

I. FACTS AND PROCEDURAL HISTORY

2. As of the date of this complaint, the Respondent, Nancy L. Griswold, has filed three Freedom of Information Requests on the Petitioners' official request form, dated March 23, 2022, September 9, 2022, and September 16, 2022. See, Exhibits 1-3, attached.

3. The Respondent has made three follow-up requests made via emails to Stacey Sefcik. These emails are dated September 10, 2022, October 20, 2022, and October 21, 2022, See, Exhibits 10, 12, and 14, attached.

4. The Respondent, William Griswold, has not filed any requests but has been consistently assisting Nancy Griswold.

First Request dated March 23, 2022

5. The Respondent filed her first request on March 23, 2022. Using the Petitioner's official form, the Respondent requested all reports on enforcement activities from 2019 to March 23, 2021; Stacey Sefcik's resume, application of employment, and all other employment records; all reports and files on 24 Atwood Road, 1 Waterbury Road, 1 South Main Street, 172-174 South Main Street; and all Cease and Desist Orders issued from 2019 to March 23, 2021. The Respondent requested that the Petitioners send these documents to the

Respondent and her attorney electronically and that she also receive hard copies of the requested documents. See, Exhibit 1, attached.

6. On March 28, 2022, Stacey Sefcik, Zoning Enforcement Officer and Land Use Administrator for the Town of Thomaston, sent an email and letter via certified mail to the Respondent updating the Respondent on her request. Sefcik confirmed that the First Selectman's Office provided the Respondent with the requested documents from her personnel file. Exhibit 4, attached.

7. Sefcik informed the Respondent that she would send the Zoning Enforcement Reports electronically and free of cost. Exhibit 4, attached. Sefcik sent the Respondent the Zoning Enforcement Reports dated March 6, 2019, April 2, 2019, May 1, 2019, February 5, 2020, March 4, 2020, August 5, 2020, December 2, 2020, January 6, 2021, February 3, 2021, April 7, 2021, May 5, 2021, June 2, 2021, August 4, 2021, October 6, 2021, November 1, 2021, December 1, 2021, February 2, 2022, and April 6, 2022, via her emails dated April 5, 2022 and April 8, 2022. See, Exhibits 5-8, attached.

8. Sefcik also sent the Respondent links to the minutes from meetings where no Zoning Enforcement Report was made to the Planning & Zoning Commission, all of which are available on the Town of Thomaston Website. Sefcik sent the Respondent links to the October 2019, January 2020, April 2020, May 2020, June 2020, July 2020, September 2020,

October 2020, November 2020, March 2021, July 2021, September 2021, January 2022, and March 2022 Planning & Zoning Commission meeting minutes. See, Exhibit 5-8, attached.

9. Sefcik tried to clarify which addresses the Respondent was requesting reports and files on in her March 28, 2022 email, as “1 South Main Street” and “174 South Main Street” did not exist in the Thomaston Town GIS. Sefcik proposed sending the Respondent the reports and files on 1 Waterbury Road and 172 South Main Street, which do exist in the Town GIS unless the Respondent provided additional information to clarify which addresses the Respondent was referencing. Sefcik informed the Respondent that it would cost \$102.00 for the 24 Atwood Road file and reports, \$40.00 for the 1 Waterbury Road file and reports, and \$84.00 for the 172 South Main Street file and reports. See, Exhibit 4, attached. These costs were calculated according to the statutorily provided rates of fifty cents per copied page and \$5.00 per map requiring the use of the Petitioner’s plotter. Conn. Gen. Stat. § 1-212(a)(2)(B) (2012).

10. Sefcik also wrote in her March 28, 2022 email to the Respondent:

I prepared an Excel spreadsheet attached above that lists all of the Cease & Desist Orders I have issued since I started in the Town of Thomaston in February 2019. The spreadsheet lists the property owner to which the order was addressed, the property address the order is in reference to, and a brief summation of the issues for which the order was issued. I also provided the number of pages for each Cease & Desist Order document, and the estimated total of the number of pages for ALL listed Cease & Desist documents. Exhibit 4, attached.

11. Sefcik informed the Respondent that the cost for copies of the Cease and Desist Orders she issued in 2019 would be \$16.50. Conn. Exhibit 4, attached; Gen. Stat. §1-212(a)(2)(B) (2012).

12. Sefcik also informed the Respondent that there was a four-month gap in 2019 where the former Land Use Administrator, Jeremy Leifert, was still working in the Building and Land Office and that it was possible some other Cease and Desist orders were issued under his name. Sefcik asked the Respondent to clarify whether she wanted copies of the Cease and Desist orders issued by employees other than Sefcik herself during 2019 or only copies of the orders Sefcik issued herself. Exhibit 4, attached.

13. Finally, Sefcik informed the Respondent that “we will make every effort to begin promptly and finish quickly once we have your payment and the outstanding questions have been answered. I anticipate that this will take no more than 30 days from the date you clarify your request in writing.” Exhibit 4, attached. Sefcik advised the Respondent that given the size of her request, it “may well be advisable to schedule a time for you and/or your attorney to come into the office and view the files directly so that you can inspect documents and better determine which documents you would like to obtain copies of” and provided contact information to do so. Exhibit 4, attached.

14. The volume of this request was quite burdensome on top of Sefcik's usual duties. It took Sefcik until April 8, 2022, to fulfill only the first part of the Respondent's request for the reports of enforcement activities from 2019 to March 23, 2022. See, Exhibits 5-8, attached.

15. Sefcik has been unable to comply with the remainder of the Respondent's first request. To date, Sefcik has not received prepayment for the requested documents and has not received any clarification on her questions asked in her March 28, 2022 email.

Second Request dated September 6, 2022

16. The Respondent filed a second request on September 6, 2022. Using the Petitioner's official form, the Respondent requested "Reports on Enforcement Activities from April 7, 2022 to present[,] Planning & Zoning Commission's *Standard Zoning Enforcement Procedures*[,] [a]ll zoning complaints from 2007 to present, Stacey Sefcik's spreadsheet prioritizing these complaints, and all emails related to these complaints." The Respondent requested that these documents were sent to her and her attorney electronically. Exhibit 2, attached.

17. On September 9, 2022, Sefcik provided the Respondent with the singular Zoning Enforcement Report made during the requested timeframe, dated June 15, 2022, via

email. Sefcik also provided links to the Planning & Zoning Commission meetings where no Zoning Enforcement Report was given. Sefcik sent the Respondent links to the May 2020 regular meeting, the June 2020 special meeting, the July 2020 regular meeting, and the August 2022 regular meeting. Sefcik also provided the Planning & Zoning Commission's Standard Zoning Enforcement Procedures. Exhibit 9, attached.

18. Sefcik informed the Respondent in her September 9, 2022 email that there were several challenges delaying compliance with the Respondent's request for "[a]ll zoning complaints from 2007 to present, Stacey Sefcik's spreadsheet prioritizing these complaints, and all emails related to this complaint." See Exhibit 9 and Exhibit 2, attached. Sefcik informed the Respondent via email on September 9, 2022 that while there is a spreadsheet detailing complaints and actions taken during the time that Sefcik has served as Zoning Enforcement Officer and Land Use Administrator, no such spreadsheet exists for the time prior to Sefcik's employment. Sefcik explained to Respondent that:

Just providing a basic estimate of the time it would take to fulfill your request and the total cost of its completion will in and of itself require a great deal of time to research, as it would require our office staff to go through each and every one of approximately 3300 +/- property address files in order to see what is/is not in there. Exhibit 7.

19. Additionally, Sefcik explained to the Respondent that she and the Town no longer have access to the email accounts of the zoning enforcement officers who predated

Sefcik as these emails were closed-out. Determining whether access to the closed-out email accounts can be obtained would require using the Petitioner's IT consultant at cost and would be time-consuming. If Sefcik obtained access to the closed-out email accounts, the amount of time it would take her to comb through the emails and collect all zoning complaints dating back to 2007 would be immense. id.

20. Sefcik informed Respondent in her email dated September 9, 2022, that she would need approximately six weeks to compile documents to properly estimate the time and cost to Respondent required to comply with the Respondent's second request. Sefcik requested, "[i]f you wish for us to move forward on this, please confirm via email; if you do want to move forward with this, we will update you weekly as we progress with this research." Exhibit 9, attached.

21. Sefcik did not receive confirmation from the Respondent that she wished Sefcik to proceed until October 21, 2022. See, Exhibit 14, attached. As such, Sefcik has been unable to comply with the remainder of the Respondent's second request.

Third Request dated September 10, 2022.

22. On September 10, 2022, the Respondent responded to Sefcik's September 9, 2022 email:

In your Report on Enforcement Activities from 2/6/19 to 3/5/19, you stated, "Over the past month, I've been updating my spreadsheet containing all outstanding zoning complaints and prioritizing them according to this Commission's Standard Zoning Enforcement Procedures." In the following month's report, you went on to state, "I finished reviewing all outstanding zoning complaints, and after adjusting for duplicates, the revised total outstanding zoning complaints dating from 2007 to the present decreased from 207 to 200."

Are these complaints and your spreadsheet prioritizing these complaints not readily available? Exhibit 10, attached.

23. The Respondent did not address whether Sefcik should move forward with the work required to estimate the time and cost it would take to compile the outstanding documents requested in the Respondent's second request, dated September 6, 2022. See, *id.*

24. On September 22, 2022, Sefcik responded to the Respondent's September 10, 2022 email indicating that she was considering her September 10, 2022 email to be the Respondent's third request. See, Exhibit 11, attached.

