

DEPARTMENT OF GENERAL SERVICES
Records Management Division

SCHEDULE
NO. 1646

PAGE Cover
NO. Sheet

RECORDS RETENTION AND DISPOSAL SCHEDULE

Office of the Attorney General

AGENCY

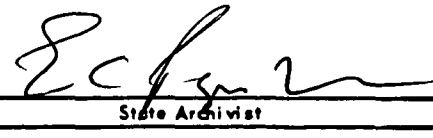
DIVISION

Item No.	Description	Retention
	<p>Supersedes:</p> <ul style="list-style-type: none"> Schedule No. 430 Schedule No. 631 Schedule No. 923 Schedule No. 1034 Schedule No. 1193 Schedule No. 1238 Schedule No. 1528 <p>Also supersedes:</p> <ul style="list-style-type: none"> Schedule No. 612-44, Item #1 Schedule No. 612-68, Item #5 Schedule No. 1258, Items #10 and 11 Schedule No. 1465, Item #5 <p>See attached sheets.</p> <p>23 total pages</p>	

Schedule Approved by Department,
Agency, or Division Representative

Schedule Authorized by
Hall of Records Commission

10/21/94  Attorney General
 Date Signature Title

2/2/95  State Archivist
 Date Signature Title

RECORDS RETENTION AND DISPOSAL SCHEDULE

for the

OFFICE OF THE ATTORNEY GENERAL

October 31, 1994

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Introduction

This schedule has been developed by the Office of the Attorney General and sets forth retention and destruction policies of OAG records. Questions or comments should be directed to:

Office of the Attorney General
Attn: Frances M. Thurlow
Central Files Unit
200 St. Paul Place
Baltimore, Maryland 21202
(410) 576-6490

A Records Management Manual is available from the Records Management Division of the Department of General Services and provides additional guidance in applying disposal recommendations contained in this schedule. Requests for the manual should be directed to:

Department of General Services
State Records Management Center
7275 Waterloo Road
P. O. Box 275
Jessup, Maryland 20794-0275
(410) 799-1379

Selection Criteria

The following criteria should be used for determining when a file is selected for permanent retention and forwarded to the Maryland State Archives.

1. A case in the Supreme Court of the United States.
2. A case when judgment/settlement was in excess of \$1 million.
3. A class action suit.
4. A capital case.
5. Any case or file considered to be of archival value for the history of the State of Maryland.

1. Civil Litigation

This series consists of civil lawsuits filed in state and federal courts against, or on behalf of the state, state agencies, and/or state officials.

This series includes, but is not limited to: affirmative litigation, amicus brief cases, bankruptcies, bid protests, charitable trusts, civil rights, contract disputes, contractor claims, disabilities, foreclosures, forfeitures, garnishments, guardianships, hospital closings, pro bono, torts, unemployment insurance, etc.

Contents of a typical file may include: pleadings, briefs, correspondence, settlement, costs, witness depositions, documents, trial transcripts, research, notes, drafts, file opening/closing memoranda, etc.

Retention A: Retain in office 5 years after file is closed. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to the State Records Center for an additional 15 years, then destroy.

Retention B: Tort and unemployment insurance. Retain in office 3 years after file is closed. Transfer to the State Records Center for an additional 5 years, then destroy. When a tort matter involves a juvenile and the juvenile has not brought suit or settled, transfer file to the State Records Center for an additional 15 years to provide for the age of majority period, then destroy.

2. Criminal Prosecutions

This series consists of criminal proceedings filed in state and federal courts on behalf of the state involving a broad range of criminal activity.

This series includes, but is not limited to: crimes by state employees, fraud against the state, public corruption, fraud by health care providers and equipment suppliers receiving medicaid funds, patient abuse and neglect crimes, violations of the Maryland Antitrust Act and environmental statutes, and all crimes for which the Attorney General has authority to investigate and prosecute.

Contents of a typical file may include: charging documents, trial summons, pleadings, correspondence, grand jury subpoenas and evidence, tax returns, credit reports, police reports, transcripts and memoranda.

Retention A: Retain in office until file is closed at the expiration of sentence and probation period. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to the State Records Center and retain for an additional 15 years, then destroy.

