

## **THIRD AUDIT IN 7 YEARS BRINGS SIMILAR RESULTS** (AUDITSIDE)

w/ Auditmain, Auditboxes, Results, Gansler Q&A

By Jim Lee  
Carroll County Times

January's audit of Maryland emergency management offices marks the third time in seven years that government agencies have performed poorly when it comes to responding to requests for public information.

In 2000, auditors organized by the Maryland-Delaware-D.C. Press Association were denied 50 percent of the time when they asked county offices for several common records, including nursing home inspection reports, the school superintendent's contract and routine police logs.

In 2003, the Press Association sent out auditors to 15 state agencies. Requested documents were released only about 60 percent of the time. Many auditors faced interrogation about who they were and why they wanted the documents.

After each audit, the state Attorney General's office stepped up training efforts in an effort to improve compliance.

Attorney General Douglas Gansler, elected last November, said his office remains a proponent of open government just as it was under J. Joseph Curran Jr., who did not seek re-election.

"Some of the non-compliance is intentional and some is unintentional and is a lack of information and training," he said. "I do understand when there are exceptions, but as a general principle government should be transparent and we should move to that as much as we can."

Debra Gersh Hernandez, Sunshine Week national audit coordinator, said testing access can reveal problems and prompt governments to enact changes.

"We're seeing results in state legislatures," she said. "They are paying attention to open government like never before. We're seeing people being empowered to get information and how to get it."

For instance, she said, audits in New York prompted legislation aimed at improving access. In Oklahoma, changes were made to fees that governments could charge for information, and in Seattle, closed court dockets were opened.

Gansler said he doesn't think changes are needed in the state's open records law.

"The laws are sufficient," he said. "The enforcement of those laws is sometimes less than sufficient, and the knowledge of some local governments of the legal requirements also is less than efficient."

Eric Lieberman, chairman of the press association's Government Affairs Committee and deputy counsel and director of government affairs at the *Washington Post*, said a review of the state's open records laws may be in order.

"It's been a while since anyone has taken a serious look at the statute to insure the exemptions still make sense," he said.

Lieberman said open government starts at the top, and our leaders have to make it a priority. He said audits of how well agencies comply with the law provide a valuable public service.

"They let people know there are widespread compliance problems over a period of years in Maryland," he said. "Something needs to be done."

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