

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Lucy von Brachel,

Complainant

against

Docket #FIC 2024-0532

Chairperson, First Selectman's RFP  
Evaluation Committee, Town of  
Greenwich; First Selectman's RFP  
Evaluation Committee, Town of  
Greenwich; and Town of Greenwich,

Respondents

August 27, 2025

The above-captioned matter was heard as a contested case on March 18, 2025, and May 15, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that on August 5, 2024, the complainant submitted a request for records seeking the following:

Email correspondence between the First Selectman's Office (First Selectman, Assistant to the First Selectman, Town Administrator, et al), Andy Duus, and RFP Committee members between December 1, 2023 and August 4, 2024 that pertain to the Havemeyer Building RFP committee, the Havemeyer Building, the recently posted Request for Proposals No. 7871, and the leasing of office space for Greenwich Public Schools administration/Board of Education.

3. It is found that on August 7, 2024, the respondents acknowledged the complainant's request described in paragraph 2, above, wherein they indicated that her request was being processed.

4. It is found that on August 8, 2024, the respondents' Senior Management Analyst submitted a search request form to the Town of Greenwich's Information Technology (IT)

Department to search the emails of the First Selectman, Andy Duus, and members of the respondents' RFP committee for the date range of December 1, 2023 through August 4, 2024, using the following keywords: "Havemeyer Building," "Request for Proposal," "leasing of office space for Greenwich Public Schools Administration," and "Board of Education."

5. By letter of complaint dated September 3, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records described in paragraph 2, above.

6. It is found that by the time of the complainant's appeal to this Commission, the respondents had not disclosed any records to the complainant.

7. Section 1-200(5), G.S., provides:

"[p]ublic records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

8. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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.

9. Section 1-212(a), G.S., provides in relevant part that "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

10. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

11. It is found that as a result of the search described in paragraph 4, above, the respondents, in early March 2025, located and provided over 1,000 pages of email records to the complainant.

12. It is found that when providing the records described in paragraph 11, above, the respondents only withheld those that were not responsive to the complainant's August 5, 2024 request (e.g., records concerning unrelated RFPs).

13. At the first hearing on this matter, the complainant testified that she believed the respondents' production of records, described in paragraph 11, above, did not include all records responsive to her August 5, 2024 request.

14. The respondents testified, and it is found, that after the first hearing in this matter, they reviewed their initial search for records described in paragraph 4, above, and noticed that they had inadvertently limited the scope of the search to only those emails that included *all* of the relevant individuals.

15. It is found that on March 20, 2025, the respondents (via the Town's IT Department) conducted a second search for emails covering the same date range described in paragraph 4, above. It is found that the respondents' second search contained more refined keywords, included the emails for staff members of the Office of the First Selectman, and changed the search criteria to include emails from *any* (instead of *all*) of the relevant individuals.

16. It is found that the respondents, as a result of conducting the second search described in paragraph 15, above, located additional records responsive to the complainant's August 5, 2024 request. It is further found that the respondents, on May 13, 2025, provided a second set of records consisting of over 450 pages of records, most, but not all, of which were duplicative of the records previously provided to the complainant, as described in paragraph 11, above.

17. It is found that, with respect to the searches described in paragraphs 4 and 15, above, the respondents' Senior Management Analyst received the emails from the Town's IT Department and shortly thereafter forwarded them to respondents' counsel for review.<sup>1</sup>

18. It is found that the respondents did not provide any testimony or evidence as to why there was: (i) a nearly seven-month delay in providing the complainant with the first packet of records described in paragraph 11, above; and (ii) a nearly two-month delay in providing the complainant with the second packet of records described in paragraph 16, above.

19. Accordingly, it is found that the respondents failed to prove that they acted promptly in providing the complainant with the records responsive to her August 5, 2024 request.

20. It is concluded, therefore, that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S., in this case.

21. At the continued hearing on this matter, the complainant testified that she still believed that the respondents had not provided her with all records responsive to her August 5, 2024 request. Pursuant to an order of the undersigned Hearing Officer, the complainant, on May 29, 2025, provided to the Commission and the respondents a statement describing which records

---

<sup>1</sup> At the continued hearing on this matter, respondents' counsel represented that a small number of redactions were made to the second set of records as they contained comments related to draft RFPs. Nevertheless, the complainant indicated that such redacted records were previously disclosed in the first packet of records she received from the respondents in March 2025. Accordingly, the complainant was not challenging such redactions.

she believed the respondents should have, but did not disclose in response to her August 5, 2024 request. Such statement is marked as Complainant's Exhibit G (after-filed).<sup>2</sup>

22. It is found that several individuals relevant to the complainant's August 5, 2024 request, used personal email accounts (in addition to Town-issued email accounts) to discuss topics covered by the request.<sup>3</sup>

23. It is found that both searches described in paragraphs 4 and 15, above, were limited to only those emails maintained on the Town's email servers and did not encompass emails sent via personal email accounts.

