INSPECTOR GENERAL OF BALTIMORE CITY ISABEL MERCEDES CUMMING, ESQ., *et al.*	*	**IN THE**
	*	**CIRCUIT COURT**
Plaintiffs, **v.**	*	**FOR BALTIMORE CITY**
	*	**CASE NO.: C-24-CV-26-001410**
MAYOR AND CITY COUNCIL OF BALTIMORE,	*	**Part 88**
Defendant.	*	
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DECISION AND ORDER

The "First Amended Verified Complaint" is filed (April 10, 2026) by the Plaintiffs: Inspector General Isabel Mercedes Cumming, Advisory Board Chairperson Gayle Guilford, and Advisory Board Secretary, CPA James Godey.[1] Count I of the Amended Complaint seeks a Declaratory Judgment by the Court on governance allegations and operational issues putting the Office of Inspector General (OIG) "at loggerheads" with Defendant Mayor and City Council. Counts II, III, and IV seek injunctive relief, a writ of mandamus (at common law), and/or further relief as may be necessary to enforce subpoenas issued by OIG, to enjoin Defendant from hindering OIG investigations, to require Defendant's compliance with Charter directives essential for performance of OIG responsibilities.

The pending Motion to Dismiss filed (May 28, 2026) by Defendant Mayor and City Council[2] argues, primarily, that OIG may not "operate outside the confines of the Maryland Public Information Act ("MPIA")" and that the City properly provides documents to OIG with "redactions mandated by State law, including the Maryland Public Information Act."

[1] Plaintiffs are identified, collectively, as the Office of Inspector General or 'OIG.'
[2] Defendant is identified, collectively, as the 'City.' The City Solicitor, with the City Law Department, acts as counsel for the City. (*See* BALT. CITY CHARTER art.VII, § 24).

(Defendant's Memorandum at p.2). Defendant's Motion challenges Plaintiffs' assertions for seeking "unfettered, unresolved, unrestricted access" to the City's information systems "without regard to the constraints of the MPIA or the protections of the attorney-client communication privilege, attorney work product, or the deliberative processes of City government." (*Id.* at 2).

The Defendant's decisions and actions now challenged by Plaintiffs, and Defendant's current legal arguments, appear to misconceive the constitutional premise and statutory mandates underlying the responsibilities of an independent Inspector General as set out in the City Charter. The jurisdiction of the OIG to perform its work, including the issuance and enforcement of its subpoenas, is not in conflict with or restricted by the MPIA. The City's arguments subjecting OIG subpoenas and investigatory requests to MPIA exclusions are inapt. Indeed, the manner and means by which the City and City Law Department act to restrict or control OIG investigatory methods do put the OIG 'at loggerheads' with Defendant. The pleadings and arguments of the parties on motion describe conflicts likely to have impaired the OIG's ability to perform its essential duties. The City's Motion to Dismiss will be Denied, and the case will proceed upon instructing the City's further Response to Plaintiffs' pending Motion for Summary Judgment (filed June 18, 2026) pursuant to Maryland Rule 2-501(b).

Baltimore City's Charter, with the force of law conferred by the Maryland Constitution, was amended by majority vote ratifying City Council Resolution 18-08 in November 2018. (MD. CONST. art. XI-A, § 5). The express responsibilities of the Office of Inspector General are now directed by Article X, Section 4(b) of the Charter.[3] The OIG is responsible for:

[3] Baltimore City's Charter is "equivalent to a constitution." *Balt. City Bd. of Elections v. Mayor & City Council of Balt.*, 489 Md. 465, 478 (2025) (quoting *Save Our Streets v. Mitchell*, 357 Md. 237, 248 (1998)). Creation of the OIG by Charter amendment, upon popular vote in 2018 ratifying the City Council's resolution, had established a "form and structure of government as enacted local law." (*Id.*). OIG's investigatory powers and duties follow Article XI-A, § 2 of the Maryland Constitution and Article II, § 47 of the City Charter to promote good government.

(1) investigating complaints of fraud, financial waste, and abuse in City government; and
(2) promoting efficiency, accountability, and integrity in City government.