25. Sefcik attached the spreadsheet referenced in her Zoning Enforcement Report dated March 6, 2019 to her September 22, 2022 email. *Id.*

26. Additionally, Sefcik wrote:

Attached above you can find my spreadsheet that I had been speaking of in the minutes you quoted. I created this in January 2019 when I began as Assistant ZEO to get a handle on a large stack (200+) of enforcement complaints that had been received over the past several years. Due to the size of the pile it was necessary to triage, and the priority scale in the Enforcement Procedures that you were given – created by my predecessor a year or so previously – was used to do that. I simultaneously worked through this list of past complaints while

handling new complaints as they came in. Therefore, it is important to understand that the complaints logged on this list represent a snapshot in time, and the list has not updated with new complaints since I became LUA in June 2019. If you want more current information (June 2019 on), you should refer to the Enforcement Reports that I submit to the P&Z Commission that you received in your first FOI request, as that has a section specifically listing new actions. Id.

27. On October 20, 2022, the Respondent confirmed that she received the aforementioned spreadsheet Sefcik sent on September 22, 2022 via. Email. See, Exhibit 12, attached.

Fourth Request dated September 19, 2022

28. The Respondent sent her fourth request to the Petitioners on September 19, 2022 using the Petitioner's official form. The Respondent requested:

1. Any and all adopted revisions to the Town of Thomaston Zoning Regulations since zoning regulations were first adopted[.]
2. Any and all zoning complaints since zoning regulations were first adopted[.]
3. Any and all documentation prioritizing zoning complaints since zoning regulations were first adopted[.]
4. Any and all records of activity related to zoning complaints since zoning regulations were first adopted[.]
5. Any and all observations of possible violations and notices of violations since zoning regulations were first adopted[.]

6. Any and all zoning enforcement actions (cease and desist orders, consent and abatement orders, lawsuits, etc.) since zoning regulations were adopted[.]

7. Any and all non-privileged correspondence (emails, text messages, etc.) related to zoning complaints and/or enforcement actions since February 2019[.]

8. Any and all photographs related to zoning complaints and/or enforcement actions since zoning regulations were first adopted[.]

9. Any and all documentation justifying deviations from established procedures since zoning regulations were first adopted[.]

10. Procedures established by the Board of Selectmen regarding the use of legal counsel[.]

11. Any and all legal bills incurred by the Planning and Zoning Commission and/or Land Use Office since zoning regulations were first adopted[.]

12. Any and all tax assessor records relating to unregistered motor vehicles since zoning regulations were first adopted[.] Exhibit 3, attached.

29. The Respondent requested that the Petitioner send the requested documents to her via email. Id.

Fifth Request dated October 20, 2022

30. On October 20, 2022, the Respondent emailed Sefcik in response to Sefcik's September 22, 2022 email, "I have yet to receive a single zoning complaint referenced in your

spreadsheet. In addition, I have not received any emails related to these complaints. Please let me know if you intend to comply with my request.” Exhibit 12, attached.

31. Sefcik summarized the Respondent’s previous four requests and informed the Respondent that she considers the Respondent’s email dated October 22, 2022 to be her fifth request. Sefcik informed the Respondent:

We remain happy to comply with requests for items that we are able to provide under statutory requirements. However, in order to do so, you need to answer the clarity questions I may have so that I can meet your request. You also need to pay the statutorily permitted costs prior to work beginning. Exhibit 13.

32. Sefcik then reiterated the four items she required clarity on to comply with the Respondent’s pending requests:

- 1) You will or will not be coming in to view the desired files yourself;
- 2) If you are coming in to view the files yourself, your preferred date(s) and time(s) so that I can make necessary arrangements for staffing, room arrangements, copier availability, etc.;
- 3) If you choose not to come in yourself, you now ONLY wish to have copies made of the specific zoning complaints listed on the spreadsheet that I sent you on September 22, 2022;
- 4) Following up on Question 3 – if you only want information from the specific zoning complaints listed on the spreadsheet I sent you on September 22, 2022, do you just want the actual complaint forms for each of the approximately 200 or do you also want the supporting materials in the file for each of the zoning complaints? Id.

33. Sefcik reminded the Respondent that “[i]f you do not respond to these questions it will unfortunately remain difficult for myself and the rest of the town staff to fulfill your many overlapping requests. Please let me know the answers to the four questions above and I will be happy to assist you from there.” Id.

Sixth Request dated October 21, 2022

34. The Respondent responded to Sefcik’s October 20, 2022 on October 21, 2022 informing Sefcik that she does not intend to inspect any records in person, answering Sefcik’s first, second, and third question from her October 20, 2022 email. See, Exhibits 13-14, attached.

35. The Respondent then requested “in an effort to prioritize and refine any outstanding or future requests, I would like to request a copy of all emails you have sent or received from February 2019 to present.” Depending on the file size, the Respondent requested the files be transmitted either by email or by flash drive. The Respondent asserted that there should be no charge as the requested documents are electronic. Exhibit 14, attached.

36. Finally, the Respondent confirmed that she wished Sefcik and Town Hall staff to “continue to research the time and cost to complete any outstanding requests.” Exhibit 14, attached. This statement is responsive to Sefcik’s request for the Respondent to confirm that

she wished for Sefcik to move forward with research in Sefcik's September 9, 2022 email. See, Exhibit 9, attached.

37. Sefcik has begun the process of reviewing every email she has ever sent or received and removing those which contain privileged communications to comply with the Respondent's sixth request. It took Sefcik 2 hours to review only 6 months of emails.

38. The Respondent still has not prepaid the amounts Sefcik requested in her March 28, 2022 email regarding the Respondent's first request, dated March 23, 2022. See, Exhibit 4, attached. As such, Sefcik has been unable to provide the outstanding documents.

39. On October 25, 2022, Sefcik responded via email to the Respondent's October 21, 2022 email informing her that the Petitioners do not have the resources to comply with her large requests and that, in compliance with the Freedom of Information Act, she would make all the requested documents available for the Respondent to inspect and a copier available for the Respondent to use at the Respondent's convenience by prior appointment. Exhibit 15. Petitioners then filed this petition.

Additional Background Information

40. The Petitioners and the Respondent are currently litigating an ongoing zoning enforcement action in the Litchfield Superior Court, Sefcik, Stacey v. Griswold, Nancy L.,

LLI-CV-21-6028653-S. This case was initiated by the Petitioners on July 19, 2021, and concerns a Cease and Desist Order regarding a land use violation on the Respondent's property issued by Sefcik in her capacity as Zoning Enforcement Officer on March 2, 2021. The parties have been engaged in unsuccessful settlement negotiations where the Respondent has displayed openly hostile and vindictive behavior towards Sefcik. The parties informed the court that they likely would not reach a settlement at their September 9, 2022 status conference. The Petitioners' attorney attended the conference without the Petitioners, and the Respondent did attend with her attorney. The parties were scheduled for a remote court trial on October 28, 2022, which has been continued to December 1, 2022.

41. Respondent Nancy Griswold is insistent that she is wrongly accused in the pending zoning enforcement action. Nancy Griswold has expressed multiple times during court hearings that she feels she has done nothing wrong. She is often very emotional during court hearings and is prone to outbursts and emotional rants.

42. Respondent Nancy Griswold attended a meeting with Edmond V. Mone, Frist Selectmen of Thomaston, Stacey Sefcik, and William G. Griswold, Nancy Griswold's son, in November 2021 regarding Nancy Griswold's zoning violations. William Griswold glared aggressively at Sefcik during the majority of the meeting, making her feel very uncomfortable and making it difficult for her to concentrate and participate. During the course of the meeting,

William Griswold accused Sefcik of singling his mother out by issuing the Cease and Desist Order.

43. William Griswold has contacted Edmond V. Mone several times since the November 2021 meeting and made additional claims that Sefcik has been singling Nancy Griswold out.

44. At a court conference regarding the parties' pending zoning enforcement matter, William Griswold said that since Sefcik is going after Nancy Griswold, they were going after her.

45. At another court conference, William Griswold mentioned with no prompting that Sefcik's son was an Eagle Scout – a fact that Sefcik did not reveal to either William Griswold or Nancy Griswold. Sefcik was very unsettled by the fact that William Griswold knew personal details about her and her family and took this statement to mean that William Griswold had been investigating her private life.

46. By attending and participating in the November 2021 meeting, by discussing Nancy Griswold's zoning violation with Edmond V. Mone, and by attending court hearings and conferences, William Griswold has been acting as Nancy Griswold's agent and assisting her in the zoning enforcement action.

47. Given William Griswold's involvement in the zoning enforcement matter, Sefcik believes that if Nancy Griswold were to be ordered to stop filing requests by the Commission, William Griswold would begin filing requests on Nancy Griswold's behalf.

48. The vast majority of Nancy Griswold's requests have been for documents concerning or generated by Sefcik. Nancy Griswold has communicated with the Petitioners regarding her requests almost exclusively through emails addressed to Sefcik.

49. Sefcik feels that Nancy Griswold's emails to her have become increasingly nasty and taking on an increasingly spiteful and cold tone.

50. Sefcik feels that Nancy Griswold and William Griswold are fixated on her. Sefcik is uncomfortable with Nancy Griswold and William Griswold's obsessive behavior and scrutinizing attention and fears for her safety.

51. Nancy Griswold's requests have been taking up an enormous amount of Sefcik's time and have been greatly interfering with Sefcik's ability to complete her duties, in turn interfering with the operation of the Land Use Office.

52. Nancy Griswold has never expressed to Sefcik that she has transportation issues, a disability, pressing time constraints, or other complications that make it impossible for her to travel to Town Hall to review and copy the documents herself.

53. The Town of Thomaston employs two (2) full-time employees, including Sefcik, and one (1) part-time employee in its Land Use Office. All of the employees have time-sensitive duties to attend to ensure services are provided to the Town of Thomaston that take up almost all of their working hours.

54. The Town of Thomaston has a population of 7,442 people, according to the 2020 census. United States Census Bureau, *QuickFacts, Thomaston town, Litchfield County, Connecticut*, available at <https://www.census.gov/quickfacts/thomastontownlitchfieldcountyconnecticut>.

