

**IN THE
CIRCUIT COURT FOR BALTIMORE CITY**

**INSPECTOR GENERAL OF
BALTIMORE CITY ISABEL
MERCEDES CUMMING, ESQ.,**
in her official capacity,
100 N. Holliday Street
Suite 635, City Hall
Baltimore, Maryland 21202

and

CHAIRPERSON GAYLE GUILFORD,
**OFFICE OF THE INSPECTOR
GENERAL OF BALTIMORE CITY
ADVISORY BOARD,**
individually and in her official capacity,
100 N. Holliday Street
Suite 635, City Hall
Baltimore, Maryland 21202

and

JAMES GODEY, CPA, ESQ.,
**OFFICE OF THE INSPECTOR
GENERAL OF BALTIMORE CITY
ADVISORY BOARD,**
individually and in his official capacity,
100 N. Holliday Street
Suite 635, City Hall
Baltimore, Maryland 21202

Plaintiffs,

v.

**MAYOR AND CITY COUNCIL OF
BALTIMORE,**
c/o Ebony Thompson, City Solicitor
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

Defendant

CASE NO. C-24-CV-26-001410

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT,
PRELIMINARY AND PERMANENT INJUNCTION, AND A WRIT OF MANDAMUS**

Plaintiffs Isabel Mercedes Cumming, Esq., in her official capacity as Inspector General of Baltimore City (“IG Cumming”), Gayle Guilford, individually and in her official capacity as Chairperson of the Office of the Inspector General of Baltimore City Advisory Board (“Chairperson Guilford”), and James Godey, CPA, Esq., individually and in his official capacity as Secretary of the Office of the Inspector General of Baltimore City Advisory Board (“Secretary Godey”), file this Verified Complaint for a Declaratory Judgment, Preliminary and Permanent Injunction, and a Writ of Mandamus against Defendant Mayor and City Council of Baltimore (the “City”) and allege:

INTRODUCTION

[W]e want transparency, we want honesty and we want integrity.”
Elijah Cummings, Nov. 11, 2018¹

1. This action seeks to enforce the authority, rights, and duties conferred upon the Baltimore City Office of the Inspector General (“OIG”) by the Charter of Baltimore City (“City Charter”) to fulfill the OIG’s responsibilities to the inhabitants of Baltimore City to investigate complaints of fraud, financial waste, and abuse and to promote efficiency, accountability, and integrity in City government.

2. The City Charter, by virtue of a widely supported 2018 amendment endorsed unanimously by the Baltimore City Council and adopted by an overwhelming majority of Baltimore City voters, expressly bestows upon the OIG the authority, acting solely on the basis of its own judgment as to when such action is merited, to issue subpoenas and enforce those

¹ ABC News, ‘This Week’ Transcript 11-11-18: Rep. Elijah Cummings, Rep. Jerrold Nadler and Kellynne Conway (Nov. 11, 2018), <https://abcnews.com/Politics/week-transcript-11-11-18-rep-elijah-cummings/story?id=59109619>.

subpoenas in any court of competent jurisdiction. BALT., CHARTER art. X, § 4(d). This was a major turn away from preexisting practice.

3. Despite the City Charter’s clear and unambiguous language, the City has suddenly and publicly refused to comply with subpoenas issued by the OIG, instead claiming that compliance by City departments, agencies, and officials—and the City Law Department in particular—with the OIG’s subpoenas are governed by the Maryland Public Information Act (“MPIA”).²

4. The City’s position disregards the plain language of the City Charter and the independence enshrined upon the OIG through the will of the people, denying the OIG direct access to information critical to carrying out the duties and responsibilities of the office.

5. The City’s brazen and, on information and belief, pretextual, refusal to comply with the OIG’s subpoenas will cause irreparable harm to the inhabitants of Baltimore City, i.e., those who the City, as a corporate entity, are sworn to serve, by denying the public, through the OIG, the ability to adequately investigate complaints of fraud, financial waste, and abuse in City government.

6. Moreover, the City’s efforts to shield information from the OIG has created an actual controversy between the parties and created antagonistic claims involving imminent and inevitable litigation surrounding the independence and authority of the OIG to investigate complaints and to promote efficiency, accountability, and integrity within City government.

² See, e.g., Ian Round, *Baltimore mayor cuts IG’s access to Law Department records*, The Daily Record (Jan. 26, 2026), <https://thedailyrecord.com/2026/01/26/baltimore-mayor-cuts-igs-access-to-law-department-records/>; David A. Plymer, *An alarming and baseless attack on Baltimore’s Inspector General*, Balt. Brew (Feb. 6, 2026), <https://www.baltimorebrew.com/2026/02/02/an-alarming-and-baseless-attack-on-baltimores-inspector-general/>.

7. To maintain the sanctity and independence of the OIG, and to allow it to fully represent the interests of City residents and taxpayers, Plaintiffs respectfully seek: a declaration from this Court clarifying the authority afforded to the OIG under Article X, § 4(d) of the City Charter; for a Preliminary and Permanent Injunction enjoining the City from, among other things, refusing to comply with subpoenas issued by the OIG, and preventing the City from taking any actions to impede or hinder the OIG's independence and ability to maintain confidential information within its office, including requiring the City to compensate counsel retained by the OIG to enforce subpoenas when a conflict arises between the City and the OIG; and for a Writ of Mandamus compelling the City to abide by the plain terms of the City Charter and fully produce, without redactions, all materials subject to subpoenas issued by the OIG, including all those presently outstanding and any subpoenas issued by the OIG in the future.

8. Moreover, given the critical issues of public importance present in this case, Plaintiffs request a speedy hearing of this action for declaratory judgment and request that it be advanced on the Court's calendar pursuant to Md. Code Ann., Cts. & Jud. Proc. § 3-409(e).

PARTIES

9. Plaintiff Isabel Mercedes Cumming, Esq., sues in her official capacity as the duly appointed Inspector General of Baltimore City. First appointed in 2018, she is the City's first female and first Hispanic Inspector General.

10. Plaintiff Gayle Guilford is the Chairperson of the Inspector General of Baltimore City Advisory Board, an 11-member board established under Article X of the City Charter charged with, *inter alia*, appointing the Inspector General. Chairperson Guilford sues in her official capacity as Advisory Board Chair and as a citizen of Baltimore City who has taxpayer standing to seek the aid of courts, exercising equity powers, to enjoin illegal *ultra vires* acts of public officials where those acts are reasonably likely to result in pecuniary loss to the taxpayer.

11. Plaintiff James Godey, CPA, Esq., is the Secretary of the Inspector General of Baltimore City Advisory Board. Pursuant to City Charter Article X, § 2(f)(3)(ii), Secretary Godey is a member of the Maryland Association of Certified Public Accountants. Secretary Godey sues in his official capacity as Advisory Board Secretary and as a citizen of Baltimore City who has taxpayer standing to seek the aid of courts, exercising equity powers, to enjoin illegal *ultra vires* acts of public officials where those acts are reasonably likely to result in pecuniary loss to the taxpayer.

12. Defendant Mayor and City Council of Baltimore City represent “the inhabitants of Baltimore City” and is a municipality and corporation organized and existing under the laws of the State of Maryland and the Charter of Baltimore City. BALT., CHARTER art. I.

JURISDICTION AND VENUE

13. This Court has jurisdiction to issue a declaratory judgment pursuant to Md. Code Ann., Cts. & Jud. Pro. §§ 3-401, *et seq.*

14. This Court has jurisdiction to issue injunctive relief, including a preliminary and permanent injunction, pursuant to Maryland Rules 15-501 through 15-505.