(BALT. CITY CHARTER art. X, § 4(b)). Baltimore voters acted "[f]or the purpose of creating an independent Office of Inspector General headed by an Inspector General."[4] Question F on the 2018 Ballot further specified that, going forward, the Inspector General was "grant[ed] … the power to issue subpoenas" for testimony and production of documents and information, and to enforce subpoenas in the courts.[5] The existing OIG would transition from its office "in the Law Department into the newly created independent Office of the Inspector General."[6] The Office of Inspector General is not controlled by and does not answer to any direction from the Mayor, City Council, or City Solicitor. Rather, OIG reports directly to Baltimore citizens. OIG is to "prepare and publish an annual report of the Office's activities," including "recommendations regarding

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[4] The 2018 Question F on the Ballot stated, in its entirety:

> Resolution No. 18-08 is for the purpose of creating an independent Office of the Inspector General headed by an Inspector General. The law would establish the process for appointing and terminating the Inspector General and would establish the powers and duties of the Office of Inspector General. The law would provide for the funding of the Office of the Inspector General, grant the Inspector General the power to issue subpoenas and require the Office of the Inspector General to issue an annual public report. The law provides for certain administrative procedures and establishes procedures to transition the existing Office of the Inspector General in the Law Department into the newly created independent Office of Inspector General.

The text of City Council Resolution 18-08 is attached within Exhibit 2 to the Amended Complaint.

[5] Performance of the duties of office specifically allows the Inspector General issuing subpoenas "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." (BALT. CITY CHARTER art.X, § 4(d)(1)). The Inspector General is empowered to "enforce any subpoena issued … in any court of competent jurisdiction." (*Id.* § 4(d)(2)).

[6] Contextual references in pending motion papers identify successive City Solicitors involved in transition and establishing operational procedures: Andre Davis, Acting Solicitor Dana Moore, and James Shea. An affidavit of Andre Davis describes transitional responsibilities contemporaneous to the Charter amendment; OIG was expected to have established powers and duties, adequate funding to accomplish OIG responsibilities, and specified administrative procedures.

program weakness, contracting irregularities, or other institutional problems discovered by the Office" in the operations of City government.[7] (CHARTER art. X, § 4(e)).

The independence of OIG was reiterated by Charter amendment, on resolution ratified by City voters in November 2022, describing the appointment of a non-partisan Advisory Board responsible to appoint the Inspector General (CHARTER art. X, §§ 2(a)(1), 2(j)(3)) and to "provide the City Council with an overview of the activities of the advisory board and the Office of the Inspector General" (*Id.* § 2(l)), all without direction or control by the Mayor or City Council. (November 2022 Ballot Question I).

The Advisory Board is not appointed by and does not report, in any line of jurisdictional authority, to the Mayor and City Council. Eleven members of the Advisory Board are not City or State employees, elected officials (or family members of elected officials), lobbyists, or associated with certain businesses; members are randomly selected by the Chair of the Board of Ethics from among nominees submitted from City Council districts, together with members designated from the Association of Certified Fraud Examiners, the Association of Certified Public Accountants, and the Deans of the University of Maryland School of Law and the University of Baltimore School of Law. (CHARTER art. X, § 2(c)). Citizen members of the Advisory Board are to have "a background in, or familiarity with, ethics, law, program or

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[7] Beginning in November 2024, OIG reports addressed the Mayor's Office of Neighborhood Safety and Engagement ("MONSE") and investigation of MONSE's Safe Streets Program. (Amended Complaint at ¶ 44 et seq.) Examples of recommendations concerning MONSE appear in the 2025 Annual Report of the OIG. Upon finding fictitious employees in Safe Street Program contracts, OIG "recommended that MONSE and Audits meet to review the best ways to submit contracts" to the Board of Estimates. Finding that MONSE was using 'Slack,' an unauthorized third-party communication platform, OIG "recommended that the City ban the use of these apps without BCIT approval." (2025 Annual Report at p. 19). OIG also urged that the Law Department should be "informed of third-party communication use to ensure effective responses to Maryland Public Information Act requests." (*Id.*).

performance evaluation, or accounting or [have] a familiarity with the Office of the Inspector General and the duties of the Office." (*Id.* § 2(b)(4)).