Retention B: Criminal Investigations Division and Medicaid Fraud Control Unit: Return all original documents and tax returns within 1 year of final disposition. Shred or incinerate remainder of file within 1 year of final disposition except pleadings and memoranda. Retain all pleadings and memoranda in the office for 3 years after the file is closed, then shred or incinerate.

3. Criminal Appellate and Habeas Corpus Litigation

This series consists of lawsuits involving the criminal justice system in the state appellate courts and the collateral review of state criminal convictions in the federal courts.

Contents of a typical file may include: docket entries, trial transcripts, appellate briefs, court opinions, pleadings, correspondence, etc.

Retention: Retain in office for 5 years after file is closed. Microfilm and destroy originals. Retain microfilm permanently; transfer master negative periodically to the Maryland State Archives.

4. Settlement

This series consists of the files of the Chief or Deputy Chief of Litigation relating to the terminations of lawsuits by agreement with the Board of Public Works.

Contents of a typical file may include: Settlement Agreements, correspondence, notes, drafts, etc.

Retention: Retain in office for 10 years after file is closed. Transfer to the State Records Center and retain for an additional 15 years, then destroy.

5. Administrative Proceedings

This series consists of proceedings before administrative agencies performing quasi-judicial duties.

This series includes, but is not limited to: all administrative proceedings such as those before the Office of Administrative Hearings or before any independent agency, commission, board, department, executive commission or committee acting in a quasi-judicial capacity. Also included are Minority Business Enterprises administrative proceedings, and proceedings where companies have been debarred from doing business with, or in, the State of Maryland.

Contents of a typical file may include: pleadings, Proposed Findings of Fact, Conclusions of Law, indictments, correspondence, transcripts, administrative law judges' decisions, documents, research, notes, etc.

Retention: Retain in office for 5 years after file is closed or until expiration of certification or debarment agreement. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to State Records Center to be retained for an additional 10 years, then destroy.

6. Administrative Tribunals

This series consists of proceedings when an assistant attorney general acts as an administrative hearing officer or administrative law judge and adjudicates cases.

Contents of a typical file may include: pleadings, correspondence, exhibits, documents, notes, etc.

Retention: Retain in office for 5 years after file is closed. Transfer to the Maryland State Archives for permanent retention.

7. Agreements

This series consists of preparation, review and/or approval of agreements on behalf of the state, state agencies, and/or state officials.

This series includes, but is not limited to: agreements, inter-agency agreements, those between country clubs and the Department of Assessments and Taxation for preferential tax treatment, etc.

Contents of a typical file may include: agreements, correspondence, documents, notes, etc.

Retention: Retain in office 5 years after file is closed. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to the State Records Center to be retained for an additional 15 years, then destroy.

8. Investigations

A. No Action Initiated

This series consists of investigations initiated by the OAG where no law enforcement action was taken.

Contents of a typical file may include: correspondence, memoranda, notes, administrative subpoenas, subpoena deposition transcripts, documents, etc.

Retention: Retain in office for 5 years after file is closed. Transfer to the State Records Center to be retained for an additional 5 years, then destroy.

B. Criminal Investigations - No Gubernatorial Authorization

This series consists of investigations initiated by the Criminal Investigations Division and Medicaid Fraud Control Unit of allegations of possible criminal conduct that do not result in obtaining Gubernatorial Authorization to initiate a grand jury investigation.

Contents of a typical file may include: correspondence, memoranda, notes and documents.

Retention: Return all original documents within 1 year of termination of investigation. Retain correspondence and memoranda in office for 1 year after investigation is terminated, then shred or incinerate.

C. Resulting in Settlement Agreement

This series consists of investigations initiated by the OAG where the investigation resulted in litigation, settlement agreement, letter agreement or assurance of discontinuance.

Contents of a typical files may include: pleadings, briefs, correspondence, settlement agreements, depositions, documents, trial transcripts, research, handwritten notes, drafts, assurances of discontinuance, etc.

Retention: Retain in office 5 years after file is closed. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to the State Records Center to be retained for an additional 15 years, then destroy.