15. This Court has the jurisdiction to issue a Writ of Mandamus pursuant to Maryland Rule 15-701 and Md. Code Ann., Cts. & Jud. Proc. §§ 3-8B-01, *et seq.*

16. Venue is proper under Md. Code Ann., Cts. & Jud. Proc. § 6-201(a), because all parties maintain their principal places of business in Baltimore City and the acts and omissions complained of occurred here.

FACTS COMMON TO ALL COUNTS

17. The OIG was first created in 2005, when then-Mayor Martin O’Malley issued a Mayoral Executive Order with the “goal of increasing government accountability ... free from political influence.”³

18. The OIG is charged with “investigating complaints of fraud, financial waste, and abuse” and “promoting efficiency, accountability, and integrity in City government.” BALT., CHARTER art. X, § 4(b) (2022).⁴

19. Until 2018, the OIG fell under the auspices and supervision of the Baltimore City Department of Law (“City Law Department”).

20. In 2018, recognizing the need for the OIG to be an autonomous entity, the Baltimore City Council proposed and adopted a resolution recommending amendments to the City Charter to create “an independent” OIG to be appointed and governed “by an independent” Advisory Board, *id.* § 2(a)(1), headed by a chair elected by the members of the Board.

21. In 2022, after there emerged powerful evidence that the original structure and function of the Advisory Board was deeply flawed, an overwhelming 86.52% of voters approved

³ Balt City Off. of the Inspector Gen., *2019 Annual Report* at 5 (2019), https://s3.amazonaws.com/baltimorecity.gov/ef-us-east-1/s3fs-public/2024-01/oig_annual_report_2019_pdf.pdf.

⁴ The OIG’s investigative power is derived from Article XI-A, § 2 of the Maryland Constitution and Article II of the City Charter, which gives the City “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 Maryland[.]” Article II, § (27) of the City Charter further affords the City broad police powers (“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”), and Article II, § (47) confers on the City the 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...”).

a further Charter Amendment, Ballot Question I, which altered the membership of the Advisory Board that appoints and removes the Inspector General in two key respects.

22. First, the approval of Ballot Question I expanded the number of Advisory Board members from 7 to 11.

23. Second, prior to the 2022 amendment, the Advisory Board was comprised of the Mayor, City Council President, City Comptroller, another City Council person (or designee), the City Solicitor (who served as Chair of the Board), and the deans of Baltimore City's respective law schools. After Ballot Question I's approval, the Advisory Board's composition changed to ensure that its 11 members, including its chairperson, would not be elected officials or direct appointees of elected officials, candidates for office, lobbyists, or anyone who otherwise might pose potential impediments to the free and fair execution of the OIG's mission or raise concerns over conflicts of interest. *Id.* § 2(c).⁵

24. The multi-year collective actions of the City Council and the Baltimore electorate leave no room for doubt: the OIG is a truly independent watchdog that provides oversight of City government and taxpayer funds, free from political interference, or the appearance of same.

25. Article X, § 4(d) of the City Charter enumerates the OIG's subpoena powers:

- (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.

⁵ Ballot Question I's approval did not impact the two sitting law school deans who retained their two respective places on the Advisory Board.

24. The aforementioned language reflects a deliberate choice by the unanimous City Council and the voters of Baltimore: the OIG is to have the autonomy to pursue its investigations and enforce subpoenas without limitation, oversight, or approval by other City entities, including the City Law Department.

25. Relevant here, then-Mayor O'Malley's 2005 Executive Order establishing the OIG originally included the following language concerning the OIG's subpoena authority:

In connection with an investigation pursuant to this Article, the [OIG] may, *with the approval of the City Solicitor, issue a subpoena* (1) to require any person to appear under oath as a witness; or (2) to require the production of any information, document, report, record, account or other material.

Ex. 1, July 27, 2005 Executive Order at § 14(a) (emphasis added).

26. The Executive Order went on to state that the OIG "may enforce any subpoena issued pursuant to subsection (a) in any court of competent jurisdiction." *Id.* § 14(b).