55. The Town of Thomaston adopted its zoning regulations on April 28, 1971, effective May 8, 1971. Town of Thomaston, *Zoning Regulations* (rev. May 20, 2020), at 2, available at http://www.thomastonct.org/filestorage/82/396/1182/1192/Zoning_Regulations.pdf.

56. The Petitioner's proposed 2022-2023 town budget is \$28,230,870.00, with \$9,560,699.00 allocated for town operating expenses. The proposed budget represents a very small increase from the 2021-2022 town budget, with the budget totaling \$27,745,881 and \$8,876,910.00 allocated for town operating expenses. Town of Thomaston, *Proposed Budget, July 1, 2022 – June 30, 2023*, at 2, available at http://thomastonct.org/filestorage/82/396/405/398/Thomaston_FY2023_Proposed_budget.pdf.

II. LEGAL ARGUMENT

57. The Petitioners need to be free from vexatious requests so that they may continue to fulfill their time-sensitive duties and provide necessary services to the Town of Thomaston. The Respondent, Nancy Griswold, has abused her right to information by engaging in a pattern of conduct that demonstrates her intent to annoy, harass, distress, intimidate, and disrupt Sefcik in retribution for Sefcik fulfilling her duties as Zoning Enforcement Officer by issuing a Cease and Desist Order and filing a zoning enforcement action against the Respondent for zoning violations. The Respondents, Nancy Griswold and William Griswold, have exhibited a pattern of concerning and threatening behavior demonstrating their intent to intimidate Sefcik. The Respondent's pattern of vexatious conduct has and continues to interfere with the operation of the Petitioners' agency.

58. The Petitioners are a public agency within the meaning of Freedom of Information Act (the "Act"). Conn. Gen. Stat. §1-200(1) (2013).

59. The Act provides that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with

subsection (g) of section 1-212, *or* (3) receive a copy of such records in accordance with section 1-212. Id, § 1-210(a) (2018), *emphasis added*.

60. The act provides that an agency may charge no more than fifty cents per copied page. Id, §1-212(a)(2)(B) (2012). An agency may charge a cost not exceeding their cost to furnish copies of documents maintained in a computer storage system. Id, §1-211(a); § 1-212(b). An agency may require prepayment of a fee required or permitted under the Act if the fee is estimated to be more than \$10.00. Id, §1-212(c).

61. The Act provides that:

Notwithstanding any provision of this subsection, a public agency may petition the commission for relief from a requester that the public agency alleges is a vexatious requester. Such petition shall be sworn under penalty of false statement, as provided in section 53a-157b, and shall detail the conduct which the agency alleges demonstrates a vexatious history of requests, including, but not limited to: (A) The number of requests filed and the total number of pending requests; (B) the scope of the requests; (C) the nature, content, language or subject matter of the requests; (D) the nature, content, language or subject matter of other oral and written communications to the agency from the requester; and (E) *a pattern of conduct that amounts to an abuse of the right to access information under the Freedom of Information Act or an interference with the operation of the agency*. Upon receipt of such petition, the executive director of the commission shall review the petition and determine whether it warrants a hearing. If the executive director determines that a hearing is not warranted, the executive director shall recommend that the commission deny the petition without a hearing. The commission shall vote at its next regular meeting after such recommendation to accept or reject such recommendation and, after such meeting, shall issue a written explanation of the reasons for such acceptance or rejection. If the executive director determines that a hearing is warranted, the commission shall serve upon all parties, by certified or registered mail, a copy of such petition together with any other notice or order of the

commission. The commission shall, after due notice to the parties, hear and either grant or deny the petition within one year after its filing. Upon a grant of such petition, the commission may provide appropriate relief commensurate with the vexatious conduct, including, but not limited to, an order that the agency need not comply with future requests from the vexatious requester for a specified period of time, but not to exceed one year. [...]. *Id.*, §1-206(b)(5), *emphasis added*.

62. The Petitioner has the burden of proof to demonstrate that the requester is vexatious. *Id.*; Town of East Lyme; and East Lyme Bd. of Ed., Petitioner(s) against David Godbout, Respondent(s), Report of Hearing Officer, PRVR #1, February 10, 2022, at 14, ¶ 49.

63. The Commission must “appropriately balance an individual’s right of access, which is a cornerstone of the FOI Act, against the legitimate need of government to be free from vexatious requesters.” *Id.*, at 14, ¶ 51.

64. The Commission defines “vexatious,” which is not defined in the General Statutes, as it is commonly defined: “causing vexation: distressing; intended to harass.” *Id.*, ¶ 50, relying on *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/vexatious>.

65. The Commission defines a “pattern of conduct,” which is not defined in the General Statutes, to “require[] a showing of recurring incidents or repetitive behavior on the part of the requester.” *Id.*, ¶ 51.

66. The Commission defines the phrase “abuse of the right to access information under the Freedom of Information Act,” which is not defined in the General Statutes, to “require[] the Commission to access the cumulative nature of the requests and conduct, and their effect on the petitioning agency.” Id, ¶ 52.

67. The Commission defines “interference with the operation of the agency,” which is not defined in the General Statutes, to “require[] the commission to assess whether the requests and conduct exhibited by the requester significantly obstructs or hinders the petitioning agency’s abilities to carry out its responsibilities and functions.” Id, ¶ 53.

68. The Petitioners rely on the Town of East Lyme; and East Lyme Board of Education., Petitioner(s) against David Godbout, Respondent(s), Report of Hearing Officer, February 10, 2022. In Godbout, various East Lyme Town Agencies petitioned the Commission for relief from the respondent’s requests for information numbering greater than 350 and filed between 2016 and 2018. Id, at 9, ¶ 16. After hearing evidence and making findings, the Hearing Officer recommended that the Commission enter an order that the Town of East Lyme need not comply with requests from Godbout for a period of one year. Id, at 17, ¶ 1.

69. East Lyme is a small municipality with a population of 19,159 at the 2010 census and limited staff. *Id.*, at 15, ¶ 54. Thomaston is an even smaller municipality than East Lyme with a population of only 7,442 people. Thomaston also has limited staff.

70. There is a clear pattern of conduct on the Respondent's part that amounts to an abuse of her right to the freedom of information and substantially interferes with the operation of the Thomaston Land Use Office. Like Godbout, the Respondent in this matter has filed requests for information that are voluminous in content. *Id.*, at 15, ¶ 55. In Godbout, the requester requested a massive number of documents and data, such as all emails from multiple East Lyme town departments, the ability to inspect town employees' personal devices, and all records from a copying machine. *Id.* At 7-9, ¶ 13. Although she has only submitted six requests, the Respondent here has also requested massive amounts of documents that are quite old, not readily available, spanning a massive amount of time, and would be enormously time-consuming for staff to research and collect.

71. Like Godbout, the Respondent has filed many requests in a small amount of time. *Id.*, at 15, ¶ 55. She has filed five requests between September 6, 2022 and October 21, 2022, a period of forty-five days. Her filings have been increasing with frequency, with her fifth and sixth requests being filed within little more than twenty-four hours of each other.

Like Godbout, the frequency with which the Respondent has filed requests shows that her intent is to annoy, harass, and distress the Petitioners.

72. Unlike Godbout, the Respondent does specify a time period in her requests. However, the time period the Respondent specifies is enormous and is intended to frustrate and annoy staff. In her fourth request dated September 19, 2022, the Respondent requested *any and all* zoning complaints, “documents prioritizing zoning complaints, records of activity related to zoning complaints,” “observations of possible violations and notices of violations,” “non-privileged correspondence related to zoning complaints and/or enforcement actions zoning enforcement actions,” photographs, “documents justifying deviations from established procedures,” “legal bills incurred by the Planning and Zoning Commission and/or Land Use Office since zoning regulations,” “tax assessor records relating to unregistered motor vehicles” *from when zoning regulations were first adopted in 1971 to the present*. See Exhibit 3, attached. The Respondent’s request for documents spanning over fifty years demonstrates her aim to frustrate or “pile on” the Thomaston Land Use Office, like Godbout’s request for documents with a search time of whatever the agency deems “reasonable.” *Id.*, at 15, ¶ 55. Specifying a time period constituting the entire time zoning regulations were in effect is no different from requesting documents from whatever period the agency deems “reasonable.” A time period of fifty years and an unspecified time period are both inexact and thus

meaningless. The inability or refusal to specify a precise time period shows that the Respondent is not requesting the documents for the purpose of obtaining information. The Respondent is merely requesting a massive number of documents for no legitimate purpose besides frustrating staff.

73. Further, The Respondent's vague request for "observations of possible violations" and "documents justifying deviations from established procedures" would require staff to read each document and determine whether said document fits the description, proving again that the Respondent's aim is to frustrate staff.

74. In the Respondent's sixth request, dated October 21, 2022, the Respondent requested all the emails Sefcik sent or received since 2019. Although the Respondent claims this request should take no time at all, the Respondent knows or should know that Sefcik will have to review every single email to ensure nothing contained within it is privileged before she can send her emails to the Respondent. The Respondent is aware of what privileged communications are, presumably, as she requests "[a]ny and all *nonprivileged* correspondence (emails/text messages, etc.) related to zoning complaints and/or enforcement actions" in her fourth request, dated September 9, 2022. Exhibit 3, emphasis added. The enormity of her sixth request shows yet again that the Respondent intends to frustrate Sefcik.

75. Like Godbout, the Respondent's requests and conduct are aimed to intimidate the staff to which the request is directed. In Godbout, the Respondent intimidated staff by making loud, oral requests and going to public officials' residences to make requests. Godbout, at 15, ¶ 56. Here, the vast majority of the Respondent's requests are focused solely and obsessively on Sefcik and her past and current conduct at work. The Respondent asked for Sefcik's resume, employment application, her entire employment record, all of her Zoning Enforcement Reports, the documents she generated to track her duties, and every email she sent or received during her employment. See, Exhibits 1 and 14, attached. The Respondent has not requested information like this about any other member of staff. The Respondent's requests regarding Sefcik are all-encompassing and can be characterized as nothing less than obsessive. The Respondent is attempting to intimidate Sefcik through this intense level of scrutiny.