The manner of selection of qualified board members assures autonomy and freedom from external control, authority, or influence. The Mayor is instructed to provide adequate resources for performance of their duties: "The Mayor must provide the advisory board with access to City resources to facilitate the advisory board's completion of its responsibilities." (*Id.* § 2(a)(3)). That mandate speaks to Advisory Board autonomy and accountability for OIG performance free of mayoral interference.

OIG is charged with broad 'watchdog' jurisdiction:

> 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.

(*Id.* § 4(c)). No jurisdictional exemption or exception to OIG investigation appears for any City office or employee or at the behest of any City official.

Applicable rules 'governing' the Advisory Board, the duties of the Inspector General,[8] and the "administrative and operational procedures of the Office may be established by law or by rule or regulation adopted by the Inspector General." (CHARTER art. X, § 6(c)). The rules consequently adopted, colloquially called the "Green Book,"[9] broadly encompass the methods and manner of investigative inquiry by the OIG and for which the Inspector General is qualified

[8] Members of the Advisory Board "shall attend a training session … provided by the Office of the Inspector General, that details: (1) the rules governing the advisory board; and (2) the rules governing and duties of the Inspector General." (CHARTER art. X, § 2(k)).
[9] *See* ASS'N OF INSPECTORS GENERAL, PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022), https://s3.amazonaws.com/baltimorecity.gov.if-us-east-1/s3fs-public/2026-05/principles_and_standards_for_oigs_eff_july_1_2024_0.pdf.

to engage. Investigatory experience and expertise of the Inspector General is mandated by the Charter: a qualified Inspector General shall be a Certified Inspector General, with "substantial experience in auditing, financial analysis, criminal justice law, management analysis, public administration, investigations, or another appropriate field." (CHARTER art. X, § 3(a)(1), (2)).

The Inspector General is qualified, trained, and Certified in a number of 'core competencies' including investigations of fraud, financial waste and abuse; audits and inspections of financial records; ethics; public management issues; criminal and civil legal issues. The Advisory Board and Inspector General are informed by certification requirements repeated in the Green Book rules. Stated principles and standards confirm that the Inspector General's independence is integral to the identification and operation of the Office to perform its core functions:

> The Public expects OIGs to hold government officials accountable for efficient, cost-effective government operations and to prevent, detect, identify, expose and eliminate fraud, waste, corruption, illegal acts and abuse. This public expectation is best served by inspectors general when they follow the basic principles of integrity, objectivity, independence, confidentiality, professionalism, competence, courage, trust, honesty, fairness[.]

(ASS'N OF INSPECTORS GENERAL, PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL 3 (Oct. 22, 2022)). Thus, the nature and manner of work to be performed by OIG necessarily cannot be subject to the control or influence of the Mayor or any other office in City government. The OIG—not the Mayor, Solicitor, or any other unit of local government—has the jurisdictional authority to determine when and how the OIG may investigate allegations that involve City government and potential violations of laws or regulations by City officials, employees, board members, contractors, prospective vendors or recipients of City funds. (CHARTER art. X, § 4(c)). Restricting the fact or manner of investigatory interviews or data research, for example, would infringe on the statutory independence and objectivity of the

Inspector General. Arbitrary budgetary limits or operational dependence of the OIG on mayoral decisions also would serve to limit or restrict OIG investigatory power.[10] Contrary to applicable rules, the independent and objective work of the OIG is likely impaired by restrictions on resources available, by the unavailability of independent counsel, by interference with OIG's selection of investigatory subjects, and by limiting OIG access to documents and information. (*See* ASS'N OF INSPECTORS GENERAL, *supra* at 10).

The express and primary tool of OIG to fulfill the 'Responsibilities of Office' (CHARTER art. X, § 4(b)) is 'Issuing subpoenas' (*id.* § 4(d)):

> (1) To 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.
>
> (2) The Inspector General may enforce any subpoena issued pursuant to this subsection in any court of competent jurisdiction.