27. By amending this pertinent language, the Baltimore City Council and Baltimore's voters and taxpayers expressly determined that the OIG's authority to issue and enforce subpoenas is not contingent upon the authorization and participation of the City Solicitor or the City Law Department.

28. Direct access to records is critical to promoting fair and unbiased investigations, ensures credibility and trust, protects City resources and taxpayer dollars from waste and loss through fraud or abusive practices, and allows for complete investigations of complaints and information provided by whistleblowers without interference.

29. To ensure candor in the investigatory process, the OIG also manages and monitors a server and databases that contains information provided by, among others, whistleblowers and myriad confidential sources. The server and databases are monitored by the OIG's IT Administrator to ensure that only authorized individuals have access so that confidential

information is not leaked or otherwise provided to individuals who may be subject to the OIG's investigations and to protect individuals participating in investigations from retaliation or undue influence.

30. From 2018 through mid-2025, the City's departments, agencies, and officials, including, at times, the City Law Department, worked cooperatively with the OIG, providing direct access to requested information without issue.

31. Beginning in 2025, however, the City took a stunning about face, rebuking the OIG's authority and refusing to fully comply with subpoenas issued by the OIG in its efforts to gather information pertinent to underlying investigations.

32. Specifically, in March 2025, the OIG issued a subpoena to the City as part of an ongoing investigation. The City provided all documents without redaction.

33. In June 2025, the OIG issued a second subpoena in a separate investigation, though related to the same entity subject to the March 2025 subpoena.

34. The City Law Department responded on June 27, 2025, by providing redacted documents and, for the first time ever in the history of the OIG, took the novel view, counter to the plain language in Article X, § 4 of the City Charter, that subpoenas issued by the OIG are not subpoenas, but instead requests to be assessed by the Law Department under the MPIA.⁶

35. In response, IG Cumming wrote a letter to the City Law Department detailing her position that the subpoenas were not subject to evaluation under the MPIA.

36. Recognizing that the OIG is traditionally represented by the City Law Department, and recognizing the inherent conflict arising from the OIG's and City Law Department's diametrically opposed interpretations of the City Charter, IG Cumming requested

⁶ See generally Md. Code Ann., Gen. Provisions §§ 4-101 through 4-601.

that the City Law Department permit her to retain independent counsel so that a sound legal resolution of the two offices' differing interpretations might be obtained. The City Law Department denied that request.

37. In October 2025, the OIG requested additional financial documents from the City Law Department connected to the June and March 2025 investigations.

38. Three months later, on Friday, January 16, 2026, the OIG received approximately 200 financial documents that were extensively redacted, including full pages shielded from view.

39. On January 20, 2026, the OIG issued a subpoena to the City demanding the unredacted financial records. The OIG served the subpoena on January 21, 2026, with a return date of January 22, 2026.

40. To date, the City has refused to produce to the OIG responsive, unredacted financial records, maintaining its extraordinary position that all subpoenas from the OIG are subject to the City's unilateral assessment of the need to respond, and the proper bounds of that response, if any, in light of the provisions of the MPIA.

41. On Saturday, January 24, 2026, the City issued a press release through the Baltimore City Office of Information & Technology ("BCIT") alleging that the City Law Department "discovered an unauthorized account had access to their files[.]"⁷ For the first time, the City publicly took the position that the OIG had gained "unapproved and unfettered access" to the City Law Department's "confidential work product and communications." *Id.*

42. Other than issuing the blanket press release, the City provided no further support or foundation for its assertion of attorney-client privilege or work product protections.

⁷ City of Balt., *BCIT Takes Action To Address Violation Of Attorney-Client Privilege* (Jan. 24, 2026), <https://www.baltimorecity.gov/mayor/news-media/press-releases/2026-01-24-bcit-takes-action-to-address-violation-of-attorneyclient-privilege>.

43. Neither the OIG nor the OIG Advisory Board were notified of this press release.

44. The BCIT press release directly and inexplicably contradicts the City’s longstanding Technology Acceptable Use Policy, first enacted in 2016 and later updated and revised in 2023:

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.**^[8]

(Emphasis added).