76. Based on the timing of the Respondent's requests, the requests are not only intended to intimidate Sefcik, but are retaliatory and aimed to punish Sefcik for issuing a Cease and Desist Order and initiating a zoning enforcement action against the Respondent.

77. The timing of the requests is tied to significant developments in the zoning enforcement action initiated by Sefcik in her capacity as Zoning Enforcement Officer. The Respondent issued her first request on March 23, 2022, merely 41 days after she filed her

Answer and Special Defense on February 10, 2022, following the Petitioners' Motion for Default filed on January 31, 2022.

78. The Respondent sent her second, third, and fourth requests on September 6, 2022, September 10, 2022, and September 19, 2022, around when the parties' settlement negotiations began to break down. The parties requested new trial dates at their September 9, 2022 remote status conference. The Respondent sent her fifth and sixth requests on October 20, 2022 and October 21, 2022. The Respondent has been filing requests more frequently as the trial date approaches.

79. The Respondent has expressed during court hearings regarding the pending enforcement action that she feels wrongly accused. She is often very emotional during court hearings and is prone to outbursts and emotional rants. An inference can be drawn that the Respondent feels that she is being persecuted and attacked by Sefcik's act of filing and pursuing the zoning enforcement action. As such, the Respondent's motivation for filing her requests is to harass, annoy, frustrate, disrupt, and punish Sefcik for her involvement in the zoning enforcement action.

80. The volume of documents requested indicates that the Respondent is abusing her right to information by using the requests to annoy, disrupt, distress, and otherwise punish

Sefcik by wasting her time and energy and preventing her from fulfilling her duties as Zoning Enforcement Officer.

81. The Respondent pointedly asked Sefcik in her email dated October 20, 2022, whether Sefcik intends to comply with her requests. Exhibit 12, attached. This question suggests that the Respondent is hoping that Sefcik will not comply with the Act, or even openly admit that she cannot or will not comply with the Act, so that the Respondent can file a complaint against the Petitioners with the Commission. Such a question is a clear act of intimidation.

82. Like Godbout, the Respondent in this matter never appears satisfied, and her requests are recurring, repetitive, and unrelenting. Godbout, 15-16, ¶¶ 62-63. In Godbout, the responses he received turned into additional requests. *Id.*, 15, ¶ 62. When the Respondent receives a response regarding her requests, she immediately responds with additional requests for more documents. Sefcik asked the Respondent in her September 20, 2022 email, “if you only want information from the specific zoning complaints listed on the spreadsheet I sent you on September 22, 2022, do you just want the actual complaint forms for each of the approximately 200 or do you also want the supporting materials in the file for each of the zoning complaints?” Exhibit 13. Rather than specify whether she wanted the zoning complaint

forms or the file materials, the Respondent responded by requesting all the emails Sefcik has sent or received during her tenure as Zoning Enforcement Officer. Exhibit 14.

83. Like Godbout, the Respondent's requests have been disruptive and have significantly hampered Sefcik's responsibilities and functions. Godbout, at 16, ¶ 65. The Respondent's requests require enormous amounts of time to review and track so that Sefcik can respond accurately. Further, Sefcik estimates that just to research and compile the documents necessary to estimate the number of documents involved in the Respondent's second request, dated September 6, 2022, would require six weeks of work. See, Exhibit 9, attached. It has taken Sefcik 2 hours to review six months of emails she has sent or received and omit privileged communications.

84. Sefcik has made every attempt to comply with the requests levied at her. She has consistently been in communication with the Respondent, made regular requests for clarification and prepayment as needed, and offered the Respondent multiple times to make an appointment at her convenience to view the records and make any copies she wants at Town Hall.

85. The Act does not require agencies to provide copies to requesters. Rather, the Act requires agencies to either make records available for inspection by requesters, available for copying by requesters, *or* provide copies to requesters. Conn. Gen. Stat. § 1-210. The

Respondent has rejected Sefcik's offer to inspect and copy the documents herself, indicating that the Respondent wants Sefcik to spend her working hours fulfilling her request. Combined with the massive number of documents that need to be collected and reviewed just to complete an estimate of work to be done and pages to be copied, the Respondent's rejection of Sefcik's offer to make documents available demonstrates that the Respondent's goal is to disrupt Sefcik's ability to fulfill her duties.

86. In Godbout, Godbout's behavior was concerning, abusive, and uncontrolled. To name a few examples, the police were called on several occasions to escort Godbout off the premises, Godbout filmed town employees without their consent, and Godbout called town employees names. Godbout, at 15-16, ¶ 57-66. The Respondents' behavior does not rise to the same level as Godbout's outrageous behavior at this time. Nonetheless, the Respondent has exhibited concerning and threatening behavior that could escalate. The Respondent, Nancy Griswold, has involved her son, William Griswold, who has been behaving in ways that make Sefcik extremely uncomfortable. William Griswold has mentioned to both Sefcik and the First Selectmen that he believes that Sefcik is singling Nancy Griswold out. William Griswold has also said that since Sefcik is going after them, they're going after her. William Griswold spent an entire meeting with Sefcik and the First Selectmen glaring at Sefcik to make her uncomfortable. William Griswold also mentioned to Sefcik that her son was an

Eagle Scout, a fact that Sefcik never disclosed to either Nancy Griswold or William Griswold and a fact that William could only obtain by investigating her. William Griswold's behavior, like Nancy Griswold's requests focusing solely on Sefcik, shows an obsession with and intense disdain for Sefcik. Both Nancy Griswold and William Griswold's behavior shows that they believe that Sefcik wronged them and they intend to get revenge. Nancy Griswold and William Griswold's behavior makes Sefcik fear for her safety.

87. The Respondents in this matter have been abusing their right to freedom of information by engaging in a vexatious pattern of conduct and requests. The Respondent, Nancy Griswold, has been engaging in a pattern of conduct that demonstrates her intent to annoy, harass, distress, intimidate, and disrupt Sefcik in retribution for Sefcik fulfilling her duties as Zoning Enforcement Officer by issuing a Cease and Desist Order and filing a zoning enforcement action against the Respondent for zoning violations. The Respondents, Nancy Griswold and William Griswold, have demonstrated their intent to intimidate Sefcik in retaliation for issuing the aforementioned Cease and Desist Order and initiating the zoning enforcement action by engaging in a pattern of concerning and threatening behavior. The Respondent's pattern of vexatious conduct has and continues to interfere with the operation of the Petitioners' agency by consuming Sefcik's working hours and actively preventing Sefcik from completing her duties. The Petitioners need to be free from vexatious requests so

that they may continue to fulfill their time-sensitive duties and provide necessary services to the Town of Thomaston.

WHEREFORE, the Petitioners respectfully request the Commission to issue an order of relief from the Respondent's vexatious requests for information. The Petitioners request an order prohibiting the Respondents from filing another request for one year.

THE PETITIONERS

404549

BY _____
Steven E. Byrne
Law Offices of Byrne & Byrne
790 Farmington Ave., Bld. 2B
Farmington, CT 06032
attysbyrne@gmail.com
Tel. (860) 677-7355
Juris No. 404549
Its Attorney

443586


BY _____
Nicole L. Byrne
Law Offices of Byrne & Byrne
790 Farmington Ave., Bld. 2B
Farmington, CT 06032
attysbyrne@gmail.com
Tel. (860) 677-7355
Juris No. 443586
Its Attorney

LAW OFFICES

BYRNE & BYRNE, LLC

2-B FARMINGTON COMMONS • 790 FARMINGTON AVENUE • FARMINGTON, CT 06032 • (860) 677-7355 • FAX (860) 677-5262
STEVE E. BYRNE - JURIS NO. 404549
THOMAS P. BYRNE - OF COUNSEL

The Petitioner, Stacey Sefcik, is available for testimony at the Commission's request.

BY 
Stacey Sefcik
Zoning Enforcement Officer and Land Use
Administrator for the Town of Thomaston, CT
Signed On October 25, 2022
158 Main Street
Thomaston, Connecticut 06787
Tel: (860) 283-8411
ssefcik@thomastonct.org

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or nonelectronically on **October 25, 2022**, to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will be electronically served.

Nancy L. Griswold
24 Atwood Road
Thomaston, CT 06787
Tel: (860) 283-1048
nancylgriswold@gmail.com

William Griswold
24 Atwood Road
Thomaston, CT 06787

404549

Steven E. Byrne Esq.

443586

Nicole L. Byrne Esq.

PETITIONERS EXHIBITS

1. Nancy Griswold's Freedom of Information Request dated March 23, 2022 (Request 1).
2. Nancy Griswold's Freedom of Information Request dated September 6, 2022 (Request 2).
3. Nancy Griswold's Freedom of Information Request dated September 19, 2022 (Request 4).
4. Email from Stacey Sefcik to Nancy Griswold dated March 28, 2022 at 4:23 PM, subject: "Nancy Griswold FOI Request March 23, 2022."
5. Email from Stacey Sefcik to Nancy Griswold dated April 5, 2022 at 2:17 PM, subject: "Nancy Griswold FOI Request March 23, 2022 - Part 1 of 4."
6. Email from Stacey Sefcik to Griswold dated April 5, 2022 at 4:33 PM, re: Nancy Griswold FOI Request March 23, 2022 - Part 2 of 4."
7. Email from Stacey Sefcik to Nancy Griswold dated April 8, 2022 at 9:54 AM, subject: "Nancy Griswold FOI Request March 23, 2022 - Part 3 of 4."
8. Email from Stacey Sefcik to Nancy Griswold dated April 8, 2022 at 10:06 AM, subject: "Nancy Griswold FOI Request March 23, 2022 - Part 4 of 4 – FINAL."
9. Email from Stacey Sefcik to Nancy Griswold dated September 9, 2022 at 12:04 AM, subject: "Nancy Griswold FOI Request September 6, 2022."