D. Grand Jury Investigations Not Resulting in Prosecution

This series consists of investigations where records obtained through the grand jury are confidential. See Courts & Judicial Proceedings Article, §8-213 et seq.

Contents of a typical file may include: correspondence, memoranda, notes, voluntary evidence, grand jury subpoenas and evidence, tax returns, credit reports, newspaper articles, press releases, etc.

Retention: Return all original documents and tax returns within 1 year of termination of investigation. Shred or incinerate balance of file except pleadings and memoranda within 1 year of termination of investigation. Retain pleadings and memoranda for 3 years, then destroy.

E. Consensual Monitoring/Electronic Surveillance

This series consists of audio tapes of consensually monitored conversations and video tapes of police surveillance used in criminal prosecutions.

Retention: Retain in office for 10 years pursuant to Courts and Judicial Proceedings Article, §10-408, then destroy.

F. Telephone/Letter Logs

This series consists of telephone/letter logs used to record miscellaneous complaints and referrals from third parties to the Criminal Investigations Division, Medicaid Fraud Control Unit and the Environmental Crimes Unit.

A typical telephone/letter log may consist of correspondence, memoranda and handwritten notes.

Retention: Retain in office for 5 years, then shred or incinerate.

9. Opinions of the Attorney General

This series consists of published and unpublished opinions issued by the Attorney General pursuant to requests from state officials, agencies, etc. for clarification of legal matters.

Contents of a typical file may include: opinion request, research, memoranda, drafts and final opinion, etc.

Retention: Retain book entitled, Report and Official Opinions of Attorney General permanently. Retain official opinion file in office for 7 years or until administrative value ceases, then destroy. Retain copy of all unpublished opinions permanently in the Opinions, Advice and Legislative Division; transfer periodically to the Maryland State Archives.

10. Letters of Advice

This series consists of letters of advice on legal issues pursuant to requests from state officials, agencies, etc.

Contents of a typical file may include: the request for advice, research, memoranda, drafts and letter of advice.

Retention: Retain in office 5 years or until administrative value ceases, then destroy.

11. Correspondence

A. General Correspondence

This series consists of interchanges of written communications between attorneys and client/agencies, members of the legislature, members of the general public, organizations, constituents, etc., PIA requests and copies of agency/client minutes and agenda.

Contents of a typical file may include: letters, memoranda, requests for information, minutes, etc.

Retention: Retain in office for 5 years or until administrative value ceases, then destroy.

B. Dayletters, Reader/Chron Files

This series consists of copies of correspondence arranged by date of issue to be used for reference when copies filed by subject or title are not readily available.

Contents of a typical file may include: copies of outgoing letters and memoranda.

Retention: Retain in office for 2 years or until administrative value ceases, then destroy.

12. Legislation

A. Preparation and Enactment

This series consists of materials regarding the preparation and enactment of laws.

Contents of a typical file may include: drafts of proposed legislation, notes, correspondence, memoranda, research, administrative history, written testimony, bills in final form, etc.

Retention: Retain in office 5 years or until administrative value ceases. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Transfer all others to the State Records Center to be retained for an additional 5 years, then destroy.

B. Legislation - First and Third Readers; Bill Watch

This series consists of all printed bills and materials regarding the Bill Watch process.

Contents of this series may include: the printed First and Third Readers, hearing schedules, activity charts, letters, memoranda, etc.

Retention: Retain in office for 5 years or until administrative value ceases, then destroy.

C. Legislation - Bill Review

This series consists of approval letters to the Governor on legislative bills.

Contents of this series may include: letters, memos, etc.

Retention: Retain permanently in Opinions, Advice and Legislative Division; transfer periodically to the Maryland State Archives.

13. Regulations

This series consists of approvals of administrative rules promulgated by state agencies submitted to the Attorney General for review before they become effective.

Contents of a typical file may include: proposed and final regulation, Maryland Register notice, drafts, correspondence, memos, notes, history or background documentation, research, etc.

Retention: Retain in office 5 years after publication. Screen files to identify those meeting selection criteria. Transfer selected files to the Maryland State Archives for permanent retention. Destroy all others.