45. Contemporaneous with the BCIT press release, the OIG IT Administrator lost his ability to manage and monitor the server and databases that contain, *inter alia*, notes of interviews and information provided in confidence by whistleblowers and City employees in connection with ongoing investigations. Specifically, the OIG IT Administrator could no longer (1) access the server and databases; and (2) monitor the server and databases to ensure that only authorized individuals were accessing the information contained within.

46. Upon learning that the OIG IT Administrator’s access had been restricted, IG Cumming notified her law enforcement partners that her ability to protect the data associated with her investigations—including identities of confidential whistleblowers—had been compromised.

⁸ City of Balt., Acceptable Use Policy at 4 (Jan. 1, 2023), https://s3.amazonaws.com/baltimorecity.gov.if-us-east-1/s3fs-public/am-118-1_0.pdf.

47. IG Cumming made a second request to the City Law Department to retain independent counsel. Again, that request was denied.

48. Although the OIG IT Administrator's access was partially restored on January 29, 2026, the OIG had no way of determining who, if anyone, had accessed the server and databases between January 24 and 29, 2026.

49. To determine whether any confidential information had been breached, on January 29, 2026, IG Cumming requested from the City Law Department activity logs and access audit logs. The City Law Department denied IG's Cumming's request, citing privilege.

50. IG Cumming requested—for a third time—permission to retain independent counsel. The Law Department denied that request.

51. On February 6, 2026, in an attempt to bolster its position, the City Law Department forwarded to IG Cumming a 2 ½ page advisory letter from the Attorney General's Office discussing the MPIA. The Attorney General himself has confirmed that the advisory letter was never meant to be an official opinion of the Office of the Attorney General and that it "could have been written by a second-year law student[.]"⁹

52. On that same day, the OIG's ability to monitor the server and databases was cut off.

53. The chilling effect of the City's efforts to deprive the OIG of its independence and ability to maintain confidential information related to its investigations cannot be understated.

For example, of the 324 investigations conducted by the OIG since January 2018, 104 involved

⁹ Mark Reutter, *Maryland AG: "It could have been written by a second-year law student"*, Balt. Brew (Feb. 12, 2026), <https://www.baltimorebrew.com/2026/02/12/maryland-ag-it-could-have-been-written-by-a-second-year-law-student/>; see also *AG Brown says Baltimore City wrongly interpreted letter used to block IG access to records*, WBFF FOX 45 Balt. (Feb. 11, 2026), <https://www.youtube.com/watch?v=K2v16cGX1-8>.

cases that would have shielded information from the OIG under the MPIA.¹⁰ In those 104 cases, the OIG identified approximately \$38.9 million in fraud, waste, or abuse.¹¹

54. In addition, the City's recent interpretation has hamstrung the OIG's ability to thoroughly conduct investigations and subpoena third-party entities. For example, in the past, obtaining unredacted data from the City allowed the OIG to identify third parties (such as financial institutions) who possessed relevant information so that the OIG could then subpoena those entities. By redacting whole swaths of information, the City has deprived the OIG of its ability to identify relevant sources of information and exercise its independent subpoena authority.

55. Moreover, because the City eliminated OIG's ability to monitor the server and databases to ensure confidentiality, the protections that whistleblowers and other individuals providing information related to investigations into fraud, waste, and abuse once had have been severely undermined. To *wit*, any information stored by the OIG could be accessed by any number of individuals in City government who could later retaliate against or unduly influence participants complying with lawful OIG-related inquiries, silencing those who wish to come forward.

56. Because of the apparent conflict arising from the City's and OIG's positions, on February 10, 2026, IG Cumming sought and obtained approval from the Advisory Board to retain independent counsel.