10. Email from Nancy Griswold to Stacey Sefcik dated September 10, 2022 1:33 PM, subject:
“Re: Nancy Griswold FOI Request September 6, 2022” (Request 3).
11. Email from Stacey Sefcik to Nancy Griswold dated September 22, 2022 at 9:09 AM.
12. Email from Nancy Griswold to Stacey Sefcik dated October 20, 2022 9:38 AM, subject:
“Re: Nancy Griswold FOI Request September 6, 2022.” (Request 5).
13. Email from Stacey Sefcik to Nancy Griswold dated October 20, 2022 1:03 PM, subject:
“RE: Nancy Griswold FOI Request September 6, 2022.”
14. Email from Nancy Griswold to Stacey Sefcik dated October 21, 2022 10:35 AM, subject:
“RE: Nancy Griswold FOI Request September 6, 2022” (Request 6).
15. Email from Stacey Sefcik to Nancy Griswold dated October 25, 2022 __, subject: “”.



Town of Thomaston
 Selectman's Office
 158 Main Street
 P.O. Box 136
 Thomaston, Connecticut 06787
 Phone: 860-283-4421 Fax: 860-283-1378

Petitioners' Exhibit 1
 Sefcik, et al. v. Griswold et al.

FREEDOM OF INFORMATION REQUEST

Date: March 23, 2022
 Name (optional): Nancy L. Griswold
 Address (optional): 24 Alwood Rd. Thomaston, CT 06787
 Phone # (optional): 203 233-6698
 Email (optional): nancygriswold@gmail.com

Please describe with specificity the document(s) you are requesting. If you are not sufficiently specific, we may not be able to identify the document(s) you request which may delay our response to your request:

✓ * (2019 - present) ^{Mar 23, 2022} All Reports on Enforcement Activities (P.O. #s)
 HR 3 * - Copy of Resume / Application of Employment / All Records
 @ P.O. # Stacey Sefcik

All Reports / File on 24 Alwood Rd. / 17 Waterbury Rd. / 1 So. Main St. / 172 So. Main St. All Thomaston, CT
 I want to (please check one): All Cease & Desist Orders 2019 - present P.O. #s

Review Records at Town Hall (vault in Town Clerk's Office or Selectman's Conference Room)

Receive Hard Copies of Requested Documents nancygriswold@gmail.com
 Other (please specify): Email to: jparese@pprdaw.com

I agree to pay such fees and costs noted in the Town of Thomaston FOI Fee Schedule prior to the release of documents to me. I understand that materials may be picked up and payment made at the First Selectman's Office. I understand that the fees may be waived if I, the requester, am receiving public assistance or can demonstrate other facts showing my inability to pay due to indigence.

Sign of Requester: [Signature] Date: 3/23/22

Department use only:
 Date Request Received: 3/23/22 Date Picked-Up: _____
 Docs. Returned to TC: _____ Date Completed: _____
 # of Pages: _____ Cost: \$ _____
 Notes: _____



Town of Thomaston
 Selectman's Office
 158 Main Street
 P.O. Box 136
 Thomaston, Connecticut 06787
 Phone: 860-283-4421 Fax: 860-283-1378

Petitioners' Exhibit 2
 Sefcik, et al. v. Griswold et al.

**FREEDOM OF INFORMATION
 REQUEST**

Date: September 6, 2022
 Name (optional): _____
 Address (optional): _____
 Phone # (optional): _____
 Email (optional): nancygriswold@gmail

Please describe with specificity the document(s) you are requisition. If you are not sufficiently specific, we may not be able to identify the document(s) you request which may delay our response to your request:

Reports on Enforcement Activities from April 7, 2022 to present
 Planning & Zoning Commission's Standard Zoning Enforcement Procedures
 All zoning complaints from 2007 to present, Stacey Sefcik's spreadsheet prioritizing these complaints, and all emails related to these complaints

I want to (please check one):

- Review Records at Town Hall (vault in Town Clerk's Office or Selectman's Conference Room)
- Receive Hard Copies of Requested Documents
- Other (please specify): Email to: nancygriswold@gmail.com
j.perez@ppplaw.com

I agree to pay such fees and costs noted in the Town of Thomaston FOI Fee Schedule prior to the release of documents to me. I understand that materials may be picked up and payment made at the First Selectman's Office. I understand that the fees may be waived if I, the requester, am receiving public assistance or can demonstrate other facts showing my inability to pay due to indigence.

Sign of Requester: Nancy L. Quinn Date: 9/6/22

Department use only:
 Date Request Received: 9/6/22 Date Picked-Up: _____
 Docs. Returned to TC: _____ Date Completed: _____
 # of Pages: _____ Cost: \$ _____
 Notes: _____



Town of Thomaston
 Selectman's Office
 158 Main Street
 P.O. Box 136
 Thomaston, Connecticut 06787
 Phone: 860-283-4421 Fax: 860-283-1378

Petitioners' Exhibit 3
 Sefcik, et al. v. Griswold et al.

**FREEDOM OF INFORMATION
 REQUEST**

Date: September 19, 2022
 Name (optional): _____
 Address (optional): _____
 Phone # (optional): _____
 Email (optional): nancygriswold@gmail

Please describe with specificity the document(s) you are requisition. If you are not sufficiently specific, we may not be able to identify the document(s) you request which may delay our response to your request:

See Attached

I want to (please check one):

- Review Records at Town Hall (vault in Town Clerk's Office or Selectman's Conference Room)
- Receive Hard Copies of Requested Documents
- Other (please specify): Email: nancygriswold@gmail

I agree to pay such fees and costs noted in the Town of Thomaston FOI Fee Schedule prior to the release of documents to me. I understand that materials may be picked up and payment made at the First Selectman's Office. I understand that the fees may be waived if I, the requester, am receiving public assistance or can demonstrate other facts showing my inability to pay due to indigence.

Sign of Requester: Nancy L. Griswold Date: 9/19/22

Department use only:
 Date Request Received: 9/19/22 DB Date Picked-Up: _____
 Docs. Returned to TC: _____ Date Completed: _____
 # of Pages: _____ Cost: \$ _____
 Notes: _____

1. Any and all revisions to the Town of Thomaston Zoning Regulations since zoning regulations were first adopted
2. Any and all zoning complaints since zoning regulations were first adopted
3. Any and all documentation prioritizing zoning complaints since zoning regulations were first adopted
4. Any and all records of activity related to zoning complaints since zoning regulations were first adopted
5. Any and all observations of possible violations and notices of violations since zoning regulations were first adopted
6. Any and all zoning enforcement actions (cease and desist orders, consent and abatement orders, lawsuits, etc.) since zoning regulations were first adopted
7. Any and all non-privileged correspondence (emails, text messages, etc.) related to zoning complaints and/or enforcement actions since February 2019
8. Any and all photographs related to zoning complaints and/or enforcement actions since zoning regulations were first adopted
9. Any and all documentation justifying deviations from established procedures since zoning regulations were first adopted
10. Procedures established by the Board of Selectmen regarding the use of legal counsel
11. Any and all legal bills incurred by the Planning and Zoning Commission and/or the Land Use Office since zoning regulations were first adopted
12. Any and all tax assessor records related to unregistered motor vehicles since zoning regulations were first adopted

From: **Stacey Sefcik** <ssefcik@thomastonct.org>
Date: Mon, Mar 28, 2022 at 4:23 PM
Subject: Nancy Griswold FOI Request March 23, 2022
To: nancygriswold@gmail.com <nancygriswold@gmail.com>, jparese@pppclaw.com <jparese@pppclaw.com>
Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>, Laura Fitch <lfitch@thomastonct.org>

****VIA EMAIL AND CERTIFIED MAIL****

Hi Nancy,

In accordance with the State of Connecticut Freedom of Information Act, I am writing to provide you an update regarding your request for information. **Please note that the request for which I received a copy was dated March 23, 2021 at the top; however, you signed it March 23, 2022 (please see attached). Therefore, I am just clarifying that this office received your request on Wednesday, March 23, 2022.**

It is my understanding that the First Selectman's Office has already provided you the information you requested from my personnel file, and that you picked it up last week. Therefore the remaining items from your request include the following:

1. (2019-March 23, 2022 Present) All Reports on Enforcement Activities (P&Z)
2. All Reports/File on 24 Atwood Rd./1 Waterbury Rd./1 So. Main St./172-174 So. Main Street – All Thomaston, CT
3. All Cease & Desist Orders 2019-Present P&Z

These items would come from my office, and I wanted to provide an update as well as to seek some clarification in order to ensure you are getting what you are requesting. I also want to provide you a cost and time estimate so that you are aware of any associated costs in order to produce the materials necessary for your request, as well as an estimate of the amount of time we will need in order to provide the documents you seek.

1. First, *enforcement reports to P&Z*. My reports are all electronic files, so you will be getting these via email to the email addresses you provided. **There will be no charge for these reports. I anticipate you will have all of these reports emailed to you by close of business on Friday, April 1, 2022.** So there is no confusion, please be aware that while I generally produced a written report to the Planning & Zoning Commission every month they had a meeting, there were some months when I did not provide a written report and instead provided a verbal report. When I email you, I will clearly indicate in the email which months this occurred. In these cases, I will refer you to the pertinent P&Z minutes available free of charge on our website so that you can see what was discussed at the meeting.
2. Second, *All reports and file on 24 Atwood Road, 1 Waterbury Road, 1 South Main Street, and 172-174 South Main Street*. For clarity, the Town GIS system does not show that there is a "1 South Main Street" address here in Thomaston; if the file desired is for the Raf's property, that is 1 Waterbury Road. If there is a different property that you were referring to when you listed "1 South Main Street" – I will need additional information from you in order to comply with this portion of the request. Similarly, 174 South Main Street does not exist on our Town GIS system; if this is an apartment affiliated with 172 South Main Street, everything will be contained in the 172 South Main Street address file, as that is the official property address listed with the Town Assessor. As with "1 South Main Street", if you are referring to what you believe is a separate property known as "174 South Main Street", then I will need additional information in order to comply with your request.