(CHARTER art. X, § 4(d)). The OIG's jurisdictional authority to issue and enforce subpoenas is not limited to allow production only of certain kinds of information contained in 'public records' amassed by other government offices. The Charter confers broad investigatory powers in order to "(1) investigat[e] complaints of fraud, financial waste, and abuse in City government; and (2) promot[e] efficiency, accountability, and integrity in City government." (*Id.* § 4(b)). Issuing subpoenas is vital to those investigatory functions.[11]

[10] Cf. *U.S. Nuclear Regul. Comm'n v. Fed. Lab. Rels. Auth.*, 25 F.3d 229, 234 (4th Cir. 1994) (Niemeyer, J.).

[11] An Inspector General subpoena should be enforced where "the Inspector General's investigation is within its authority, the subpoena's demand is not too indefinite or overly burdensome, and the information sought is reasonably relevant." *Inspector Gen. of U.S. Dep't of Agric. v. Glenn*, 122 F.3d 1007, 1011 (11th Cir. 1977) ("[Subpoenas are] vital to the Inspector General's function of investigating fraud and abuse in federal programs.").

Notwithstanding the scope of responsibilities and breadth of investigatory powers clearly established for an Inspector General operating independently of an elected Mayor and City Council, Defendant is intent on forcing OIG investigatory functions into "request" procedures of the MPIA. (*See* MD. CODE ANN., GEN. PROV. §§ 4-101 et seq.). Defendant's dismissal motion counters the legal premises of the Amended Complaint on contradictory facts because MPIA "Governs this Dispute" (Defendant's Memorandum at pp. 8 et seq.). According to Defendant:

> [T]he MPIA's requirements and exemptions apply to any request for information to the government, including requests originating from the government itself…. The PIA was plainly written to apply to all requests for information from one unit of a government to any other. Putting aside the party's disagreement regarding the meaning of the term 'independent', there can be no dispute that the OIG, as a product of the Baltimore City Charter, is a unit and a subsection of the sole municipal corporation that is Baltimore City. OIG is therefore an applicant under the MPIA.

(*Id.* at 10). Defendant declares "that the OIG *must* comply with the City Charter and MPIA and submit specific requests for the information it seeks, rather than attempt to gain unlimited access to the City servers." (*Id*. at 14-15). Defendant's position effectively would desiccate the OIG's watchdog functions to check government offices and officers for fraud, waste, and abuse.

OIG investigatory functions and subpoenas are not mere requests for public information from other government units or employees.[12] OIG subpoenas are legal orders compelling attendance and production of evidence, serving as investigatory, fact-finding tools authorized by the Charter and seeking relevant information. There is nothing about an OIG investigation or subpoena authority that could fairly characterize OIG as an "applicant … that asks to inspect a public record." (MD. CODE ANN., GEN. PROV. § 4-101(b)). There is nothing about the investigative work of OIG that is statutorily limited to requesting 'public records' and

[12] Defendant sees merely a "technical difference between a 'subpoena' and a 'request.'" (Defendant's Memorandum at p.13).

information about "the official acts of public officials and employees." *Id.* § 4-103(a). Investigatory research and subpoenas seek information relevant to fraud, financial waste, and abuse in City government, as well as the inefficient consequences of certain 'official acts.'[13] OIG investigations are not limited by Charter to the public's right of access to specified government records.

Defendant relies on *Montgomery County Maryland v. Shropshire*, 420 Md. 362 (2011), to argue that OIG's investigatory inquiries to another government office are subject to MPIA exclusions from disclosure. As described in the case opinion, the Montgomery County Inspector General had "initiated an investigation." The County Inspector General undertook to investigate the course and methods of an Internal Affairs Division ("IAD") investigation by the County Police Department (another County government organization) for consistency with 'generally accepted investigative standards.' Permissible objectives and methods of inquiry by the County Inspector General were described in the County Code. The County Inspector General had "submitted a request to the Chief Administrative Officer of the Offices of the County Executive for numerous records" about the IAD investigation. The Inspector General had not issued a subpoena for investigatory information; the County Code allowed that the Inspector General may issue a subpoena only if certain information first requested is not produced. Then, in the event of an unsuccessful request, the County Inspector General "may issue a subpoena" for testimony or records "in connection with an audit or investigation." The jurisdictional authority of the County Inspector General was statutorily distinct from that of the Baltimore OIG.