¹⁰ In fact, this may be an underreporting due to data lost in the 2019 Ransomware attack on the City. See Niraj Chokshi, *Hackers Are Holding Baltimore Hostage: How They Struck and What's Next*, N.Y. Times (May 22, 2019), <https://www.nytimes.com/2019/05/22/us/baltimore-ransomware.html>.

¹¹ Accord Jeff Abell, *Advocates fear billions of tax dollars at stake as Baltimore City denies access to IG*, FOX 45 News (Feb. 13, 2026), <https://foxbaltimore.com/news/local/advocates-fear-billions-tax-dollars-stake-baltimore-city-denies-access-inspector-general>.

57. It cannot be said any plainer than this: If the Mayor's Office, through the Mayor-appointed City Solicitor, who serves at the pleasure of the Mayor, is to be the final arbiter of what information should be disclosed in investigations of potential fraud, waste, and abuse, then why did the people and taxpayers of Baltimore City establish in the City Charter an OIG in the first place?

58. Accordingly, Plaintiffs now seek this Court's intervention to preserve and protect the independence and integrity of the OIG vested upon it by the people of Baltimore City and the City Charter and to prevent the irreparable harm to the taxpayers of Baltimore City should its watchdog be put to sleep.

COUNT I

Declaratory Judgment

(Pursuant to § 3-409 of the Courts and Judicial Proceedings
Article, Maryland Uniform Declaratory Judgments Act)

59. Plaintiffs incorporate by reference paragraphs 1 through 58.

60. Pursuant to Maryland Code Ann., Cts. & Jud. Proc. § 3-409(a):

[A] court may grant a declaratory judgment or decree in a civil case, if it will serve to terminate the uncertainty or controversy giving rise to the proceeding, and if:

(1) An actual controversy exists between contending parties;

(2) Antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation; or

(3) A party asserts a legal relation, status, right, or privilege and this is challenged or denied by an adversary party, who also has or asserts a concrete interest in it.

61. A party has standing to bring a declaratory judgment action when the party possesses "a legal interest such as one ... founded on a statute [that] confers a privilege." *Comm. For Responsible Dev. on 25th St. v. Mayor & City Council of Balt.*, 137 Md. App. 60, 72 (2001).

62. An actual controversy exists between Plaintiffs and the City. Plaintiffs, in their official capacities, and Chairperson Guilford and Secretary Godey, as taxpayers of Baltimore City, seek to enforce the OIG's subpoena power authorized by the City Charter to identify and ameliorate misuse of taxpayer dollars in City government; the City refuses to comply.

63. Moreover, antagonistic claims are present between the parties establishing imminent and inevitable litigation. Article X, § 4(d)(2) expressly authorizes the OIG to "enforce any subpoena issued pursuant to this subsection in any court of competent jurisdiction." The Advisory Board and its Chairperson are obligated to appear before City Council at least once per year to provide the City Council with an overview of the activities of the Board and the OIG. *Id.* § 3(l). The City, through the City Law Department, has refused to comply with subpoenas, taking the position that they are not subpoenas at all, but instead merely requests pursuant to the MPIA. Given the City's position, the City Law Department has deprived the OIG of its ability to enforce the subpoenas, establishing an undeniable conflict that has required the OIG to retain independent counsel to litigate the matter.

64. Finally, Plaintiffs assert a legal relation, status, right, or privilege under the City Charter that has been challenged or denied by the City. Plaintiffs assert that the OIG is vested with the express authority to issue and enforce subpoenas, including to City government, and the Advisory Board is obligated to oversee and report the activities of the OIG to City Council, including whether the OIG is carrying out its responsibilities; the City maintains that it has a concrete interest in treating those subpoenas as MPIA requests.

65. Thus, there is an actual controversy of a practical issue between the Plaintiffs and the City within the jurisdiction of this Court involving the rights and liabilities of the parties

under the Baltimore City Charter, which controversy may be determined by a judgment of this Court.

66. Pursuant to Md. Code Ann., Cts. & Jud. Proc. § 3-409(e), Plaintiffs request a speedy hearing of this action for declaratory judgment and request that it be advanced on the Court's calendar.