With that understanding, please be aware that these are hard copy files. As such, in accordance with the Freedom of Information Act, we will be charging 50 cents per copy for regular and legal sized copies and \$5.00 per copy for map-sized copies that require the use of our plotter. There are enforcement files, zoning application files, building files, and possibly wetlands files for each property address. Since your request indicated you wanted ALL items for each property address that is reflected in the totals below. As such, the number of pages and the consequent cost for each address is listed below:

24 Atwood Road – Documentation Dating Back to 1988 – 204 regular-sized pages = \$102.00

1 Waterbury Road – Documentation Dating Back to 2003 – 60 regular-sized pages + 2 map-sized plotter copies = \$30.00 plus \$10.00 = \$40.00

172 South Main Street – Documentation Dating Back to 1978 - 109 regular-sized pages + 6 map-sized plotter copies = \$54.50 plus \$30.00 = \$84.50

(Please note that this file contains applications pulled expressly for “172 South Main Street” and are labeled 172 South Main Street, but appear to actually be for the gas station at what is now known as 176 South Main Street)

3. *All Cease & Desist Orders 2019- Present P&Z.* I have prepared an Excel spreadsheet attached above that lists all of the Cease & Desist Orders I have issued since I started in the Town of Thomaston in February 2019. The spreadsheet lists the property owner to which the order was addressed, the property address the order is in reference to, and a brief summation of the issues for which the order was issued. I also provided the number of pages for each Cease & Desist Order document, and the estimated total of the number of pages for ALL listed Cease & Desist documents. These are hard copies, so as above, in accordance with the Freedom of Information Act, we will be charging 50 cents per copy for regular and legal sized copies and \$5.00 per copy for map-sized copies that require the use of our plotter.

Please note that there was a four-month period in 2019 where the former Land Use Administrator, Jeremy Leifert, was also working here in the Building & Land Use Office; it is possible that some other Cease & Desist Orders were issued in 2019 under his name, and in one case, a 2019 enforcement action occurred under the name of the Planning & Zoning Commission chairman during the period where Jeremy was no longer here but I was not yet officially Land Use Administrator. I wanted to clarify whether or not you also wanted these items or whether you simply wanted what I myself had issued. If you want additional enforcement issued by other department staff and/or volunteers from 2019, that is not included in the above attachment.

Therefore, the total for the Cease & Desist Order documents in the attachment above ONLY is \$16.50. If you want any other documents from these files in addition to the Cease & Desist Order documents, that would be an additional charge and would also require additional time. If you want Cease & Desist Orders from 2019 from any other Building & Land Use staff and/or commission members, that will also be an additional charge and require additional time to compile.

As I mentioned, I will get the items in #1 to you by the end of this week. As for the items in #2 and #3, please be aware that we will need to receive payment in full prior to beginning the work to make these copies for you. Given the amount of documents, and the fact that we are a busy Building & Land Use Office serving 7500 residents, 3300 other properties as well as staffing 4 commissions, all with a staff of 2 full-time and one part-time personnel, your request will understandably take some time for us to complete, especially since there are some additional questions we need you to answer before we can get started. We will make every effort to begin promptly and finish quickly once we have your payment and the outstanding questions have been answered. I anticipate that this will take no more than 30

days from the date you clarify your request in writing.

As your request was sizable and there several points in need of clarity, as an alternative, it may well be advisable to schedule a time for you and/or your attorney to come into the office and view the files directly so that you can inspect documents and better determine which documents you would like to obtain copies of. If you would prefer to do this, please email back to Ed Mone, Deb Bournival, and myself and we will be happy to schedule a mutually convenient time when you can view the files and have staff available to make any copies you wish to obtain.

Stacey

Stacey M. Sefcik, CZEO

Land Use Administrator

Town of Thomaston

860-283-8411 x 243

Live, Work, & Play in a Town for All Time

2 attachments

 **Griswold - C&D from 2019.xlsx**
12K

 **Griswold FOI request.pdf**
221K

Petitioners' Exhibit 5
Sefcik, et al. v. Griswold et al.

From: **Stacey Sefcik** <ssefcik@thomastonct.org>
Date: Tue, Apr 5, 2022 at 2:17 PM
Subject: Nancy Griswold FOI Request March 23, 2022 - Part 1 of 4
To: jparese@pppclaw.com <jparese@pppclaw.com>, nancygriswold@gmail.com <nancygriswold@gmail.com>
Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>, Laura Fitch <lfitch@thomastonct.org>

Nancy,

Attached please find my 2019 Zoning Enforcement Reports to the Planning & Zoning Commission. I started with the Town in February 2019 and my first report was March 2019. The only month there was not a written report was October 2019.

The link to the minutes of the October 2019 regular meeting is here: http://www.thomastonct.org/filestorage/82/586/651/957/961/5202/October_2%2C_2019_Minutes.pdf






Due to the number of files, I will be sending you multiple emails with the reports attached, grouped by year. This is the first of four emails.

Stacey

Stacey M. Sefcik, CZEO
Land Use Administrator
Town of Thomaston
860-283-8411 x 243

Live, Work, & Play in a Town for All Time

9 attachments

-  **Enforcement Report 030619.pdf**
91K
-  **Enforcement Report 040219.pdf**
94K
-  **Enforcement Report 050119.pdf**
96K
-  **Enforcement Report 060419.pdf**
132K
-  **Enforcement Report 071019.pdf**
155K

 **Enforcement Report 080719.pdf**
170K

 **Enforcement Report 090419.pdf**
180K

 **Enforcement Report 110619.pdf**
188K

 **Enforcement Report 120419.pdf**
172K

Petitioners' Exhibit 6
Sefcik, et al. v. Griswold et al.

From: **Stacey Sefcik** <ssefcik@thomastonct.org>
Date: Tue, Apr 5, 2022 at 4:33 PM
Subject: Nancy Griswold FOI Request March 23, 2022 - Part 2 of 4
To: jparese@pppclaw.com <jparese@pppclaw.com>, nancygriswold@gmail.com <nancygriswold@gmail.com>
Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Laura Fitch <lfitch@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>

Hello,

Attached please find Zoning Enforcement Reports to the P&Z for 2020.

Like so many other things during the COVID pandemic, from March 2020 onward, zoning enforcement was temporarily halted. As such, there were only a few written reports to the Commission this year. Links to minutes for meetings without written reports are below:

January 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/P_AND_Z_010820_%28002%29.pdf

April 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/April_1%2C_2020_minutes.pdf

May 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/May_6%2C_2020_minutes.pdf

June 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/June_3%2C_2020_meeting_minutes.pdf

July 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/July_1%2C_2020_minutes.pdf

September 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/September_2%2C_2020_minutes.pdf

October 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/October_7%2C_2020_motions.pdf

November 2020: http://www.thomastonct.org/filestorage/82/586/651/957/961/6533/November_4%2C_2020_minutes.pdf

The 2021 and 2022 reports will be coming tomorrow.

Have a good night,

Stacey

Stacey M. Sefcik, CZEO

Land Use Administrator

Town of Thomaston

860-283-8411 x 243

Live, Work, & Play in a Town for All Time

4 attachments

 **Enforcement Report 020520.pdf**
179K

 **Enforcement Report 030420.pdf**
189K

 **Enforcement Report 08052020.pdf**
183K

 **Enforcement Report 12022020.pdf**
191K

Petitioners' Exhibit 7
Sefcik, et al. v. Griswold et al.

From: **Stacey Sefcik** <ssefcik@thomastonct.org>
Date: Fri, Apr 8, 2022 at 9:54 AM
Subject: Nancy Griswold FOI Request March 23, 2022 - Part 3 of 4
To: nancygriswold@gmail.com <nancygriswold@gmail.com>, jparese@pppclaw.com <jparese@pppclaw.com>
Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>

Hi Nancy,

Attached please find my 2021 Enforcement Reports. I've attached links to minutes for the three months there wasn't a report.

March 2021: http://www.thomastonct.org/filestorage/82/586/651/957/961/9475/BRN3C2AF4414F93_008101.pdf

July 2021: http://www.thomastonct.org/filestorage/82/586/651/957/961/9475/July_7%2C_2021_minutes.pdf

September 2021: http://www.thomastonct.org/filestorage/82/586/651/957/961/9475/September_7%2C_2021_minutes.pdf

One final email will be coming shortly with everything thus far from 2022.

Stacey

Stacey M. Sefcik, CZEO

Land Use Administrator

Town of Thomaston

860-283-8411 x 243

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9 attachments

 **Enforcement Report 01062021.pdf**
185K

 **Enforcement Report 02032021.pdf**
182K

 **Enforcement Report 04072021.pdf**
196K

 **Enforcement Report 05052021.pdf**
194K

 **Enforcement Report 06022021.pdf**
196K

 **Enforcement Report 08042021.pdf**
192K

 **Enforcement Report 10062021.pdf**
211K

 **Enforcement Report 11012021.pdf**
187K

 **Enforcement Report 12012021.pdf**
190K

Petitioners' Exhibit 8
Sefcik, et al. v. Griswold et al.

From: **Stacey Sefcik** <ssefcik@thomastonct.org>
Date: Fri, Apr 8, 2022 at 10:06 AM
Subject: Nancy Griswold FOI Request March 23, 2022 - Part 4 of 4 - FINAL
To: nancygriswold@gmail.com <nancygriswold@gmail.com>, jparese@pppclaw.com <jparese@pppclaw.com>
Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>, Laura Fitch <lfitch@thomastonct.org>

Hi Nancy,

Attached are my enforcement reports thus far for 2022. This is the last email I'll be sending on this part of your FOI request.

