
From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Tuesday, January 20, 2026 10:32 PM
To: CouncilMail
Cc: Kuc, Gary; Mihill, Amanda
Subject: CB5-2026 Resumes Should Be Posted But Public Information Act May Not Permit County Waiver

Follow Up Flag: Flag for follow up
Flag Status: Flagged

WARNING!!!

This email originated from someone outside of Howard County
*****DO NOT CLICK LINKS OR OPEN ATTACHMENTS*****
unless you recognize the sender and know for sure that the content is safe

Dear Councilmembers,

Like many members of the public, for several years I have been concerned that the resumes of nominees for boards and commissions stopped being posted in Related Documents. What education or experience do the individuals meet regarding the position to which they are being confirmed especially when the Code has specified qualifications?

In recent months, the County Solicitor explained that the resumes were no longer being posted after someone complained about their information being on the Council's website. The Solicitor stated that this was based on letter opinions from the Attorney General. The Maryland Public Information Act Manual (19th ed., Dec. 2024) states on page 3-14

The personnel record exception is not limited to paid officials and employees; biographical information submitted by individuals seeking to serve on agency advisory committees is also protected. See Letters from Assistant Attorney General Kathryn M. Rowe to Senator Brian E. Frosh and Delegate Jennie M. Forehand (Oct. 6, 2000).

If this 2000 letter opinion was the one that the Solicitor was referencing, why did it take over two decades for the resumes to stop being posted online?

While I have supported waivers, and even agreed to one when I submitted an application, if the opinion of the City of Baltimore, City Solicitor is correct, then the county lacks any legal authority to require a waiver and that disclosing the information is a criminal act:

An employee who consents to disclosure of his or her personnel record likely would not bring a lawsuit seeking the civil damages that are available under PIA Section 4-401. However, no one can waive the criminal prosecution to which a person would be subject for violating state law. See, e.g., *Lopez-Sanchez v. State*, 388 Md. 214, 226 (2005), superseded by statute on other grounds by *Holie v. State*², 404 Md. 591, 605 (2008), (“A criminal act is an offense against the sovereign, a wrong injurious not only to the victim but to the public at large, and, as such, is brought in the name of the State of Maryland.”).

Public Disclosure of Personal Information, John L. Shea, City of Baltimore, City Solicitor, Oct. 21, 2021, p. 3.

<https://mayor.baltimorecity.gov/sites/default/files/2021-10-21%20Opinion%20on%20Public%20Disclosure%20of%20Personnel%20Information.pdf>

What if the county wanted to require waivers for applications of regular employees? Would anyone consider that to be proper? Under Baltimore City's opinion, the county can no more have a waiver for boards and commissions than they could for any regular employee. Part of the problem is that the Public Information Act has one mandatory exception for regular employees and volunteers to boards and commissions. Perhaps, asking for an amendment to the State law is the more appropriate remedy.

Alternatively, in July I drafted legislation to put the necessary information in the body of the resolutions. I believe that even if resumes were posted, it would not have identified the license disqualifications in 2024 regarding a nominee to the Alcoholic Beverage Hearing Board or the dual service of the member of the Ethics Commission. I believe that my legislation would most likely have caught these issues. I have been looking for a Council sponsor to discuss this further.

Joel Hurewitz

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Wednesday, January 21, 2026 9:02 AM
To: CouncilMail
Subject: CB5-2026 Boards and Commissions – Appointee Biographical Information– Posting on County Government Website

Follow Up Flag: Flag for follow up
Flag Status: Flagged

WARNING!!!

This email originated from someone outside of Howard County
DO NOT CLICK LINKS OR OPEN ATTACHMENTS
unless you recognize the sender and know for sure that the content is safe

Dear Councilmembers,

Assuming that CB5-2026 is lawful under the Public Information Act, amendments are needed.

To include confirmations that are not necessarily Howard County Boards and Commissions including the Library Board, Board of Health, Property Tax Assessment Appeals Board, and the State Agricultural Preservation Advisory Board, and vacancies on the Board of Education and appointments to the Board of Appeals, which is a vote of appointment not a confirmation of appointment from the County Executive --

Strike beginning with EACH in Line 10, through COUNCIL in Line 11 and substitute

1. ALL RESOLUTIONS OF CONFIRMATION BY THE COUNTY COUNCIL MADE PURSUANT TO SECTION 209(C), 404, 703, OR 915 OF THE HOWARD COUNTY CHARTER,
2. APPOINTMENTS TO THE BOARD OF APPEALS,
3. APPOINTMENT OF THE HEARING EXAMINER,
4. APPOINTMENT OF THE ZONING BOARD HEARING EXAMINER,
5. APPOINTMENT OF THE ZONING COUNSEL,
6. APPOINTMENTS TO FILL ANY VACANCIES IN THE OFFICE OF COUNTY EXECUTIVE OR THE COUNTY COUNCIL,
7. APPOINTMENTS TO FILL A VACANCY ON THE HOWARD COUNTY BOARD OF EDUCATION,
8. APPOINTMENTS MADE PURSUANT TO SECTION 216 OF THE CHARTER, AND

9. ANY OTHER APPOINTMENT BY THE COUNCIL OR CONFIRMATION OF APPOINTMENT SPECIFIED BY STATE LAW.

SEC. 22.1400. - BOARDS AND COMMISSIONS APPOINTMENTS.

10 (A) SCOPE OF SECTION. THIS SECTION APPLIES TO EACH APPOINTMENT TO A HOWARD COUNTY

11 BOARD AND COMMISSION REQUIRING CONFIRMATION BY THE COUNTY COUNCIL

Strike beginning with APPOINTMENTS In Line 14, through COUNCIL in Line 15 and substitute **PERSONS SUBJECT TO THIS SECTION**

13 (B) PUBLICATION AND POSTING OF RESUMES OR OTHER BIOGRAPHICAL INFORMATION. THE RESUME

14 OR OTHER BIOGRAPHICAL INFORMATION OF ALL APPOINTMENTS TO A HOWARD COUNTY

15 BOARD OR COMMISSION REQUIRING CONFIRMATION BY THE COUNTY COUNCIL

Strike in Line 19 TO A HOWARD COUNTY BOARD OR COMMISSION and substitute UNDER THIS SECTION

19 (C) WAIVER. AS A CONDITION OF APPOINTMENT TO A HOWARD COUNTY BOARD OR COMMISSION,

In Line 23 strike SUBTITLE and substitute SECTION

23 PURSUANT TO SUBSECTION (B) OF THIS SUBTITLE.

Add to Section 6.300 that applications shall include a waiver of SECTION 4-311(A) OF THE GENERAL PROVISIONS ARTICLE.

Thank you for considering these amendments.

Sincerely,

Joel Hurewitz