COUNT II
Injunctive Relief

(Pursuant to Maryland Rules 15-501 through 15-505)

67. Plaintiffs incorporate by reference paragraphs 1 through 66.

68. Requests for injunctions, including preliminary and permanent injunctions, are governed by Rules 15-501 through 15-505.

69. A preliminary injunction may be granted pursuant to Rule 15-505 after a court considers the following four factors:

- (A) the likelihood that the plaintiff will succeed on the merits;
- (B) the “balance of convenience” determined by whether greater injury would be done to the defendant by granting the injunction than would result from its refusal;
- (C) whether the plaintiff will suffer irreparable injury unless the injunction is granted; and
- (D) the public interest.

68. “Where two governmental parties, both presumptively acting in the public interest, are in irreconcilable conflict in the execution of their governmental responsibilities,” then “a court of equity can usually best resolve the impasse by issuing a temporary injunction where that is necessary to preserve the status quo until a decision on the merits is rendered, so long as that course does not result in greater harm to the public interest than would a refusal to

interfere.” *State Dep’t of Health & Mental Hygiene v. Baltimore Cnty.*, 281 Md. 548, 556 (1977)
(internal footnote omitted).

69. Each of the factors militate in favor of issuing preliminary and permanent injunctive relief to Plaintiffs.

70. First, Plaintiffs are likely to succeed on the merits of this action. The plain, unambiguous language of the City Charter authorizes the OIG to issue and enforce subpoenas to carry out the responsibilities of the office. That has been the status quo since at least 2018.

71. Second, the balance of harms militates in favor of issuing injunctive relief. From 2018 through 2025, the City complied with all requests to it from the OIG, providing direct access and unredacted materials upon demand, demonstrating that there is no harm to the City to provide information requested by the OIG’s office. On the other hand, the City’s sudden departure from longstanding practices has effectively gutted the OIG’s authority and ability to act independently, free from political influence.

72. Third, irreparable injury will befall the OIG and the inhabitants of Baltimore if the City is permitted to shield information from the OIG connected to its investigations of fraud, waste, and abuse in City government.

73. Finally, granting such an order is in the public interest as it maintains the status quo and allows the OIG to continue to conduct investigations under its independent authority to ferret out fraud, waste, and abuse in City government. The denial of Plaintiffs’ request would cripple the OIG’s ability to directly access critical information needed to carry out its functions, and deny the people of Baltimore their right to have an independent watchdog promote the interests of efficiency, accountability, and integrity in City government.

74. By this Verified Complaint and request for a preliminary and permanent injunction, Plaintiffs ask the Court to enjoin the City now and forever from refusing to fully comply with subpoenas issued by the OIG pursuant to City Charter Article X, § 4, and from interpreting such subpoenas as requests pursuant to the MPIA.

75. In addition, Plaintiffs seek a preliminary and permanent injunction enjoining the City from taking any actions that would otherwise hinder or deny the OIG the ability to carry out her investigations and maintain the independence of her office, including, but not limited to restricting the OIG's:

- a. direct access to any City databases critical to carrying out the functions of the office;
- b. ability to maintain confidentiality of information gathered within the scope of OIG investigations;
- c. ability to monitor the server and databases to ensure the safety and protect the identity of individuals, including whistleblowers, who disclose information to the OIG and protect those individuals from undue influence; and
- d. ability to retain independent counsel when a clear conflict of interest arises between the City and the OIG with respect to subpoena enforcement.

76. Plaintiffs respectfully request that bond be waived pursuant to Rule 15-503(b).

COUNT III
Writ of Mandamus

(Pursuant to Maryland Rule 15-701; Md. Code Ann., Cts. & Jud. Proc. §§ 3-8B-01, *et seq.*)

77. Plaintiffs incorporate by reference paragraphs 1 through 76.

78. “[A] common law mandamus action is appropriate where the relief sought involves the traditional enforcement of a ministerial act (a legal duty) by recalcitrant public officials, but not where there is any vestige of discretion in the agency action or decision.” *Wash. Suburban Sanitary Comm’n v. Lafarge N. Am., Inc.*, 443 Md. 265, 282 n.17 (2015) (cleaned up).