14. Financial Transactions

This series consists of OAG-generated materials relative to the approval of contracts, fidelity bonds, leases, lease/purchases, loans, grants, and inter-agency or intergovernmental agreements involving the transfer of funds, etc.

Contents of a typical file may include **copies of:** contracts, fidelity bonds, leases, loans, grants; and correspondence, drafts, notes, etc.

Retention: Retain in office 5 years or until administrative value ceases. Transfer to the State Records Center for an additional 5 years, then destroy.

15. Bonds

This series consists of OAG-generated materials relative to bonds and bond counsel.

Contents of a typical file may include: draft bond, financing statements, reports, agreements, related opinions and advice letters, bond issue documentation, correspondence, memos, research, etc.

Retention: Retain permanently. Transfer periodically to the Maryland State Archives.

16. Real Property Transactions

This series consists of OAG-generated materials relative to the review and approval of the purchase, sale, transfer, condemnation or donation of real property and Design/Build Projects.

Contents of a typical file may include: deeds, contracts of assignment, appraisal reports, surveys, Board of Public Works agenda items, proposals, related correspondence, etc.

Retention A: Retain in office 5 years or until administrative value ceases. Transfer to the Maryland State Archives for permanent retention.

Retention B: Design/Build Projects: Retain in office for 2 years or until administrative value ceases. Transfer to the State Records Center and retain for an additional 10 years after the state takes possession of the building, then destroy.

17. Research

This series consists of collections of various subject matter files for reference purposes.

Contents of a typical file may include: copies of case law, client/agency policies, notes, etc.

Retention: Retain in office until administrative value ceases, then destroy.

18. Consumer Protection

A. Health Club Registrations

This series consists of health club registration and renewal files.

Contents of a typical file may include: registration forms, correspondence, copies of bonds, letters of credit, notes, etc.

Retention: Retain in office for 2 years. Transfer to the State Records Center for an additional 5 years, then destroy.

B. Consumer Complaints and Arbitrations

This series consists of complaints filed by consumers against businesses with either the Complaint Handling Unit or the Health Education and Advocacy Unit of the Consumer Protection Division. Also included are case files regarding arbitration.

Contents of a typical file may include: complaint, correspondence, documents, notes, etc.

Retention: Retain in office for 3 years. Transfer to the State Records Center for an additional 5 years, then destroy.

C. Restitution Files

This series consists of files and documentation relative to the claims process and the distribution to consumers of restitution procured by the Consumer Protection Division.

Contents of a typical file may include: claim, correspondence, documents, notes, etc.

Retention: Retain in office for 2 years after file closing. Transfer to the State Records Center for an additional 3 years, then destroy.

19. Securities

A. Securities Registration Files

Contents of a typical file may include: registration applications, prospectuses, correspondence.

Retention: Retain in office for effective period of registration or possible re-registration. Transfer to the State Records Center for an additional 5 years, then destroy.

B. Exempt Securities

Contents of a typical file may include: Form D, MD-1 and notice filings.

Retention: Retain in office for 2 years. Transfer to the State Records Center for an additional 20 years, then destroy.

C. Enforcement Files

Contents of a typical file may include: records of investigations and enforcement actions, including administrative and court actions instituted by the Division.

Retention: Retain in office for 2 years. Microfilm pleadings. Retain microfilm permanently and transfer master negative periodically to the Maryland State Archives. Transfer remainder of file to the State Records Center for an additional 20 years, then destroy.

D. Miscellaneous Inquiry Files

Contents of a typical file may include: records of miscellaneous complaints and inquiries and the Division's response.

Retention: Retain in office for 2 years. Transfer to State Records Center for an additional 20 years, then destroy.

E. Broker-Dealer Registrations

Contents of a typical file may include: materials relative to broker-dealer registrations, renewal and status in Maryland.

Retention: Retain current records in office for 1 year after termination. Transfer to the State Records Center for an additional 5 years, then destroy.

F. Investment Adviser Registrations

Contents of a typical file may include: materials pertaining to investment adviser and investment adviser representative registration in Maryland.

Retention: Retain current records in office during period of registration or possible re-registration. Transfer to the State Records Center for an additional 10 years, then destroy.