In addition to the absence of any County Inspector General subpoena claimed to be subject to MPIA exemptions, the procedural context of *Shropshire* is inapposite to the OIG's

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[13] MPIA entitles "all persons" to access "information about the affairs of government and the official acts of public officials and employees." GEN. PROV., § 4-103(a)

investigatory inquiries raised in this case. In the circumstances of *Shropshire*, the County Inspector General's request was short-circuited: the police officer subject of the underlying IAD investigation had sought a writ of mandamus to protect confidentiality of his personnel records in the IAD files. "The 'Rubik's Cube' of the [*Shropshire*] case involves whether the records of the internal affairs investigation in use are deemed 'personnel records' and not disclosable or are records of 'investigations' and the subject of discretionary disclosure." *Shropshire*, 420 Md. at 377-78. In contrast, no question is raised in this court as to whether and when OIG, as a unit of government, may be called upon to permit or deny inspection of any investigatory file—or to secure information about another agency or unit's investigation.[14]

Nevertheless, Defendant's counsel apparently and steadfastly believes that City responses to OIG investigative inquiries and subpoenas are restricted by MPIA. Such refusal to honor OIG's independent subpoena authority is the first of several conflicts of interest of the City Solicitor upon determining to represent both the Mayor and OIG in their dispute.[15] The conflict is tracked by the procedural and factual grounds cited for Defendant's pending dismissal motion. Upon the arrival of the newly appointed City Solicitor in January 2024, the City Law Department had then announced that every OIG request is a public records request under the MPIA. (Defendant's Memorandum at p.5). OIG subpoenas to City agencies, routed through the Law

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[14] A request for a 'public record' from or about OIG, as a unit of government, would not likely yield disclosure of an OIG investigatory file. MPIA exempts disclosure of investigatory reports for law enforcement purposes. *See Fioretti v. Bd. of Dental Exam'rs*, 351 Md. 66 (1998) ('law enforcement purpose' can include civil investigations). When complaints are received for possible OIG investigation: "All complaints are carefully evaluated to ensure they fall within the authority of the OIG in accordance with its duty to root out fraud, waste, and abuse of the City's financial resources." (2025 Report at p. 10).

[15] Defendant's dismissal motion asserts unilateral power of the City solicitor to represent the entire government complex; "[t]he Charter also centralizes all legal authority in one place: the City Solicitor, who heads the Department of Law." (Defendant's Memorandum at p.19).

Department, were deemed subject to MPIA.[16] Document responses to OIG subpoenas issued to the Mayor's Office of Neighborhood Safety and Engagement ("MONSE") in June 2025 were heavily redacted by the Law Department because of MPIA and attorney-client privilege concerns. (*Id.* at 6). The Law Department's actions served, at least, to materially limit OIG's ability to advance its investigatory decisions. A direct conflict appeared as the Solicitor would not act to engage independent counsel for OIG to enforce its subpoenas while contemporaneously acting to restrict or avoid MONSE's responses to those subpoenas.[17]

Further conflicts appeared with the City Law Department's announcement, in January 2026, that OIG was not approved or authorized for "unfettered access" to City servers and to "legally-protected confidential work product and communications" with other units—that "the extra-subpoena access granted by former law department officials was revoked." (Defendant's Memorandum at p. 6).[18] The Charter did not "grant" OIG access to the City server.[19] (*Id.* at p.7). Defendant's distrust of OIG investigatory integrity[20] contradicts Charter mandates and regulatory

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[16] Plaintiffs' Amended Complaint describes investigative inquiries concerning MONSE in 2024 and 2025 at Paragraphs 44 et seq. The City Law Department responded to subpoenas as MPIA 'requests.' (*See* ¶ 50 et seq.).