79. “[T]he authority to issue mandamus rests within the sound discretion of the court.” That discretion “must ‘be exercised under the rules long recognized and established at common law.’” *Philip Morris Inc. v. Angeletti*, 358 Md. 689, 708 (2000) (quoting *Hardcastle v. Md. & Del. R.R. Co.*, 32 Md. 32, 35 (1870)).

80. The City Charter confers upon the OIG the ability to issue and enforce subpoenas, which, *inter alia*, “require ... the production of any information, document, report, record, account, or other material.” BALT., CHARTER art. X, § 4(d)(1)(ii).

81. The City Charter’s clear and unambiguous language establishes that responses to subpoenas issued by the OIG are not permissive; they are mandatory.

82. Accordingly, Plaintiffs respectfully request that this Court issue a Writ of Mandamus requiring the City to treat subpoenas issued by the OIG as subpoenas—not requests pursuant to the MPIA—and to respond to those subpoenas as any other validly issued subpoena received under local, state, and federal law, including any subpoenas currently outstanding.

COUNT IV **Further Relief**

83. Plaintiffs incorporate by reference paragraphs 1 through 82.

84. Plaintiffs seek all such further relief to which they are entitled at law and in equity, including attorneys’ fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

A. Set and hold a speedy hearing of this action for declaratory judgment to be advanced on the Court’s calendar pursuant to Md. Code Ann., Cts. & Jud. Proc. § 3-409(e);

B. Determine and adjudicate the rights and liabilities of Plaintiffs and Defendant regarding Article X of the Baltimore City Charter;

C. Declare that the Baltimore City Office of the Inspector General has the legal authority to issue subpoenas without restrictions, including to the Mayor and City Council of Baltimore City;

D. Declare that all subpoenas, past, present, and future, issued by the Baltimore City Office of the Inspector General shall be given the full force and effect of any subpoena issued under local, state, and federal law;

E. Declare that the Mayor and City Council of Baltimore City must fully comply with and respond to any and all subpoenas issued by the Baltimore City Office of the Inspector General, including any subpoenas currently outstanding and all subpoenas issued in the future;

F. Issue a preliminary and permanent injunction enjoining the Mayor and City Council of Baltimore City, including through the City Law Department, from treating any subpoenas issued by the Baltimore City Office of the Inspector General as requests pursuant to the Maryland Public Information Act;

G. Issue a preliminary and permanent injunction enjoining the Mayor and City Council of Baltimore City Council, including through the City Law Department, from taking any actions that would impede, inhibit, or restrict the Baltimore City Office of the Inspector General from carrying out the duties and responsibilities of the office;

H. Issue a Writ of Mandamus requiring the Mayor and City Council of Baltimore City to receive and respond to any subpoenas issued by the Baltimore City Office of the Inspector General, including any subpoenas currently outstanding;

I. Enter an order requiring the Mayor and City Council of Baltimore to compensate independent counsel retained by the Baltimore City Office of the Inspector General to enforce

subpoenas in any court of competent jurisdiction when a conflict arises between the Mayor and City of Baltimore and the Baltimore City Office of the Inspector General; and

J. Award Plaintiffs any such other and further relief in law, justice, and equity to which they may be entitled, including, but not limited to attorneys' fees and costs.

DATED: February 24, 2026

Respectfully submitted,



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VERIFICATION

I SOLEMNLY AFFIRM UNDER PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THIS DOCUMENT ARE TRUE.



Isabel Mercedes Cumming, Esq.,
Inspector General for Baltimore City

DEMAND FOR JURY TRIAL

Plaintiffs respectfully request a jury trial of any issues triable as of right by a jury.



H. Mark Stichel