January 2022: http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/January_5%2C_2022_-_PZ_draft_minutes.pdf

March 2022: http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/March_2%2C_2022.pdf

I have not yet heard back from you in response to my email dated March 28, 2022. As a reminder, if you want those other items from your FOI request payment is required before the copying work can begin. If you still want those items, I will need to hear from you to resolve a few outstanding questions and to obtain that advance payment.

Have a good weekend,

Stacey

Stacey M. Sefcik, CZEO
Land Use Administrator
Town of Thomaston
860-283-8411 x 243

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2 attachments

 **Enforcement Report 02022022.pdf**
183K

 **Enforcement Report 04062022.pdf**
190K

Petitioners' Exhibit 9
Sefcik, et al. v. Griswold et al.

From: **Stacey Sefcik** <ssefcik@thomastonct.org>

Date: Fri, Sep 9, 2022 at 12:04 PM

Subject: Nancy Griswold FOI Request September 6, 2022

To: nancygriswold@gmail.com <nancygriswold@gmail.com>, jparese@pppclaw.com <jparese@pppclaw.com>

Cc: Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>, Laura Fitch <lfitch@thomastonct.org>

****VIA EMAIL AND CERTIFIED MAIL****

Hi Nancy,

In accordance with the State of Connecticut Freedom of Information Act, I am writing to provide you an update regarding your additional request for information dated September 6, 2022.

This second request pertained to the following items:

1. Reports of Enforcement Activities from April 7, 2022 to present

The only separate written report is from June 2022, and I've attached it above. There have been no other reports separate from what has been discussed at the monthly regular P&Z meetings:

http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/May_4%2C_2022.pdf

http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/June_15%2C_2022_Special_Meeting.pdf

http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/July_6%2C_2022_-_Full_Minutes.pdf

http://www.thomastonct.org/filestorage/82/586/651/957/961/10210/PZ_min_August_3%2C_2022.pdf

P&Z had a meeting Wednesday night, and once those minutes are done we can forward a copy to you as well. My written enforcement reports tend to be every other month; if this report is something you will continue to want on a regular basis, I'd recommend using our website at www.thomastonct.org in order to access all copies of P&Z minutes free of charge. A quick look at the posted monthly minutes will in most cases let you know immediately if a written report had been produced and discussed.

To streamline this process going forward, I have arranged with the Building & Land Use Administrative Assistant to ensure any enforcement reports I bring to the commission are linked to the minutes posted on the website. This will go into effect with the October 2022 regular meeting minutes.

2. Planning & Zoning Commission's Standard Zoning Enforcement Procedures

Attached above please also find a copy of the requested document.

3. All zoning complaints from 2007 to present, Stacey Sefcik's spreadsheet prioritizing these complaints, and all emails related to these complaints.

This is an extremely broad request with several challenges delaying compliance:

1. While I have enforcement records that I compiled for complaints and actions taken during my time here since February 2019, there is no such spreadsheet readily available dating back to 2007. Just providing a basic estimate of the time it would take to fulfill your request and the total cost of its completion will in and of itself require a great deal of time to research, as it would require our office staff to go through each and every one of approximately 3300 +/- property address files in order to see what is/is not in there.
2. There is the further issue that in the time period from 2007-2019, there were at least two and potentially up to four other enforcement officers that predated me – I have no access to their email files. In order to comply with this portion of your request, the Town will have to see if their IT consultant can even access these long-closed out email accounts. If they can, then this too will likely take a great deal of time and cost.
3. Our Building & Land Use Office is comprised of two full-time and one part-time staff members serving 7500 residents, 3300 +/- other properties as well as assisting 4 busy town commissions. Your request will understandably take some time for us to complete, given we have daily time-sensitive responsibilities to meet in the midst of fulfilling your request.

If you want us to go forward doing this work, I will likely need approximately 6 weeks to research and compile the documentation to properly estimate the number of documents involved, whether we can access past email files and the process by which it would be done, and the consequent cost of all this research. If you wish for us to move forward on this, please confirm via email; if you do want to move forward with this, we will update you weekly as we progress with this research.

As a basis for comparison, the previous FOI request you submitted on March 23, 2022 for records pertaining to 172 South Main Street, 1 Waterbury Road, and 24 Atwood Road was going to cost approximately \$240 and that was just for the photocopies. Very preliminarily, I think it is safe to assume that just obtaining copies of zoning complaints back to 2007 is going to cost at least as much. This request would potentially have even more cost associated with it as it may involve the services of our outside IT consultant; given the amount of hours that this research will entail, the Town may also wish to explore whether there will also be an hourly fee for staff time. Obviously, I will have a more specific cost and timeline once we have time to go through the files. As a reminder, work to make these copies would not begin until full payment is received.

As with your March 23, 2022 request, I am once again making the suggestion that it may well be more efficient to schedule a time for you and/or your attorney to come into the office to view the files directly so that you can review our files and better determine which documents you would like to obtain copies of. If you would prefer to do this, please email back to Ed Mone, Deb Bournival, and myself and we will be happy to schedule a mutually convenient time when you can view the files and we will have staff available to make any copies you wish to obtain.

Stacey

Stacey M. Sefcik, CZEO

Land Use Administrator

Town of Thomaston

860-283-8411 x 243

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From: Nancy Griswold <nancygriswold@gmail.com>
Sent: Saturday, September 10, 2022 1:33 AM
To: Stacey Sefcik <ssefcik@thomastonct.org>
Cc: jparese@pppclaw.com; Ed Mone <emone@thomastonct.org>; Deborah Bournival <dbournival@thomastonct.org>; Steven Byrne <attysbyrne@gmail.com>; Laura Fitch <lfitch@thomastonct.org>
Subject: Re: Nancy Griswold FOI Request September 6, 2022

Stacey,

I thank you for your prompt response to my request.

In your *Report on Enforcement Activities from 2/6/19 to 3/5/19*, you stated, "Over the past month, I've been updating my spreadsheet containing all outstanding zoning complaints and prioritizing them according to this Commission's *Standard Zoning Enforcement Procedures*." In the following month's report, you went on to state, "I finished reviewing all outstanding zoning complaints, and after adjusting for duplicates, the revised total outstanding zoning complaints dating from 2007 to the present decreased from 207 to 200."

Are these complaints and your spreadsheet prioritizing these complaints not readily available?

Sincerely,

Nancy

On Thu, Sep 22, 2022 at 9:09 AM Stacey Sefcik <ssefcik@thomastonct.org> wrote:

Hi Nancy,

In accordance with the State of Connecticut Freedom of Information Act, I am writing to provide you an update regarding your follow-up request for information dated September 10, 2022.

This third request pertained to the following items:

(See email directly below)

Attached above you can find my spreadsheet that I had been speaking of in the minutes you quoted. I created this in January 2019 when I began as Assistant ZEO to get a handle on a large stack (200+) of enforcement complaints that had been received over the past several years. Due to the size of the pile it was necessary to triage, and the priority scale in the Enforcement Procedures that you were given – created by my predecessor a year or so previously – was used to do that. I simultaneously worked through this list of past complaints while handling new complaints as they came in. Therefore, it is important to understand that the complaints logged on this list represent a snapshot in time, and the list has not updated with new complaints since I became LUA in June 2019. If you want more current information (June 2019 on), you should refer to the Enforcement Reports that I submit to the P&Z Commission that you received in your first FOI request, as that has a section specifically listing new actions.

Your request came in over a weekend, and I didn't see it until the Monday after, and then at that point, to aid in your review, I moved items around to reflect their current status as of now, but again, the specific complaints on here are only current as of spring 2019.

Hope this helps,

Stacey

Petitioners' Exhibit 12
Sefcik, et al. v. Griswold et al.

From: Nancy Griswold <nancygriswold@gmail.com>
Sent: Thursday, October 20, 2022 9:38 AM
To: Stacey Sefcik <ssefcik@thomastonct.org>
Cc: jparese@pppclaw.com; Ed Mone <emone@thomastonct.org>; Deborah Bournival <dbournival@thomastonct.org>; Steven Byrne <attysbyrne@gmail.com>; Laura Fitch <lfitch@thomastonct.org>
Subject: Re: Nancy Griswold FOI Request September 6, 2022

Stacey,

I thank you for sending me your spreadsheet. However, I have yet to receive a single zoning complaint referenced in your spreadsheet. In addition, I have not received any emails related to these complaints. Please let me know if you intend to comply with my request.

Sincerely,

Nancy

Petitioners' Exhibit 13

Sefcik, et al. v. Griswold et al.

From: Stacey Sefcik
Sent: Thursday, October 20, 2022 1:03 PM
To: Nancy Griswold <nancygriswold@gmail.com>
Cc: jparese@pppclaw.com; Ed Mone <emone@thomastonct.org>; Deborah Bournival <dbournival@thomastonct.org>; Steven Byrne <attysbyrne@gmail.com>; Laura Fitch <lfitch@thomastonct.org>
Subject: RE: Nancy Griswold FOI Request September 6, 2022

Hello Nancy,

This email will confirm that I am now in receipt of the email below, which for convenience I am labelling as your **fifth** FOI request of the past seven months.

This email states that you "have yet to receive a single zoning complaint referenced in your spreadsheet". I respectfully disagree with this statement, due to the fact that in your numerous requests to date, which I have just gone back to research and confirm, you have not yet actually requested this limited and specific information, have not responded to follow-up questions, and/or made the necessary payments.

To briefly recap:

1) Your **first** request was dated March 23, 2022. I emailed back to you on March 28, 2022 indicating I had several questions I needed you to answer in order to meet your request, which you did not respond to. In that same email I had also provided cost estimates for several items, but to date never received payment. Those items that I could get to you without any cost involved I sent to you via a series of emails on April 5, 2022 and April 8, 2022.

