what is now § 4-344 may not apply to a record related to "agency action taken so long ago that disclosing it no longer makes any difference").

After review of the email record withheld, we find that BCPS has not justified its application of § 4-344. While the email record may be pre-decisional, we see little (if any) deliberative content, and certainly no "advisory opinions [or] recommendations," *Stromberg*, 352 Md. at 165, or "candid advice," *Abell Found.*, 480 Md. at 92. Moreover, it is exceedingly difficult to understand how disclosure of this record would impair the BCBOE's ability to make good decisions, and BCPS has not offered any detailed explanation as to why it would. We therefore find that BCPS improperly applied § 4-344 to the email record it withheld under that exemption, and direct BCPS to disclose that email to the complainant.[6]

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[6] The email contains information that BCPS redacted before providing the email to us. However, based on our review, we believe that redacted information is subject to the attorney-client privilege and thus exempt from disclosure under § 4-301(a)(1). BCPS must redact that information before producing the record to the complainant. In addition, we note that there are attachments to the email that BCPS has not provided to us for our review. To the extent that the attachments may be filings submitted in a public proceeding, then they are not privileged and must be disclosed to the complainant.

Finally, as to the records redacted of email communications that BCPS advised were not responsive, we find that those redacted email communications were in fact not responsive to the complainant's PIA request. The emails—three of them—appended a "Daily Media Briefing," sent on March 26, 2025, which was disclosed to the complainant. However, the email communications are not communications between the BCPS Superintendent and any BCBOE members identified in the complainant's PIA request, nor is the Daily Media Briefing such a communication. While we have, in the past, stated that we are "unaware of any authority for the proposition that a custodian may redact information in an otherwise responsive record simply because that information, in isolation, might not be responsive to the PIA request," PIACB 25-27, at 8 (Jan. 31, 2025), this matter presents a slightly different circumstance. It seems to us that the redacted emails, in their entireties, are not responsive to the complainant's PIA request and were, according to BCPS's counsel, produced due to an error. Thus, BCPS was not obligated to produce them in the first place and redacting them in their entirety is tantamount to not doing so, if somewhat confusingly. We therefore find no error in BCPS's decision to redact those email records and produce the Daily Media Briefing to the complainant.

Conclusion

After review of the submissions, and for the reasons discussed above, we find that BCPS appropriately applied § 4-301(a)(1) to deny inspection of records subject to the attorney-client privilege. We also find no error in BCPS's redaction of email records that were not responsive to the complainant's PIA request in the first instance and in their entirety. However, we find that BCPS improperly applied § 4-344 to a different email record. We direct BCPS to produce that record, with redactions to material exempt under § 4-301(a)(1), to the complainant within thirty days of receipt of our decision and order.

Public Information Act Compliance Board

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