

Bond Case Briefs

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POLITICAL SUBDIVISIONS - MARYLAND

Trustees of Walters Art Gallery, Inc. v. Walters Workers United

Supreme Court of Maryland - July 29, 2025 - A.3d - 2025 WL 2115486

Labor unions filed complaint against art museum's board of trustees, board president, and museum director, seeking to compel production of records requested under the Maryland Public Information Act (MPIA).

On cross-motions for summary judgment, the Circuit Court entered summary judgment for unions and directed defendants to respond to the MPIA requests. Defendants appealed, and the Circuit Court stayed its ruling pending appeal. The Appellate Court affirmed. Defendants petitioned for further review.

After granting certiorari, the Supreme Court held that:

- Method and purpose of board's formation favored finding that board, which had been founded due to a bequest to mayor and city council and whose board of trustees had been incorporated by the General Assembly as an "educational corporation," was not a government instrumentality;
 - General Assembly's decision to incorporate board by special act under Maryland Constitution's provision on formation of corporations did not reflect an intent to create a municipal entity; disapproving *Moberly v. Herboldsheimer*, 276 Md. 211, 345 A.2d 855.
 - "Degree of governmental control" factor weighed against finding that board was a government instrumentality;
 - "Public funding" factor leaned modestly against finding that board was a government instrumentality;
 - "Performance of traditionally governmental functions" factor went against finding that board was a government instrumentality;
 - "Tax treatment" factor leaned in favor, albeit with relatively little weight, of finding that board was a government instrumentality;
 - "Sovereign immunity" factor weighed against finding that board was a government instrumentality; and
- Considering all factors, board was not a government instrumentality and thus was not subject to the MPIA.