

APR 04 2023

Freedom of Information Comm.

By **Walker, Lorraine**

**From:** Gregg Haythorn <ghaythorn@msn.com>  
**Sent:** Tuesday, April 4, 2023 7:11 PM  
**To:** Richman Smith, Jessica; FOI; Murphy, Colleen  
**Cc:** Jj; Lisa Barbiero; stevenezzes@westonps.org; mmohabeer@westonct.gov; ajenner@westonct.gov; Samantha Nestor; Fasciano, Linda; davidfelton@westonps.org; petergordon@westonps.org; melissawalker@westonps.org; sharonferraro@westonps.org; bernadettekingsley@westonps.org; chadhoepner@westonps.org; Jaquays, Julie; Gleason, Sarah E.  
**Subject:** Re: Haythorn Letter 03-24-2023 and WITHDRAWAL of Petition for Relief from Vexatious Requesters

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## FIC / Assorted Attorneys / Assorted Petitioners:

So if we understand this email correctly, this appears to amount to concurrence with proposed settlement, which follows more or less the already executed TOW settlement. Which would mean, the parties are in fundamental agreement, and we appreciate the constructive language of the closing "invitation for further discussion".

We are unsure how much the petitioners counsel will be invoicing for this 4-3-23 letter, but since every communication represents additional avoidable expense to the District and Weston taxpayers, we respectfully repeat our observation that a settlement requirement that avoidably drags all parties through an otherwise needless formal FIC process resulting in a now irrelevant "order to settle" or "order to refrain from new complaints and formal FOIA record requests", which we have already voluntarily agreed to be bound by, is not productive and contrary to Weston taxpayer and WPS student interests. It will result in additional waste of tax and education \$s. Therefore, we respectfully suggest the following simple steps, since we already have a great working and personal relationship with petitioners Barbiero, DeVito, Sachetta, and others in the WPS Central Office...

1. Central Office prints two copies of their counsel's 4-3-23 email attached.
2. Petitioners sign those copies and date.
3. Jennifer and Gregg drop by the WPS Central Office the afternoon of Friday 4-7-23 and sign / date both settlement agreement copies.
4. The Haythorn's email petitioners and FIC withdrawal requests by close of business 4-7-23.
5. Petitioners formally withdraw petition to FIC by close of business 4-7-23.

## This accomplishes three things:

1. Settles the matter even more formally and finally from a legal perspective than already "settled" by the FIC having denied hearings on open pending complaints.
2. Minimizes additional educationally unjustifiable legal expense.
3. Precludes additional unjustifiable petitioner burden to the FIC.

Barring any additional objections or suggestions from petitioning counsel, the petitioners, or the FIC, we will plan to drop by the WPS Central Office Friday 4-7-23 for signatures and a quick catch-up with our friends in the WPS Central Office ahead of our son's impending graduation from Weston High School.

Alternatively, should the petitioners still insist on formal FIC settlement order, while we lack formal legal training, such insistence would seem to imply dubious legal validity of such an FIC order (in the absence of formal FIC hearing procedural due process), we would have no objection assuming petitioner counsel agrees to conduct that process pro bono on behalf of petitioners and the WPS community.

Thank you, and happy impending holidays.  
Gregg and Jennifer Haythorn

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**From:** Richman Smith, Jessica <JSmith@goodwin.com>

**Sent:** Monday, April 3, 2023 9:03 PM

**To:** Gregg Haythorn <ghaythorn@msn.com>; FOI-DL <foi@ct.gov>; Murphy, Colleen <colleen.murphy@ct.gov>

**Cc:** Jj <jenntoli@hotmail.com>; Lisa Barbiero <LisaBarbiero@westonps.org>; stevenezzes@westonps.org <stevenezzes@westonps.org>; mmohabeer@westonct.gov <mmohabeer@westonct.gov>; ajenner@westonct.gov <ajenner@westonct.gov>; Samantha Nestor <snestor@westonct.gov>; Fasciano, Linda <Linda.Fasciano@ct.gov>; davidfelton@westonps.org <davidfelton@westonps.org>; petergordon@westonps.org <petergordon@westonps.org>; melissawalker@westonps.org <melissawalker@westonps.org>; sharonferraro@westonps.org <sharonferraro@westonps.org>; bernadettekingsley@westonps.org <bernadettekingsley@westonps.org>; chadhoepner@westonps.org <chadhoepner@westonps.org>; Jaquays, Julie <JJaquays@goodwin.com>; Gleason, Sarah E. <SeGleason@goodwin.com>