[17] Defendant's limited responses to the MONSE subpoenas had followed certain Investigative reports, for example, on November 19, 2024 (attached as Exhibit 7 to Amended Complaint): "The OIG received numerous complaints regarding the Safe Streets program and learned that MONSE and their contractors included fictitious employees on the Board of Estimates (BOE) contract approval documentation." *See also* OIG Report on October 22, 2025, describing "ongoing investigation" of MONSE's "SideStep program" (attached as Exhibit 9 to Amended Complaint).

[18] Defense counsel has not identified or described the source or nature of "work product" or "privileged" communications sought to be protected from disclosure. See Court's Order (June 2, 2026) denying Defendant's Motion to Seal.

[19] Defendant urges that OIG cannot avoid an MPIA 'application' requirement by 'direct' access to City servers.

[20] Defense counsel appears to urge that the Law Department is singularly empowered to make MPIA or privilege or work product determinations. Defendant ignores applicable rules and professional standards informing and instructing OIG performance, including "Legal Requirements": "OIGs should initiate, conduct, and report investigations in accordance with (a) all applicable laws, rules, and regulations; (b) guidelines from applicable prosecutorial authorities; and (c) internal agency policies and procedures. Investigations will be conducted with due respect for rights and privacy of those involved." (ASS'N OF INSPECTORS GENERAL, *supra* at 28, 36).

standards. Green Book rules instruct, for example, that OIG "performance is consistent with professional standards." ASS'N OF INSPECTORS GENERAL, *supra* at 16. Those standards include established "procedures for safeguarding the identity of confidential sources and for protecting privileged and confidential information."[21] (*Id*. at 21).

Defendant's insistence on cutting or 'revoking' access to servers, refusing to make City data resources available to OIG, is clearly described by Plaintiffs as having interfered with Plaintiffs' performance of Charter responsibilities.[22] Challenging such policy pronouncements and obstruction of OIG efforts to enforce its subpoenas is met by the City Solicitor's refusal to permit OIG to retain private counsel despite the obvious conflicts.[23] As the City Solicitor interferes with the independent operations of OIG by withholding investigatory information, the Solicitor also refuses to secure independent counsel for OIG in the face of those adverse interests.[24] (MARPC 1.13(c), (d)). It should become axiomatic that the City Solicitor shall not represent OIG in instances which involve such conflicts and material limitations. (MAPRC 1.7).

The City Solicitor relies on the Charter as mandating that the Solicitor is the only 'legal adviser and representative of the City,' including OIG; only the Solicitor has authority to handle any lawsuits or proceedings for OIG. (CHARTER art. VII, §§ 24 (a), (b); 26). Those Charter

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[21] "[P]rivileged or confidential information gathered by the OIG will be protected from disclosure unless the OIG determines that such disclosure is required by law or necessary to further the purposes of an audit, investigation, inspection, evaluation, review or other inquiry." (*Id.* at 21). According to the Amended Complaint and pertinent Affidavits, OIG has established and follows "procedures for safeguarding the identity of confidential sources and for protecting privileged and confidential information." (*Id.*).

[22] Defendant's current arguments do not appear to contradict OIG representations by Affidavit (Matthew Neil, Bryan Bartsh) as to the adverse consequences of lost access to City data.

[23] The Court's Order (filed April 17, 2026) denied Defendant's Motion to Disqualify Plaintiffs' private, pro bono counsel. Plaintiffs are properly represented in this case by outside counsel. *See also* Court's Order (filed June 2, 2026) noting ostensible irreconcilable conflict of defense counsel.

[24] The Court uses the short-form citation to the Maryland Attorneys' Rules of Professional Conduct ("MARPC"), recognizing that the rules themselves are in Title 19, Chapter 300 of the Maryland Rules.

provisions do not serve to exempt, avoid, or mitigate any Maryland attorney's professional responsibilities.[25] Defendant's counsel misapplies the City Solicitor's role as a mandatory legal advisor to OIG in clear view of material limitations to enforcement of OIG subpoenas and performance of investigatory responsibilities.

An irreconcilable conflict for an attorney representing different agencies or units in a government organization arises when independent professional judgment to one agency or unit is "materially limited" or "directly adverse" to another agency or unit. (MARPC 1.7). The duties identified by Rule 1.13 apply to attorneys for governmental organizations even where "[d]efining precisely the identity of the client and prescribing the resulting obligations of such attorneys may be more difficult…." (MARPC 1.13, cmt. 8). The City Solicitor was obliged to cease representation of OIG when no longer able to provide competent, diligent and loyal representation to each unit as to the response and enforcement of the MONSE subpoenas.