2) Your **second** request was dated September 6, 2022. You received part 1 and part 2 in my response email dated September 9, 2022. The only items you did not receive pertained to part 3 which requested: "*All zoning complaints from 2007 to present, Stacey Sefcik's spreadsheet prioritizing these complaints, and all emails related to these complaints.*" In response to section 3 of your request, in that same email to you dated September 9, 2022, I explained that this was an extremely broad request with several challenges delaying compliance. At the end of that lengthy explanation, I stated the following:

"If you want us to go forward doing this work, I will likely need approximately 6 weeks to research and compile the documentation to properly estimate the number of documents involved, whether we can access past email files and the process by which it would be done, and the consequent cost of all this research. If you wish for us to move forward on this, please confirm via email; if you do want to move forward with this, we will update you weekly as we progress with this research." For the purposes of this email, I have highlighted the place where I indicated I needed email confirmation as to whether or not you wanted me to move forward with this estimated 6 weeks of research; to date you have never replied confirming you wished me to move ahead with this full request. Later in that same email I also stated: "*As a reminder, work to make these copies would not begin until full payment is received.*" To date, no payment has been received either.

3) Your **third** request via email was dated September 10, 2022 and you referenced two enforcement reports from early 2019, asking: "*Are these complaints and your spreadsheet prioritizing these complaints not readily available?*" I provided the spreadsheet to you attached to an email on September 22, 2022. That email explained the limited nature of the spreadsheet and its contents, and how to find any additional information

you might want via the P&Z minutes.

4) Your **fourth** request was dated September 19, 2022 and included a laundry list of 12 items from multiple town departments dating as far back as March 1971. My understanding is that you offered \$1000 to Deb Bournival to pay for the work associated with this request; however, Deb declined payment at that time because she was not yet in possession of an exact estimate of how much such a broad request encompassing multiple departments would cost to accomplish.

With regard to the portions of this fourth request that pertained to the Assessor's Department, you received a response from Bob Dudek on September 20, 2022; that response indicated to you that some of the information you requested they were statutorily unable to provide due to privacy concerns. He also indicated that he had other information available for you to review in office and that you were to notify him of the date and time you wanted to come in to access this information; my understanding is that he has not yet heard back from you.

With regard to the remainder of the September 19, 2022 request, I responded on September 22, 2022 indicating exactly how sizable this request was, dating back as it does more than 50 years. I wrote: "*As such, we are evaluating the efforts it would take in order to achieve such a Herculean request, and I will not be able to get back to you with a cost estimate until October 20th at the very soonest.*" I had already been in process trying to prepare at least a brief update to you as I had indicated I would try to get back to you by today, when this email came in from you today.

In sum, what you have requested that did not require advance payment and/or your follow-up answers to our necessary clarifying questions, you have already been provided. Any other items that you feel you have not been provided could possibly be resolved more quickly if you would simply answer the follow-up questions I have been asking you all along, as they will help me fulfill your requests. As I have stated all along, you could also obtain this information by coming to Town Hall yourself to inspect the records you desire, as your multiple requests involve literally THOUSANDS of pages of information. Our records are open for inspection during normal business hours and you can review them at your leisure; you have only to let us know when you would like to come so that we can arrange to have someone available to assist you. To date, you have not taken us up on this offer.

To return to what is have labeled as your **fifth** request:

We **remain** happy to comply with requests for items that we are able to provide under statutory requirements. However, in order to do so, you need to answer the clarity questions I may have so that I can meet your request. You also need to pay the statutorily permitted costs prior to work beginning. With that in mind, please respond and for clarity confirm to me that:

- 1) *You will or will not be coming in to view the desired files yourself;*
- 2) *If you are coming in to view the files yourself, your preferred date(s) and time(s) so that I can make necessary arrangements for staffing, room arrangements, copier availability, etc.;*
- 3) *If you choose not to come in yourself, you now ONLY wish to have copies made of the specific zoning complaints listed on the spreadsheet that I sent you on September 22, 2022;*
- 4) *Following up on Question 3 – if you only want information from the specific zoning complaints listed on the spreadsheet I sent you on September 22, 2022, do you just want the actual complaint forms for each of the approximately 200 or do you also want the supporting materials in the file for each of the zoning complaints?*

If you do not respond to these questions it will unfortunately remain difficult for myself and the rest of the town staff to fulfill your many overlapping requests. Please let me know the answers to the four questions above and I will be happy to assist you from there.

Stacey

Stacey M. Sefcik, CZEO

Land Use Administrator

Town of Thomaston

860-283-8411 x 243

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Petitioners' Exhibit 14

Sefcik, et al. v. Griswold et al.

From: Nancy Griswold <nancygriswold@gmail.com>

Sent: Friday, October 21, 2022 10:35 AM

To: Stacey Sefcik <ssefcik@thomastonct.org>

Cc: jparese@pppclaw.com; Ed Mone <emone@thomastonct.org>; Deborah Bournival

<dbournival@thomastonct.org>; Steven Byrne <attysbyrne@gmail.com>; Laura Fitch <lfitch@thomastonct.org>

Subject: Re: Nancy Griswold FOI Request September 6, 2022

Stacey,

I thank you for your response, and I appreciate your cooperation. At this time, I do not intend to inspect any public records in person. However, in an effort to prioritize and refine any outstanding or future requests, I would like to request a copy of all emails you have sent or received from February 2019 to present. If you use Outlook, here are instructions that explain how to complete this request in minutes. Depending upon the size of the file, I may request that you transmit these emails to me on a flash drive. Please note that because I am requesting these emails be transmitted to me electronically, there may be no basis for charging a fee beyond the cost of a flash drive. (See David Booth v. Superintendent of Schools, Middletown Public Schools; and Middletown Public Schools.) In addition, please continue to research the time and cost to complete any outstanding requests.

Sincerely,

Nancy

Tue, Oct 25, 2022 at 5:30 PM

Stacey Sefcik <ssefcik@thomastonct.org>

To: Nancy Griswold <nancygriswold@gmail.com>

Cc: "jparese@pppclaw.com" <jparese@pppclaw.com>, Ed Mone <emone@thomastonct.org>, Deborah Bournival <dbournival@thomastonct.org>, Steven Byrne <attysbyrne@gmail.com>, Laura Fitch <lfitch@thomastonct.org>, Nicole Byrne <attynbyrne@gmail.com>

Petitioners' Exhibit 15
Sefcik, et al. v. Griswold, et al.

Good afternoon Nancy,

In accordance with the Freedom of Information Act, I am writing to respond to your emailed request attached below and dated Friday, October 21, 2022.

Please be advised that, while the Connecticut Freedom of Information Act (FOIA) does give you the right to request and obtain records of public agencies, there are certain limitations to this. For instance, documents that are under attorney-client privilege are not necessarily available for inspection. Additionally, while you may prefer not to inspect any public records in person, the Town of Thomaston and its staff are under no obligation to and may not do the following: perform analytical work, studies, investigations, calculations, program reviews, or create any special/customized documents/materials/ or retrievals in response to an FOIA request. We are not required to conduct research, compile data, or create documents in response to your request; we are only required to allow access to and/or provide copies of existing records that are sufficiently identified – and we have done this consistently since your first FOIA request back in March 2023.

Over the past several weeks, you have barraged the Town Hall with a multitude of vexatious requests of me, the Assessor's Office, and the First Selectman's Office. When pressed for necessary follow-up information, you have either refused to answer the question, refused to provide necessary payment to begin, and/or shifted to yet another even more broad-reaching request. Despite numerous offers to make the information available to you here in Town Hall AT YOUR CONVENIENCE, in your most recent email you have outright refused this offer. After no less than five FOI requests in the past six weeks for information that dates back as far as 50 years ago, a reasonable person and/or State Agency could easily come to the conclusion that the end-goal here is not in fact obtaining information from a public agency so much as it is a thinly-veiled attempt at harassment of myself, the Building & Land Use staff, and Town Hall staff in general in retaliation for my performance of my duties as the Town of Thomaston Zoning Enforcement Officer. That pattern of harassment becomes even more easily demonstrated when taken in tandem with comments made by your son on the recorded record of a court hearing, not the least of which was when he indicated that he was coming after me because I "started" this enforcement action with you.

The contents of my October 20, 2022 email are attached below. With the exception of emails, archived items, and materials that are so old we no longer store them here in this office, those items that you have requested in the first five of your six FOI requests have been and remain available for inspection here in Town Hall. If you truly wish to inspect these items, then I suggest that you make arrangements to schedule a time to visit. We have a free desk in our office where you can sit and review everything, and we have a copy machine ready to hand for any copies you wish to obtain. We will be available to total your copies and provide you with an invoice for those items you make copies of. **No one in this office will be making these copies for you; we are under no obligation to do so, we do not have the time to do so, and therefore we will NOT be doing so.** Our requirement under FOI is to make these materials available to you, which we have been all along and which we will continue to do; our requirement under FOI is not to become your personal clerical staff to the detriment of the many other duties that the Town of Thomaston and its 7500 other residents expect us to complete.

With regard to those items pertaining to emails, while I thank you for your input as to how easy you believe this would be to provide, it is in fact not remotely as simple as you categorized it. Your request requires me to go through no less than four years' worth of sent and received emails in order to ensure there is no material that is the subject of attorney-client privilege. For reference, simply going through three months of only "received" emails took me no less than one hour. Your requests for emails also requires me to go through and confirm that the release of such information will not open the Town of Thomaston to liability under HIPAA, seeing as I have over the past four years

received information from commission members, residents, and applicants that contains what may very well be classified as privileged health information. Before I can release any of these items, I will first need our attorneys' input as to whether such information is permissible for me to release.

Please also be aware that, at the request of the Selectmen's Office, I am reaching out to the Freedom of Information Commission in order to verify whether the time I have already spent to date on your numerous requests is something for which the town can charge you. If we are in fact allowed to do so, you can be sure you will be receiving a bill via State Marshal within the next few weeks.

Going forward from this point onward, I would suggest that all correspondence occur through our attorneys. If you do in fact wish to make arrangements to come in and view files, your attorney can work with our attorneys to arrange the details.