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TESTIMONY IN SUPPORT OF HB 502
February 11, 2020
Health & Government Operations

Dear Chair Pendergrass & Members of the Committee:

I urge a favorable report on HB 502. It is, in my opinion, one of the most important “good government” bills to be considered by the General Assembly in years.

My opinion is based on experience both inside and outside local government. I retired as Anne Arundel County Attorney in 2014 after 31 years in the county office of year, preceded by five years as an Assistant State’s Attorney for Anne Arundel County.

Since retiring I have written extensively about local and state government, focusing on those issues involving transparency and accountability. In fact, I wrote an op-ed published by the *Baltimore Sun* in November praising the report by the MPIA Ombudsman and Compliance Board on which this bill is based. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1114-pia-changes-20191113-pqyzhgdsprczrkwox7ymwrjem-story.html>

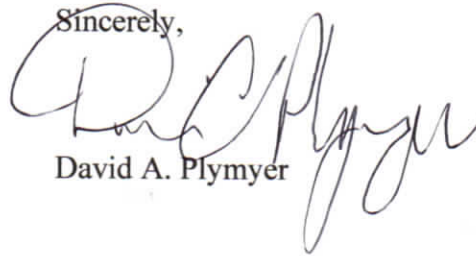
The proposal to establish an administrative remedy for resolving disputes over access to public records is long overdue, and it makes absolute sense to give that role to the Compliance Board. The body of law on interpretation of the MPIA is relatively small and lends itself perfectly to resolution by an administrative panel.

Not only will there be a tremendous savings in time and money to applicants and custodians, over time there will be a collection of reported decisions by the board to guide applicants and custodians. And I believe that administrative dispute resolution will curtail the too-common practice by some agencies of denying meritorious applications in the knowledge that few applicants can afford to go to court to compel compliance.

The record keeping and reporting requirements of the bill are indispensable to accountability. *I admit that it took me awhile during my career in local government before I recognized that openness and transparency are not secondary concerns or nuisances, they are one of its core responsibilities. Without open and transparency there is no accountability, and without accountability government can do almost as much harm as good. Openness and transparency must be regarded as an essential part of the system of check and balances on governmental power.*

It is no secret that Maryland has struggled with controlling corruption within state and local government, and I don't believe that it is a coincidence that Maryland has lagged behind in the strength of its laws requiring openness and transparency. The observation by former Supreme Court Justice Louis Brandeis that "sunlight is the best disinfectant" may have become a cliché, but it is one that contains a great deal of truth.

HB 502 is a major step in the right direction, a credit to its sponsors. Thank you for considering my comments, and for your service to the citizens of Maryland.

Sincerely,

David A. Plymyer