Further argument by Defendant regarding OIG's representation rings hollow upon examination of the Plaintiffs' Amended Complaint and Motion for Summary Judgment. By their express roles and Charter responsibilities, Inspector General Cumming, Advisory Board Chair Guilford, and Advisory Board Secretary Godey, have standing to pursue the Complaint under the Maryland Uniform Declaratory Judgments Act. (MD. CODE ANN., CTS. & JUD. PROC., §§ 3-401-15). The Act expressly grants courts the power to grant declaratory relief to any person "whose rights, status, or other legal relations are affected by a statute, municipal ordinance, administrative rule or regulation." (*Id.* § 3-406). Plaintiffs' status and legal responsibilities are instructed and informed by majority electorate votes to enact Charter Article X. The OIG's

[25] The City Solicitor opines that because OIG is part of one legal entity, "there cannot be a legal conflict of interest under the Maryland Rules of Professional Conduct." (Thompson letter dated January 25, 2026, attached as Exhibit 17 to Amended Complaint; *see also* Thompson email dated January 29, 2026, attached as Exhibit 14).

Advisory Board and Inspector General are organized, qualified, and empowered as a watchdog for Baltimore citizens to monitor City government and investigate City offices, contractors, employees, and officials for fraud, waste, and abuse. OIG's jurisdiction extends to "investigate allegations that involve City government and potential violations of laws or regulations." (CHARTER art. X, § 4(c)). Baltimore citizens expect the OIG to audit government operations, report and recommend corrections, and ferret out misconduct.[26] Now, Plaintiffs seek remedial "relief from uncertainty and insecurity with respect to rights, status, and other legal relations." (MD. CODE ANN., CTS. & JUD. PROC., § 3-402).

Plaintiffs Guilford and Godey are citizen members and leaders of an Advisory Board created and empowered by Baltimore citizens' majority vote on referendum in 2022. Appointed by the Ethics Board, qualified and trained in the work of the Inspector General, Plaintiffs Guilford and Godey bear a special relationship and responsibility to fellow Baltimore taxpayers to challenge Defendant's apparent obstruction of OIG performance.[27] Plaintiffs Guilford and Godey have the perspective of having served since OIG's transition to independent operations, with cooperation with the City Law Department and familiarity with appropriate access to City servers, while dutifully reporting OIG actions and activities.[28] When the City abruptly and

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[26] "The mission of the Office of the Inspector General is to promote accountability, efficiency, and integrity in City government by identifying waste, fraud and abuse to ensure public trust in City government. Citizens have the right to expect efficiency and honesty from City leadership, qualities that are best fostered when the government polices itself and initiates improvements in operational efficiency. The OIG contributes to these objectives through impartial and independent investigation." 2025 Report at p.4. The OIG's stated mission is oft-repeated, *e.g.*, Exhibits 7, 9 attached to Amended Complaint.

[27] Plaintiffs Guilford and Godey are responsible with the Advisory Board to provide the City Council with a periodic "overview of the activities of the advisory board and the Office of the Inspector General" (CHARTER art. X, § 2(l)), approve the OIG budget (*id.* § 5) and assure that Defendant will "provide the advisory board with access to City resources to facilitate the advisory board's completion of its responsibilities" (*id.* § 2(a)(3)).

[28]The 2025 Annual Report (page 6) enumerated 898 Complaints received, including 118 from City employees, 35 reports, 38 active cases, 24 pending cases, and $10.9 million financial impacts.

adversely changed OIG's operating circumstances, consequently interfering with Plaintiffs' performance of Charter responsibilities, Plaintiffs identified an actual and justiciable controversy: subpoenas are outstanding, standard investigative practices cut off, access to databases foreclosed. Plaintiffs' standing is grounded in the critical role of OIG to root out governmental fraud, waste, and abuse—now stymied or obstructed by Defendant's interference with investigatory performance. *See Coates v. Charles Cnty. Bd. of Comm'rs*, 266 Md. App. 266, 290 (2025) (citing *Reed v. McKeldin*, 202 Md. 553, 558 (1955)). Advisory Board members and the Inspector General hold leadership positions of trust and have a direct interest in "protecting the integrity of their office." (*Coates*, 266 Md. App. at 294).