**Subject:** RE: Haythorn Letter 03-24-2023 and WITHDRAWAL of Petition for Relief from Vexatious Requesters

Dear Attorney Murphy, Mr. Haythorn, and Mrs. Haythorn:

I write in response to Mr. and Mrs. Haythorn's email below on behalf of the Weston Public Schools and the Weston Board of Education (together, the "School District").

I wish to confirm that, as we have previously informed Attorney Kathleen Ross, the School District believes that withdrawing its *Petition for Relief from Vexatious Requesters and Motion that the Commission Deny Leave to Schedule Further Hearings* (the "Petition") would not be in the best interest of the School District at this time, except as discussed below. The School District exercised significant patience, restraint, and good faith for years in withstanding the vexatious conduct of the Haythorns with respect to their use of the Freedom of Information Act (FOIA) as a sword against the School District. Many attempts to resolve FOIA matters amicably through the ombudsman process failed because the Haythorns did not wish to settle on reasonable terms, thereby further burdening the School District and the Freedom of Information Commission (the "Commission"). For example, the Haythorns would not agree to withdraw their complaint against the School District regarding a meeting violation to which the School District had admitted and addressed promptly upon discovering the violation long before the hearing was even held. The Haythorns' attempt to now place blame on the School District for "wasteful[ness]" and imposing "further burden[s]" on the Commission is ironic and misplaced.

Only after the School District had incurred substantial time and expense in responding to the Haythorns' unprecedented number of FOIA requests, engaging in futile attempts at settlement, and defending the School District in numerous contested case hearings did the School District feel it was necessary to proceed with the Petition. The Petition was the School District's only path forward in helping to protect the operation of the School District from further diversions (both physically and economically) related to responding to the Haythorns' FOIA requests and complaints.

In light of the context and serious concerns described above, the School District believes it would not be prudent to withdraw the Petition without the remedies that the FOIA promises petitioners seeking relief from further FOIA requests and contested case hearings in the form of legally enforceable Commission orders. The School District has expended far too much time, effort, and expense preparing the Petition for sound reasons only to withdraw it with no guarantees of such relief. Therefore, in the interest of conserving scarce Commission resources while protecting School District funds and operations, the School District would be willing to enter into a stipulated agreement So Ordered by the Commission – and enforceable on the same terms as all other Commission orders – with the following terms:

1. Formal withdrawal by the Haythorns of all pending and prior requests for records made to the School District and/or its officials, employees, and/or other agents pursuant to the FOIA.
2. Formal withdrawal by the Haythorns of all pending appeals and/or complaints filed by the Haythorns with the Commission involving the School District and/or its officials, employees, and/or other agents.
3. Formal withdrawal of the Petition by the School District once all of the matters identified in (1) and (2) above have been withdrawn.
4. The School District, including its elected and appointed officials, staff, and other agents, will continue to comply with the obligations of a public agency under the FOIA, as they have always done in the past.
5. The Haythorns shall refrain from making additional requests for records to the School District and/or its officials, employees, and/or other agents pursuant to the FOIA for a period of one (1) year from the date on which this agreement is So Ordered by the Commission.

The School District invites further discussion with the Haythorns and the appropriate Commission representative(s) regarding this proposal.

Thank you,

Jessica Richman Smith



Jessica Richman Smith  
Shipman & Goodwin LLP  
Partner  
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Stamford, CT 06901-3522

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Disclaimer: Privileged and confidential. If received in error, please notify me by e-mail and delete the message.

