



*Timothy K. Cameron*  
Sheriff

# *Office of the Sheriff*

## *St. Mary's County, Maryland*

Headquarters  
23150 Leonard Hall Drive  
Leonardtown, MD 20650  
301-475-4200 Ext. 1900  
301-475-4047 Fax

Detention Center  
41880 Baldrige Street – P.O. Box 960  
Leonardtown, MD 20650  
301-475-4200 Ext. 3200  
301-475-4095 Fax



An Internationally  
Accredited Agency

June 21, 2022

Mr. Ken Rossignol  
The Chesapeake Today  
[Ken.thechesapeake@gmail.com](mailto:Ken.thechesapeake@gmail.com)

RE: MD Public Information Act Request

Dear Mr. Rossignol:

The Office of Professional Responsibilities received your request under the Public Information Act, Md. Code Ann., Gen. Prov. ("GP") §§ 4-101–4-601, on May 18, 2022, seeking records related to the "investigation into the firing of live rounds into a single-family residence in the Wildwood neighborhood." Specifically, you have requested any reports on all such incidents and the names of the involved employees or vendors who participated in the training that led to this event and any discipline that was administered. We advised you on June 15, 2022, that your request for the full, final report involving the shooting incident that occurred on February 27, 2014, would take us more than ten working days to produce the responsive records; the reasons for which may include the scope of your request, the type and volume of potentially responsive records, and the nature of the search, review and preparation that is required. And that we would respond to your request within thirty (30) calendar days pursuant to GP § 4-203(b)(2). We advised you at that time that in the event that there are any fees associated with your request, that we would inform you of the total charges in advance of fulfilling your request on or before June 17, 2022. We have assembled all of the documents and interviews and photographs, and we expect that the review and redaction process will take approximately 15 hours to complete. The first two hours are provided free of charge. The remaining 13 hours calculated at \$25.00 per hour will be \$325.00. In accordance with Gen. Prov. § 4-203(b) we will need to receive prepayment of the fee prior to completing this request.

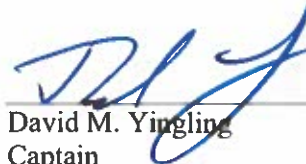
We received your emailed response on June 15, 2022, with the additional information regarding your request for a fee waiver and I am writing now to advise you that your request has been denied pursuant to the Public Interest Standard, under the Public Interest Standard, an agency custodian is authorized to waive the fee if "the custodian determines that the waiver would be in the public interest." GP § 4-206(e)(2)(ii). In determining whether a waiver would be in the public interest, a custodian is only required to consider the applicant's ability to pay the fee and "other relevant factors," but the statute does not specify what those factors are. Your request for a fee waiver has been denied. We see no reason to waive the fee as the only public interest would be by Captain Hall running for Sheriff. Captain Hall's discipline for not being aware of that training location has already been widely reported in the media and released to multiple outlets. Captain Hall was not present at or involved with the training at that location. Therefore we do not agree that a fee waiver would be in the public interest.

Although the Maryland Public Information Act Manual does include a request for waiver of fees, it remains in the agency's discretion to charge a reasonable fee and to grant a fee waiver request. Gen. Prov. § 4-206(b) ("the official custodian *may* charge an applicant a reasonable fee . . .") (emphasis added); § 4-206(e) ("The official custodian *may* waive a fee under this section . . .") (emphasis added). Granting a fee waiver request in this circumstance requires a determination of whether a waiver is in the "public interest," "after consideration of the ability of the applicant to pay the fee and other relevant factors." Gen. Prov. § 4-206(e)(2)(ii). Courts and OAG have cautioned that agencies cannot look solely at the applicant's ability to pay the fee and the cost to the agency, but should also consider whether the public purpose of the request might justify the expenditure of public funds to comply with the request and the public benefit in making available information. *See* Office of the Attorney General's Maryland Public Information Act Manual at 7-6. When weighed against the enormous burden on an agency posed by the request, it is currently our policy to deny fee waiver requests for these unreasonably broad requests.

In the interests of cooperation, we have included a copy of Captain Steven Hall's disciplinary History report which includes the case disposition as it relates to Captain Hall being unaware of the training location for AI2014-007.

Please feel free to contact me if you have any additional questions. I can be reached at 301-475-4200 extension 78025.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DMY', is written over a horizontal line.

David M. Yingling  
Captain  
Interim Assistant Sheriff

DMY/km

Cc: Mr. Kevin Karpinski, Karpinski, Cornbrooks & Karp, P.A.

Enclosure

Concise Employee History

Captain Steven A Hall [83]

ID Number: 83 Hire date: Oct 17, 1994  
Current assignment(s):  
: SOD  
: SOD Commander

**Involved Employee: Administrative investigation** OPR No: AI-099  
Associated Cal5109-08

Received: Jan 09, 2008

Allegations:

Performance - failed to notify OPR of an employee assault - A 2.06.006 Performance of Duty - Sustained - Jan 09, 2008

Actions taken:

: Jan 09, 2008 - Written Counseling Days/hrs suspended: 0

**Involved Employee: Administrative investigation** OPR No: AI2013-012

Received: Apr 15, 2013

Allegations:

Performance - A 2.06.008 Punctuality/Reporting to Duty - Sustained - Apr 17, 2013

Actions taken:

: Apr 17, 2013 - Written Reprimand Days/hrs suspended: 0

Employee accepted a Minor Disciplinary Report wherein he was issued a letter of reprimand.

**Involved Employee: Administrative investigation** OPR No: AI2014-007

Received: Feb 27, 2014

Allegations:

Performance - unaware of training location - A 2.06.007 Performance Level - Sustained - Dec 16, 2014

Actions taken:

: Dec 16, 2014 - Written Reprimand Days/hrs suspended: 0  
Category B: Dec 16, 2014 - Loss of Leave Days/hrs suspended: 8

8 hours loss of leave

Report summary: totals by incident type:

Incident type	Received
Administrative Inquiry	0
Administrative investigation	3
<b>Total</b>	<b>3</b>