Looking past acerbic adjectives and vitriolic adverbs in the parties' pleadings and motions, the substantive allegations of the Amended Complaint and Motion to Dismiss declare antagonistic claims between the parties premised on Defendant's misconception of OIG as controlled and dependent, in part, on the Law Department's determination and protection of unspecified work product. As an independent watchdog for fraud, waste, and abuse—and potential violations of law-- in City government, OIG cannot be limited to acting as a supplicant for information potentially deemed 'privileged' by or for another government unit. "Our Supreme Court has held that declaratory relief is an appropriate vehicle for resolving intra-and inter-governmental disputes" and to "define respective powers" of City boards and agencies. ((*Coates*, 266 Md. App. at 292) (citing *Liss v. Goodman*, 224 Md. 173, 175 (1960))). Particularly in view of the City Solicitor's actions to decline to enforce OIG subpoenas, the actual dispute of the parties is amplified by restrictions on OIG's power to initiate and conduct investigations because OIG operations are impeded by insufficient "access to [City] resources."

Allegations and consequences of Defendant's interference with OIG investigations, the appearance of contradicting applicable rules and 'Green Book' instruction, refusing or delaying responses to subpoenas, restricting access to City data and communications, all present a justiciable dispute. (MD. CODE ANN., CTS. & JUD. PROC. § 3-409). Plaintiffs are properly pursuing "any question of … validity arising under … administrative rule or regulation …" (*Id.* §§ 3-401, 406; *Coates*, 266 Md. App. 291, 294). This "circuit court is an appropriate venue for disputes among and between government bodies, especially where the conflict stands to impair the government's ability to function or perform its essential duties." (*Coates*, 266 Md. App. at 294; *see* CTS. & JUD. PROC. § 3-409(a)(3)).

This Court must deny Defendant's Motion to Dismiss and proceed to determine Plaintiffs' claims.

ORDER

Upon consideration of Defendant's Motion to Dismiss (May 28, 2026), opposed by Plaintiffs, with Maryland Rules 2-311 and 2-322, and arguments heard before the Court on July 28, 2026, it is for reasons stated and otherwise appearing in the Record hereby

ORDERED that Defendant's Motion to Dismiss is **DENIED** and Defendant will Answer the First Amended Complaint (filed April 10, 2026).

Upon consideration of Plaintiffs' Motion for Summary Judgment (June 18, 2026), opposed by Defendant, with Maryland Rule 2-501, it is hereby

ORDERED that consideration of Plaintiffs' Motion for Summary Judgment is **RESERVED** and

1. Because the pending Motion is supported by certain documents and Affidavits accompanying the Verified Amended Complaint and Motion, Defendant's further response to the written Motion, pursuant to Rule 2-501(b), "shall (1) identify with particularity each material fact as to which it is contended that there is a genuine dispute and (2) as to each such fact, identify and attach the relevant portion of the specific document…or other statement under oath that demonstrates the dispute."
2. Also pursuant to Rule 2-501(b), within 15 days of the filing date of this Order, Defendant's "response asserting the existence of a material fact or controverting any fact contained in the record shall be supported by an affidavit or other written statement under oath."
3. Because Defendant's counsel represented at hearing that responses to outstanding OIG subpoenas have been and are being prepared on a "rolling" basis, Defendant shall promptly identify and produce to Plaintiffs the entirety of each response to (a) each subpoena identified in Paragraphs 49, 61-62, 82, 84-85, 86 in the Amended Complaint, and (b) each subpoena issued by OIG to each and any City agency or governmental unit since April 10, 2026.

The court will schedule a hearing date upon review of Defendant's further response to the pending Motion for Summary Judgment.

_________________________ _________________________________

Date Senior Judge Pamela J. White

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cc: All parties of record