**From:** Gregg Haythorn <ghaythorn@msn.com>

**Sent:** Sunday, April 2, 2023 1:28 PM

**To:** Richman Smith, Jessica <JSmith@goodwin.com>; Jaquays, Julie <JJaquays@goodwin.com>; FOI-DL <foi@ct.gov>

**Cc:** Jj <jenntoli@hotmail.com>; Lisa Barbiero <LisaBarbiero@westonps.org>; stevenezzes@westonps.org; mmohabbeer@westonct.gov; ajenner@westonct.gov; Samantha Nestor <snestor@westonct.gov>; Murphy, Colleen <colleen.murphy@ct.gov>; Fasciano, Linda <Linda.Fasciano@ct.gov>; davidfelton@westonps.org; petergordon@westonps.org; melissawalker@westonps.org; sharonferraro@westonps.org; bernadettekingsley@westonps.org; chadhoepner@westonps.org

**Subject:** Fw: Haythorn Letter 03-24-2023 and WITHDRAWAL of Petition for Relief from Vexatious Requesters

\*EXTERNAL EMAIL\*

TO: FIC, WPS, Weston BOE-

On Thursday March 23<sup>rd</sup>, the Weston Board of Selectmen formally voted to withdraw the Town of Weston's petition to the FIC for a ruling of Vexatiousness. On Friday, March the 31<sup>st</sup>, the attached executed settlement agreement detailing reciprocal withdrawals was emailed to the FIC, formally withdrawing TOW's petition following our withdrawal of any open / pending FIC FOIA complaints. The FIC confirmed complaint withdrawals late that afternoon.

Curiously, while TOW and WPS / Weston BOE vexatiousness petition generation and petition appear to have been coordinated by the "separate and distinct" public agencies and their counsel due to both timing and copying of counselors of both agencies by email of the submissions to the FIC, we note that TOW Counsel elected not to copy WPS / BOE counsel on TOW's formal withdrawal of their petition. Therefore, we are forwarding those documents here to BOE/WPS officials and counsel.

We also note that WPS / BOE counsel has not acknowledged receipt of our equivalent (and standing settlement offer since the outset of our first FIC complaints) settlement offer(s). And unlike their BOE and TOW official as well as counsel counterparts, WPS/BOE officials have yet to elect to initiate any communication to enact a similar, obviously simple settlement accomplished literally in only a few hours with TOW Board of Selectpeople (as compared to the years of time wasted dragging out FOIA record production and defense at great avoidable expense to Weston and the State).

Finally, we also note that WPS / BOE budgets are funded by the Town of Weston / BOS. WPS effectively receives no State education cost sharing reimbursement (ECS) funding, so Town of Weston tax receipts are effectively 100% of funding for this "separate and distinct" WPS/BOE agency. While the independence of these agencies may exist as a technicality, it does not exist in reality when the WPS/BOE is entirely fiscally dependent upon the Weston BOS and taxpayers, and the Weston BOE Chair is moved solely at their (his?) request by the local DTC from one appointed BOF leadership post to the vacated BOE Chairmanship. Any reasonable person can therefore by extension presume the position of the Weston Board of Selectpeople regarding the considerable costs ahead to fund further pursuit of petition for relief by the BOE / WPS.

So for the record, we repeat our previous settlement offers to WPS / BOE. In the meantime, since the petitioning BOE / WPS officials have yet to engage in collaborative settlement discussion for the past 6 weeks, creating the appearance of determination to avoidably further burden the CT FIC with their legally moot and indefensibly wasteful petition for relief from "vexatiousness", we move that the FIC immediately deny hearing of the WPS / BOE petition for vexatiousness. And spare both State of CT and Weston taxpayers a single additional avoidable wasted tax \$.

Of course, given the comprehensiveness of our reciprocal withdrawals with TOW and TOW's withdrawal of their parallel petition, the most educationally and fiscally responsible course of action for the Weston BOE / WPS would be to simply withdraw their petition. Thereby avoiding further avoidable damage to the academic prospects for WPS students, and expense for their families and Weston taxpayers.

Thank you,  
Gregg and Jennifer Haythorn

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**From:** Nicholas R. Bamonte < >  
**Sent:** Friday, March 31, 2023 8:26 AM

To: FOI-DL < >; Murphy, Colleen < >; Fasciano, Linda < >  
Cc: Ira Bloom < >; Jj < >; Jonathan Luiz < >  
< >; < >  
Samantha Nestor < >; Gregg Haythorn < >  
Subject: Re: Haythorn Letter 03-24-2023 and WITHDRAWAL of Petition for Relief from Vexatious Requesters

Good Morning:

On behalf of the Town of Weston, I am confirming that the Board of Selectmen has engaged in productive negotiations with Mr. and Mrs. Haythorn and the parties have reached an amicable resolution whereby all pending FOIA requests from the Haythorns to the Town have been withdrawn (see attached email dated 3/31/23), and all pending and undocketed complaints filed with the FIC against the Town have similarly been withdrawn (see email below). It is unclear to the Town whether all complaints by the Haythorns against the Town have in fact been acted upon in some manner by the FIC at this point, so for the sake of clarity and ease of processing, I am referencing FIC Docket Numbers 2021-0231, 2021-0240, and 2021-0323 as potentially still active and involving the Town.

Please note that this resolution has no effect on any pending requests or complaints involving the Town of Weston Board of Education/Weston Public Schools, as they are entities separate and distinct from the Town and are not parties to this resolution. To the extent that any pending, or filed but undocketed, complaints by the Haythorns involve both the Town of Weston and the Board of Education/Weston Public Schools, any claims specific to the Town and its agents have been withdrawn by Mr. Haythorn below, and any claims specific to the Board of Education/Weston Public Schools remain. The Town requests confirmation of the same by the FIC and adequate notation in each of the files.

As noted in the attached correspondence from the Board of Selectmen to the Haythorns, in response to the above withdrawals, the Town has agreed to withdraw the Petition for Relief from Vexatious Requesters filed by the Town against the Haythorns on March 3, 2023 (see attached email). This email serves as formal withdrawal by the Town of said Petition for Relief, effective immediately.

The Town thanks the FIC for its attention to these important matters.



Nicholas R. Bamonte  
Berchem Moses PC



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[nbamonte@berchemmoses.com](mailto:nbamonte@berchemmoses.com)

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From: Gregg Haythorn < >  
Date: Friday, March 31, 2023 at 7:51 AM  
To: FOI-DL < >; Murphy, Colleen < >; Fasciano, Linda < >  
< >  
Cc: Ira Bloom < >; Jj < >; Nicholas R. Bamonte < >

< >, Jonathan Luiz < >,  
 < > , < > , Samantha Nestor  
 < >

**Subject:** Re: Haythorn Letter 03-24-2023

CT FIC:

As agreed in the attached settlement agreement approved by the Weston Board of Selectmen, we are withdrawing any open / pending docketed (and submitted but undocketed complaints should any exist) regarding public requests made of the Town of Weston.

To our knowledge and according to our records, no new complaints have been submitted to the FIC in about a year, and all pending complaints have already either been formally denied hearing by the FIC or have already been adjudicated to completion through full Commission hearing and final ruling. In the event any complaints are still pending final full Commission review, we expect this withdrawal request will close them.

Thank you.  
 Gregg and Jennifer Haythorn

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**From:** Jonathan Luiz < >  
**Sent:** Thursday, March 30, 2023 8:58 PM  
**To:** Gregg Haythorn < >; Jj < >  
**Cc:** Ira Bloom < >; Nicholas R. Bamonte < >  
**Subject:** Fwd: Haythorn Letter 03-24-2023

Good Evening Mr. and Mr. Haythorn,

Please see the attached agreement signed by Selectmen Mohabeer and Jenner. I wish you the best moving forward.

Sincerely,  
 Jonathan Luiz  
 Weston Town Administrator

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