24. On July 3, 2025, the undersigned Hearing Officer ordered the respondents to: (i) conduct an additional search for those records identified in Complainant's Exhibit G (after-filed); and (ii) submit an affidavit indicating whether any additional records had been identified, whether any such records were provided to the complainant, and if any records were redacted or withheld, the basis for doing so.<sup>4</sup> Moreover, in his July 3 Order, the undersigned Hearing Officer specifically directed the respondents to search not only the Town's email servers, but also "emails from personal devices and accounts that may have been used by the relevant individuals during the times identified in [Complainant's Exhibit G (after-filed).]"

25. It is found that as a result of the additional search ordered by the undersigned Hearing Officer, the respondents located and disclosed 311 pages of records, most of which had been previously provided to the complainant.<sup>5</sup> It is further found that the previously undisclosed records were characterized by the complainant as containing "no substantive information."

26. It is found that the respondents did not provide any evidence with respect to why such records were not identified in their first two searches described in paragraphs 4 and 15, above.

27. It is found that as a result of the three searches described in paragraphs 4, 15, and 25, the respondents have provided the complainant with nearly 2,000 pages of email correspondence.

28. Accordingly, it is found that the respondents conducted a thorough search of the Town's email servers for records responsive to the complainant's request.

---

<sup>2</sup> In Complainant's Exhibit G (after-filed), the complainant limited her request to the emails of Fred Camillo, Ken Borsuk, Ben Branyan, and Andy Duus.

<sup>3</sup> For instance, Complainant's Exhibit F shows that the First Selectman used a Gmail email address to discuss the Havemeyer Building RFP.

<sup>4</sup> Such affidavit is marked as Respondents' Exhibit 3 (after-filed). In the affidavit, the respondents again indicated that some records were redacted as draft versions of RFPs. For the reasons set forth in footnote 1, above, such redactions are not at issue in this matter.

<sup>5</sup> Pursuant to the July 3 Order of the undersigned Hearing Officer, the complainant submitted a reply statement, responding to the affidavit marked as Respondents' Exhibit 3 (after-filed). Such reply statement is marked as Complainant's Exhibit H (after-filed).

29. It is further found, however, that the respondents failed to proffer any evidence with respect to the scope of their searches for emails that would be responsive to the complainant's August 5, 2024 request which were stored on personal devices and accounts.<sup>6</sup>

30. It is found, therefore, that the respondents failed to prove that they provided all records responsive to the complainant's August 5, 2024 request (described in paragraph 2, above).

31. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Within thirty (30) days of the date of the Notice of Final Decision in this matter, the respondents shall conduct a search for records responsive to the complainant's request described in paragraph 2 of the findings, above. Such search shall be limited to only those emails stored on personal devices and accounts of Fred Camillo, Ken Borsuk, and Ben Branyan. Personal accounts and devices may be searched by the owners of such accounts or devices. If any individual herein is no longer employed by the respondents, the respondents shall make a good faith attempt to contact such individual(s) and ask them to retrieve and provide responsive records from such individual(s)' personal devices or accounts. Furthermore, the respondents shall provide any records located to the complainant.

2. In complying with the order in paragraph 1 of the order, above, the respondents may only withhold from the complainant records that are subject to a mandatory exemption (as opposed to a permissive exemption pursuant to §1-210(b), G.S.).

3. Within fourteen (14) days of completing the search described in paragraph 1 of the order, above, the respondents shall submit an affidavit sworn to or attested by a person(s) with the requisite knowledge confirming that such search was conducted and the details of such search. Such details shall include, but not be limited to, which personal devices or accounts were searched, any search terms or keywords used in conducting such search, and if any records were withheld, the basis for doing so. Such affidavit shall be sent to the Commission, via email, at [foi@ct.gov](mailto:foi@ct.gov) (with copy to the complainant).

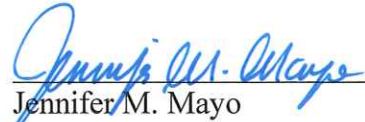
4. In the event that the complainant submits a subsequent records request for the same records identified in paragraph 2 of the findings, above, or portions thereof, and is dissatisfied with the records provided by the respondents, she may file an appeal with this Commission which may be afforded expedited treatment.

5. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions of §§1-210(a) and 1-212(a), G.S.

---

<sup>6</sup> Although, in their affidavit in response to the undersigned Hearing Officer's July 3 Order, the respondents indicated that "a search for documents pursuant to [such order] was conducted. . . [,]" such statement is conclusory and has no probative value concerning whether, and to what extent, the respondents conducted a search for emails stored on personal devices and accounts.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 27, 2025.


  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**LUCY VON BRACHEL**, 17 High Street, Greenwich, CT 06830

**CHAIRPERSON, FIRST SELECTMAN'S RFP EVALUATION COMMITTEE, TOWN OF GREENWICH; FIRST SELECTMAN'S RFP EVALUATION COMMITTEE, TOWN OF GREENWICH; AND TOWN OF GREENWICH**, c/o Attorney Andrew M McPherson, Goldstein and Peck, P.C., 1087 Broad Street, Bridgeport, CT 06604

  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission