

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket # FIC 2024-0709

Tony Adili, Zoning Enforcement Officer,
Building and Land Use Department, Town
of Thomaston; Building and Land Use
Department, Town of Thomaston; and Town
of Thomaston

Respondents

November 19, 2025

The above-captioned matter was heard as a contested case on April 11, 2025, and on October 28, 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. This matter stems from the Commission's final decision in Docket #FIC 2023-0543, Nancy Griswold v. Stacey Sefcik, Zoning Enforcement Officer and Land Use Administrator, Building and Land Use Department, Town of Thomaston, et al. (October 9, 2024) ("Griswold I"), wherein the Commission found that the respondents violated the disclosure provisions of the Freedom of Information ("FOI") Act by failing to provide all records responsive to the complainant's October 21, 2022 records request to the respondent zoning enforcement officer ("ZEO"). The Commission takes administrative notice of the administrative record and final decision in Griswold I.
3. It is found that the complainant's request in Griswold I sought "a copy of all emails [that then-respondent ZEO Stacey Sefcik] ha[s] sent or received from February 2019 to the present."
4. In Griswold I, the Commission found that the respondents failed to provide the complainant with copies of any emails responsive to her request. Specifically, the Commission found that nearly two years had lapsed between the date of the complainant's request and the contested case hearings in Griswold I, and during that time the respondents refused to provide the complainant with copies of the responsive records they located, instead insisting that she inspect them at the respondents' regular business office.
5. It is found that, as part of its final decision, the Commission in Griswold I ordered the following:

- (a) **“[w]ithin thirty (30) days of the date of the Notice of Final Decision in this matter,** respondents shall conduct a thorough search for records responsive to the [complainant’s October 21, 2022] request . . . and provide copies of such records to the complainant free of charge” [and]
- (b) “...[i]n the event the respondents determine that the requested records, or portions thereof, are subject to **mandatory** exemptions to disclosure **(as opposed to permissible exemptions set forth in §1-210(b), G.S., or similar statutes)**, they shall so inform the complainant, indicating what exemption(s) is applicable **and may withhold such records or portions thereof, when complying with paragraph 1 of this order.** . . .”.

(Emphasis added.)

6. By email, dated and filed with the Commission on November 22, 2024, the complainant appealed to this Commission, alleging that the respondents failed to comply with the Commission’s disclosure order in Griswold I. Specifically, the complainant alleged that, as of the date of such complaint, the respondents failed to provide her any copies of records responsive to her request, described in paragraph 3, above. The complainant also requested that the Commission impose a civil penalty against the respondents.

7. As noted in paragraph 5(a), above, the respondents were required to provide the complainant with copies of responsive records within thirty (30) days of the Commission’s Notice of Final Decision. It is found that the Commission’s Notice of Final Decision in Griswold I was issued on October 15, 2024.

8. It is found that, from the October 15, 2024 issuance of the Notice of Final Decision in Griswold I through November 11, 2024, the position of zoning enforcement officer held by the formerly named respondent, Stacey Sefcik, remained vacant. It is further found that the respondent town selected Tony Adili to fill such position, which he assumed on November 12, 2024.

9. It is found that, on October 25, 2024, ten (10) days after issuance of the Notice of Final Decision in Griswold I, the respondents’ counsel Steven Byrne informed the chairperson of the respondent town’s Planning and Zoning Commission, who is not a respondent in Griswold I, of the Commission’s final decision in such matter.

10. It is found that on November 7, 2024, twenty-three (23) days after issuance of the Notice of Final Decision in Griswold I, the respondents’ counsel Steven Byrne drafted an email to the respondent town’s first selectman, who is also not a respondent in Griswold I, concerning his review of the Commission’s final decision in such matter; and he also compiled search terms to aid in locating the emails at issue in the decision.

11. It is found that, at some point between November 7, 2024 and November 12, 2024, between twenty-three (23) and twenty-seven (27) days after issuance of the Notice of Final Decision in Griswold I, the respondent town instructed its information technology (“IT”) vendor to retrieve records responsive to the Commission’s order in such decision.

12. It is found that, on November 13, 2024, twenty-nine (29) days after issuance of the Notice of Final Decision in Griswold I, respondents’ counsel Steven Byrne held an office meeting to review an email chain regarding the search results by the IT vendor. It is unclear which of the respondents or town officials, if any, were in attendance at such meeting.

13. It is found that, on November 18, 2024, thirty-four (34) days after issuance of the Notice of Final Decision in Griswold I and four (4) days after the disclosure deadline ordered by the Commission, respondents’ counsel Steven Byrne held a meeting regarding the search results for the responsive records at issue. It is unclear which of the respondents or town officials, if any, were in attendance at such meeting. Respondents’ counsel Nicole Byrne testified that, on this same date, she came into possession of the downloaded emails from the town’s IT vendor in the form of a single PST file on a thumb drive containing all of Stacey Sefcik’s emails maintained in the Microsoft Outlook program.

14. It is found that, on November 19, 2024, thirty-five (35) days after issuance of the Notice of Final Decision in Griswold I and five (5) days after the disclosure deadline ordered by the Commission, respondents’ counsel Nicole Byrne began to research how to convert each responsive email stored in the PST file described in paragraph 13, above, to separate PDF files for each email. It is further found that Attorney Nicole Byrne began testing software to facilitate such conversation on this date.

15. It is found that, on November 20, 2024, thirty-six (36) days after issuance of the Notice of Final Decision in Griswold I and six (6) days after the disclosure deadline ordered by the Commission, respondents’ counsel Nicole Byrne began converting responsive inbox emails from PST to PDF format.

16. It is found that, on November 21, 2024, thirty-seven (37) days after issuance of the Notice of Final Decision in Griswold I and seven (7) days after the disclosure deadline ordered by the Commission, respondents’ counsel Nicole Byrne finalized the conversion of “inbox” emails from PST to PDF format and reviewed such emails for redactions. It is further found that, on that same date, respondents’ counsel Steven Byrne held yet another meeting to review the responsive records at issue to provide to the complainant. It is unclear which of the respondents or town officials, if any, were in attendance at such meeting.

17. It is found that, on November 22, 2024, thirty-eight (38) days after issuance of the Notice of Final Decision in Griswold I and eight (8) days after the disclosure deadline ordered by the Commission, respondents’ counsel Nicole Byrne converted “sent box” emails from PST to PDF format and also reviewed such emails for redactions. It is further found that Attorney Nicole Byrne emailed the complainant on that same date. In her email to the complainant, counsel represented that the respondents’ IT vendor had provided her with a PST file containing the responsive records at issue, and that she had finished converting the PST file to PDF files

“for easier viewing, without requiring additional software.” It is further found that, in such email, counsel represented that she hoped to provide such records to the complainant no later than November 25, 2024 after transferring the PDF files to a thumb drive.

18. It is found that, from November 23, 2024 through November 25, 2024, respondents’ counsel Attorney Nicole Byrne “monitored” and “finalized” the transfer of data described in paragraphs 16 through 18, above, to a thumb drive.

19. It is found that, on November 25, 2024, forty-one (41) days after the issuance of the Notice of Final Decision in Griswold I and eleven (11) days after the disclosure deadline ordered by the Commission, the respondents provided the complainant with a thumb drive containing responsive records.

20. Based on the findings in paragraphs 9 through 19, above, it is concluded that the respondents failed to comply in a timely manner with paragraph 1 of the Commission’s disclosure order in Griswold I.

Exemption under §1-210(b)(19), G.S.

21. It is found that the respondents included a letter along with the thumb drive provided to the complainant, described in paragraph 19, above. In such letter, the respondents informed the complainant that they redacted information from one responsive record, pursuant to the exemption in §1-210(b)(19), G.S., because it contained “sensitive personal health information.”

22. On May 12, 2025, in compliance with the undersigned hearing officer’s order, the respondents submitted the responsive record, consisting of one unredacted page, described in paragraph 21, above, for in camera inspection. Along with such record, the respondents submitted a detailed Index to Records Submitted for In Camera Inspection (hereinafter “Index”). Such in camera record is identified herein as IC-2024-0709-1.

23. On the Index, the respondents claimed that the record described in paragraph 22, above, was exempt from disclosure pursuant to §1-210(b)(19), G.S.

24. Section 1-210(b)(19), G.S., provides in relevant part that “[n]othing in the [FOI] Act shall be construed to require disclosure of” the following:

Records where there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined (A).... (ii) by the Commissioner of Emergency Services and Public Protection, after consultation with the chief executive officer of a municipal, district or regional agency, with respect to records concerning such agency.... As used in this

section, “chief executive officer” includes, but is not limited to, an agency head, department head, executive director or chief executive officer.

25. It is found that the exemption in §1-210(b)(19)(A)(ii), G.S., is a permissive exemption in the FOI Act.

26. It is further found that paragraph 2 of the Commission’s order in Griswold I, described in paragraph 5(b), above, strictly prohibited the respondents from withholding records pursuant to any permissive exemptions, specifically including any exemptions pursuant to §1-210(b), G.S.

27. Accordingly, it is concluded that the respondents violated paragraph 2 of the Commission’s order in Griswold I by withholding the in camera record described in paragraph 22, above, from the complainant.

Consideration of the Imposition of Civil Penalties

28. Section 1-206(b)(2), G.S., provides the following in relevant part:

[U]pon a finding that a denial of any right created by the Freedom of Information Act was without reasonable grounds and after the custodian or other official directly responsible for the denial has been given an opportunity to be heard at the hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than five thousand dollars.

29. The standard for when a violation is “without reasonable grounds” is analogous to the legal standard “without any substantial justification.” Connecticut Dept. of Pub. Safety v. FOIC, et al., 1997 WL 537117 (Conn. Super.), affirmed, 247 Conn. 341 (1998). Similarly, the phrase “without reasonable justification” has been construed to mean “entirely unreasonable or without any basis in law or fact.” Id., quoting Bursinkas v. Dept. of Social Services, 240 Conn. 141, 155 (1997).

30. It is found that respondent Tony Adili, as the ZEO and a public agency in his own right, is the public official responsible for the operations of the respondent building and land use department and is therefore responsible for the violations set forth in paragraphs 20 and 27, above. It is further found that, although respondent ZEO Adili did not assume the position of ZEO until November 12, 2024, as described in paragraph 8, above, as of that date he became the individual responsible for maintaining the records of the respondent building and land use department and ensuring compliance with the Commission’s order in Griswold I.

31. It is found that, at the October 28, 2025 civil penalty hearing, respondent ZEO Adili testified that he could not recall when he became aware of the Commission’s Final Decision in

Griswold I, despite all of the actions taken by the respondents' counsel in the thirteen days following Mr. Adili's first day of employment as ZEO, described in paragraphs 12 through 19, above. It is further found that, at such hearing, Mr. Adili testified that "it seemed like everything went through" the first selectman and respondents' counsel regarding the respondents' compliance with Griswold I, given that there had been no interim ZEO serving as head of the respondent building and land use department prior to his hire.¹ It is found, however, that later at such hearing Mr. Adili admitted to having a conversation with the respondent town's first selectman about Griswold I sometime "after [he] was hired" but could not specify the date of such conversation.

32. Respondents' counsel contended at the October 28, 2025 civil penalty hearing that such a penalty was not warranted. Counsel conceded at such hearing that the respondents' compliance with Griswold I was not timely but offered the following explanations:

- (a) the respondents received the responsive emails later than anticipated from the IT vendor that they hired to retrieve such emails, whose format they then had to convert prior to disclosure to the complainant;
- (b) respondent ZEO Adili had "a lot of other pressing issues" to take care of upon assuming his new position;
- (c) the respondents did not receive a response after emailing the Commission with a request for additional time to comply with its order in Griswold I; and
- (d) the respondents were occupied with responding to three other FOI complaints and Commission orders involving records requests from the complainant.

33. Regarding the respondents' explanation described in paragraph 32(a), above, it is found that the respondents' failure to contact an IT vendor until the week before they were due to comply with the Commission's order in Griswold I, as described in paragraph 11, above, was not reasonable. It is found that, given the respondents' lateness in retaining the vendor's services, it was entirely foreseeable that the vendor would not be able to provide the responsive emails prior to the deadline ordered in Griswold I. It is also found that the respondents did not provide evidence proving the necessity of contracting out the search and retrieval of the responsive emails to a third-party vendor.

34. It is further found regarding paragraph 32(a), above, that the respondents received a thumb drive containing one electronic PST file of the responsive emails from their IT vendor on

¹ The Commission notes that Thomaston First Selectman Edmond Mone did not appear as a witness at the initial contested case hearing held on April 11, 2025, despite the respondents' contention that he led the respondent town's compliance efforts with the order in Griswold I. The respondents then proffered an affidavit from First Selectman Mone, in lieu of in-person testimony, after the close of the April 11, 2025 hearing. The Commission further notes that, on October 21, 2025, the undersigned hearing officer issued an order for Thomaston First Selectman Mone to appear at the October 28, 2025 civil penalty hearing; however, the first selectman failed to appear. Counsel for the respondents represented that his failure to appear was due to his recovery from a surgical procedure three days earlier. Given that First Selectman Mone did not appear at such hearing to be cross-examined regarding the attestations in his affidavit, the undersigned hearing officer declined to admit such affidavit into evidence.

November 18, 2024, but unilaterally chose to further convert the PST file to 27,613 separate electronic PDF files, as described in paragraphs 13 through 18, above, resulting in a further delay in disclosure. It is found that the respondents provided no evidence as to the necessity of such conversion, other than to conflicting testimony as to the reasoning, which ranged from “easier viewing [for the complainant], without requiring additional software,” as described in paragraph 17, above; to representations from respondents’ counsel that she herself did not possess the correct software to open the PST file to review the records for any redactions prior to disclosure. Given that the complainant did not specify any sort of electronic file format in her original request, it is not reasonable that the respondents delayed disclosure of the PST file to the complainant to convert the files to PDF format.

35. Regarding the respondents’ explanation described in paragraph 32(b), above, it is found that respondent ZEO Adili was understandably busy during his first weeks in his new position as ZEO, which overlapped with the final days of the respondents’ compliance window for Griswold I. However, it is found that it is not reasonable for the respondents to contend that ZEO Adili had other pressing obligations that prevented him from complying with Griswold I while simultaneously claiming that the respondent town’s first selectman, not ZEO Adili, was responsible for compliance with the decision, as described in paragraph 31, above.

36. Regarding the respondents’ explanation described in paragraph 32(c), above, it is found that the respondents’ reliance on their email to the Commission requesting additional time to comply with the order in Griswold I was not reasonable. It is found that respondents’ counsel purported to have filed such request via email on November 14, 2024; however, the Commission has no record of receiving such filing, nor did the respondents proffer any evidence indicating that such request was actually filed.² Regardless, even if such request was filed on the purported date, it is found that such date was the exact date of the respondents’ compliance deadline, which would have required the Commission to reopen Griswold I and formally amend the decision; therefore, the Commission could not practically place such request on a meeting agenda for consideration. Accordingly, it is found that in such request, the respondents were not asking permission for, but rather informing the Commission of, their untimely compliance with the order in Griswold I. Accordingly, the respondents’ reliance on their purportedly filed November 14, 2024 request to excuse their lateness was not reasonable.

37. Regarding the respondents’ explanation described in paragraph 32(d), above, it is found that it was not reasonable to effectively blame the complainant for their noncompliance with the order in Griswold I. It is found that, at the October 28, 2025 civil penalty hearing, the respondents’ counsel, Attorney Steven Byrne, cited three other FOI matters that he and his co-counsel were working on relating to the complainant:

- (a) compliance with an order from the Commission to produce five years’ worth of emails to the complainant within 30 days, docket number unspecified;

² The Commission notes that, at the request of the undersigned hearing officer, the respondents proffered their November 14, 2024 “Request for Continuance of Compliance Date” as an exhibit, which was admitted into evidence as “Respondents’ Exhibit 4.”

- (b) compliance with an order from the Commission to submit records for an in camera inspection on November 19, 2024, for docket number FIC 2024-0365, Nancy Griswold v. Land Use Administrator, Land Use Department, Town of Thomaston, et al.; and
- (c) preparation of a brief on behalf of the respondents due to the Commission by November 22, 2024, for docket number FIC 2024-0019, Nancy Griswold v. Zoning Enforcement Officer, Building and Land Use Department, Town of Thomaston, et al.

It is found, however, that other business the respondents may have before the Commission, regardless of the volume or the identity of the complainant, does not constitute reasonable grounds for the respondents to delay compliance with the Commission's order in Griswold I.

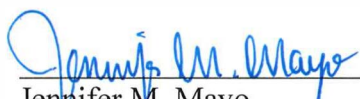
38. Regarding the respondents' violation described in paragraph 27, above, it is entirely unreasonable that the respondents would withhold a responsive email pursuant to a permissive exemption under §1-210(b), G.S., when the Commission's order in Griswold I explicitly prohibited them from doing so, as described in paragraphs 5(b) and 26, above.

39. Given the findings in paragraphs 30 through 38, above, it is therefore concluded that the complainant's right to access public records responsive to her request at issue in Griswold I was denied for a second time by the respondents, who failed to comply with the Commission's order in such matter "without reasonable grounds," within the meaning of §1-206(b)(2), G.S., and a civil penalty is warranted against the respondent ZEO.

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

1. The respondent Zoning Enforcement Officer, Tony Adili, as the official directly responsible for the denial herein, shall remit to the Commission, within forty-five (45) days of the Notice of Final Decision in this matter, a civil penalty in the amount of two hundred fifty dollars (\$250.00).
2. Forthwith, the respondents shall provide the complainant with an electronic copy of the record described in paragraph 27, above.
3. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions of §§1-210(a) and 1-212(a), G.S., as well as the orders of this Commission.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 19, 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:

NANCY GRISWOLD, 24 Atwood Road, Thomaston, CT 06787

TONY ADILI, ZONING ENFORCEMENT OFFICER AND LAND USE ADMINISTRATOR, BUILDING AND LAND USE DEPARTMENT, TOWN OF THOMASTON; BUILDING AND LAND USE DEPARTMENT, TOWN OF THOMASTON; AND TOWN OF THOMASTON, c/o Attorney Steven E. Byrne and Attorney Nicole L. Byrne, Byrne & Byrne, LLC, 270 Farmington Avenue, Suite 365, P.O. Box 1065, Farmington, CT 06034


Jennifer M. Mayo
Acting Clerk of the Commission