G. Investment Adviser/Broker Dealer Compliance Files

Contents of a typical file may include: records of administrative actions brought by the Division to obtain compliance by registered persons with the broker-dealer and investment adviser provisions of the Maryland Securities Act.

Retention: Retain in office during period of registration or possible re-registration. Microfilm pleadings. Retain microfilm permanently and transfer master negative periodically to the Maryland State Archives. Transfer remainder of records to the State Records Center for an additional 10 years, then destroy.

H. **Issuer Agent Registrations**

Contents of a typical file may include: materials relating to issuer agent registration, renewal and status in Maryland.

Retention: Retain current records in office during period of registration or possible re-registration. Transfer to the State Records Center for an additional 5 years, then destroy.

I. **Franchisor Quarterly Sales Reports**

Contents of a typical file may include: sales reports submitted by various franchisors.

Retention: Retain in office for 2 years. Transfer to State Record Center for an additional 5 years, then destroy.

J. **Franchise Registrations**

Contents of a typical file may include: materials relating to the registration, renewal and status of franchise offerings in Maryland.

Retention: Retain in office for 2 years. Transfer to the State Records Center for an additional 20 years, then destroy.

K. **No Action Letters and Interpretive Opinions**

Contents of a typical file may include: no action letters and interpretive opinions with respect to the Maryland Securities Act and Maryland Franchise registration and disclosure law.

Retention: Retain in office for 2 years. Microfilm and retain microfilm permanently. Transfer master negative periodically to the Maryland State Archives.

L. **Business Opportunity Filings**

Contents of a typical file may include: materials relative to the filing of business opportunity offerings under the Maryland Business Opportunities Sales Act.

Retention: Retain in office for 2 years. Transfer to the State Records Center for an additional 20 years, then destroy.

20. The Attorney General's Papers

A. Official Papers

This series consists of official acts of the Attorney General and includes correspondence, appointment, commendation and resignation letters, speeches, records related to significant events, studies, task force/committee reports, press releases, photographs, audio/video tapes, calendars, etc.

Retention: Transfer periodically to the Maryland State Archives for permanent retention.

B. Personal Papers

This series consists of materials accumulated by the Attorney General that do not qualify as State records. These materials may be considered personal papers if they relate only to the Attorney General's personal or political affairs. Examples include diaries, journals, personal notes; papers relative to political activities, speeches, or professional affiliations.

Retention: The Attorney General may choose any method of administration and disposition for these papers. Personal papers maintained in the office should be filed separately from state records in order to facilitate the application of laws that apply only to state records. The Maryland State Archives will accept and administer private papers. This choice would ensure that public and private records would be in close proximity facilitating historical research.

21. Office Administration

This series consists of files relative to: the general management of the OAG or a division thereof; the formulation, adoption and implementation of policies and procedures; educational/training programs; and/or the administration of special programs.

Content of a typical file may include: correspondence, memos, directives, manuals, organizational charts, mission statements, studies, etc.

Retention: Screen annually and destroy material no longer needed for current business. Retain permanently the directives, policies, and other materials related to planning and policy that illustrate the development of the agency; transfer periodically to the Maryland State Archives.

22. Publications

This series consists of printed matter published by the agency for distribution to the public.

Retention: Transfer one copy of each publication to the Maryland State Archives for permanent retention. Retain surplus in office until updated or until administrative value ceases, then destroy.

23. Accounting Records

A. General Accounting Records

Certificates of Deposit and Bank Deposit Slips
Distribution of Charges
Memorandum of Adjustments
Monthly Reports of State Funds Collected and Deposited

Retention: Retain for 3 years and until all audit requirements have been fulfilled, then destroy.

B. Special Accounting Records

1. Reports of audits conducted by the Legislative Auditors

Retention: Retain for 10 years then destroy.

2. Reports of audits conducted by persons or agencies other than the Legislative Auditors.

Retention: Retain permanently. Transfer periodically to the Maryland State Archives.

3. Books of Final Entry - General Ledgers

Retention: Retain permanently. Transfer periodically to the Maryland State Archives.

C. Budget and Fiscal Planning Records

Budget Estimates
Budget Schedule Amendment
Materials and Supplies Physical Inventory
Report of Fixed Assets
Report of Materials and Supplies
Request for Position Action

Retention: Retain for 3 years and until all audit requirements have been fulfilled, then destroy.

D. Payroll Accounting Records

Employee Roster Card File
Payroll and Check Register
Payroll Exceptions Time Report
Payroll Transmittals
Payroll Warrants

Retention: Retain for 3 years and until all audit requirements have been fulfilled, then destroy.

E. Miscellaneous Accounting Records

Bank Books, Statements and Deposit Receipts
Budget Papers and Work Sheets
Cancelled Checks, Check Copies and Check Stubs
Delivery Orders and Receipts
Gas Withdrawal Tickets and Mileage Reports
Memorandum Receipt and Property Condemnation Reports
Paid Bills and Invoices
Paid Bonds and Coupons
Periodic Financial Reports to Local/State Agencies
Receipt Copies and Stubs
Receiving Reports
Reconciliation and Trial Balance Sheets
Renewable Licenses
Requisitions and Purchase Orders
Stock Record Cards
Time Sheets
Withholding/Tax Forms and Statements, Local, State & Federal

Retention: Retain for 3 years and until all audit requirements have been fulfilled, then destroy.

F. Purchasing Records-Commodities and Services

Actual Emergency and Repairs Report
Agency Interoffice Requisitions
Automation Management Reports
Bid Tabulation Records
Contract Amendments
Credit Memorandum
Inventory Dispositions
Invitation for Bids
Invoices/Expenditure Transfer Authorizations
Issue Tickets or Receipts
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Purchase Order
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Receiving Reports
Report of Delivery/Partial Delivery
Request for Proposals
Requisition Forms, Miscellaneous
Requisition for Supplies
Warehouse Requisitions

Retention: Retain for 5 years and until all audit requirements have been fulfilled, then destroy.

G. Contracts Awarded

This series consists of services contracts entered into on behalf of the Office of the Attorney General.

Retention: Retain original contract for the life of the contract plus 2 years and until all audit requirements have been fulfilled, then destroy.

H. Vendor List

Retention: Retain until superseded, then destroy.

24. Personnel

A. Personnel Records

Upon selection for employment, a personnel folder may contain:

- Application
- Appointment Letter
- Correspondence Relating to New Appointment
- Personnel Payroll Form
- Personnel Position Action Request
- Personnel Recruitment Screening Report
- Personnel Transaction Form
- Retirement Form

During continued employment, the folder may contain:

- Change of Address Forms
- Clearance File
- Charges for Removal
- Commendations
- Contractual Employment
- Counseling Sessions
- Disciplinary Actions
- Efficiency Ratings
- EOE Statistical Reports
- General Correspondence
- Grievance Actions
- Health Insurance Benefits Forms
- Leave Forms
- Orientation Program
- Position History
- Probation
- Promotions
- Resumes
- Suggestion File
- Summer Employment
- Suspension Actions
- Training

The final documents in the folders are:
Personnel Payroll Form
Letter of Resignation
Retirement
Transfer
Dismissal

Retention: Retain in office 3 years after termination of employment or until administrative value ceases, then destroy.

B. Personnel I.D. Number (PIN)

Retention: Retain permanently. Transfer periodically to the Maryland State Archives.

C. Status Card File

Retention: Retain for 5 years, then destroy.

D. History Card: This card contains the following:

Name, Address
Social Security Number
Telephone Number
Race, Sex
Birthdate
Increment Date
Entry on Duty (EOD) Date
Classification
Effective Date of Classification
Employment Status
Salary
Position Identification Number (PIN)
Resignation, Retirement, Transfer, Dismissal, or Expiration

Retention: Retain in office 3 years after termination of employment or until administrative value ceases, then destroy.

E. Workers' Compensation First Report of Injury Reports

Retention: Retain for 5 years, then destroy.

F. Department of Personnel Part-time Quarterly Reports

Retention: Retain for 5 years, then destroy.

G. Department of Personnel Annual Reports

Retention: Retain for 5 years, then destroy.

H. Agency/Department Personnel Budget Reports

Retention: Retain for 5 years, then destroy.

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