

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Lynnelle Jones,

Complainant

against

Docket #FIC 2024-0618

Senior Planner, Planning and Zoning
Department, City of Norwalk; Planning
and Zoning Department, City of
Norwalk; and City of Norwalk,

Respondents

October 9, 2025

The above-captioned matter was heard as a contested case on February 28, 2025, May 30, 2025, and July 25, 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 2023-0357, Lynnelle Jones v. Senior Planner, Planning and Zoning Department, City of Norwalk, et al. (June 26, 2024) ("Jones 1"), 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 June 8, 2023 records request to the respondent Senior Planner, Planning and Zoning Department ("PZD"). The Commission takes administrative notice of the administrative record and final decision in Jones 1.

3. It is found that the complainant's request in Jones 1, sought:

[Section A]

[A]ll records, correspondence, plans, plan review notes, any record of any review, and any questions or concerns regarding:

- (1) the filling of tidal wetlands between 2 & 2.5 Nathan Hale Drive,
- (2) the addition of two new outflows to LI Sound where the tidal swale previously existed,

(3) the addition of hundreds of feet of new drainage from fertilized lawns and roads, that I [i.e., the complainant] allege is not City drainage code minimal standards, not best practices,

(4) the addition of new storm drains connecting to new lawn and road drainage, including any study or engineering report that all this new drainage pipe, particularly pipes from lawns, would not result in increased drainage.

All Wilson Point, City, and State email, about any of the Nathan Hale Drive work I have questioned are requested.

[Section B]

Also requested:

(1) The names of the City and State departments and agencies and hosts of other organizations that vetted my concerns.

(2) Contacts at the City and State departments and agencies and host of other organizations that vetted my concerns.

(3) The name of contacts at any Federal department, agency, organization, that vetted my question about plan review and permits required for work in coastal flood zones.

4. It is found that the Commission, in Jones 1, found that the respondents failed to conduct a thorough and diligent search for records responsive to the complainant's request described in paragraph 3, above. Specifically, the Commission found that the respondents: (i) omitted keywords from their search that could have pulled additional responsive records; and (ii) did not conduct a search with respect to Section B of the complainant's request described in paragraph 3, above.

5. It is found that as part of its final decision, the Commission, in Jones 1, ordered the respondents to:

- a. Contact the complainant within seven days of the notice of final decision for the purposes of deriving a list of reasonable search terms and/or keywords to be used in a supplemental search for records (Paragraph 1 of the Commission's order);
- b. By no later than July 31, 2024, (i) work together with the complainant in good faith to agree to a list of reasonable search terms and/or keywords; and (ii) submit an affidavit to the Commission (with copy to the complainant) detailing the exact search terms and/or keywords to be used for the supplemental search as well as any search modifiers (Paragraphs 2 and 3 of the Commission's order);

- c. Within seven days of reaching an agreement on the search terms and/or keywords with the complainant, conduct a thorough and diligent supplemental search using such search terms and/or keywords (Paragraph 4 of the Commission's order); and
- d. Within 30 days after conducting the supplemental search, disclose any responsive records to the complainant, and submit an affidavit to the complainant and the Commission, identifying what, if any, records, or portions thereof, were withheld, and the basis for withholding such records, or portions thereof (Paragraph 5 of the Commission's order).

6. By letter of complaint received and filed on October 14, 2024, the complainant appealed to this Commission alleging that the respondents failed to comply with the Commission's Order in Jones 1. The complainant also requested that the Commission "consider a fine" against the respondents.¹

7. As noted in paragraph 5.a., above, the respondents were required to contact the complainant within seven days of the Commission's notice of final decision.

8. It is found that: (i) the Commission's notice of final decision in Jones 1 was issued on July 3, 2024; and (ii) the respondents so contacted the complainant on July 9, 2024.

9. Accordingly, it is found that the respondents complied with Paragraph 1 of the Commission's Order in Jones 1, as described in paragraph 5.a., above.

10. As noted in paragraph 5.b., above, the parties were required to work together in good faith to derive a list of reasonable search terms and/or keywords so that the respondents could conduct a supplemental search for records.

11. It is found that on July 19, 2024, the parties met, via video conference, to derive mutually agreeable search terms and/or keywords (the "July 19 meeting"). It is further found that the complainant, respondents' counsel, the Planning and Zoning Director, respondent Senior Planner, and two members of the City of Norwalk's Information Technology ("IT") Department attended the July 19 meeting.

12. It is found that at the July 19 meeting, which lasted approximately one hour, the complainant, the respondents and their counsel, and the IT employees discussed the scope and execution of the supplemental search.

13. It is found that after the July 19 meeting, that same day, the Deputy Corporation Counsel for the City of Norwalk sent the individuals who attended the July 19 meeting (including the complainant) an email summarizing his understanding of the scope of the

¹ The complainant's use of the word "fine" instead of "civil penalty" provides sufficient notice to the respondents pursuant to §1-206(b), G.S. Nevertheless, given the Commission's conclusion in paragraph 37, below, consideration of a civil penalty is not warranted in this matter.

supplemental search. In that email, the Deputy Corporation Counsel asked the complainant to review his summary and provide feedback prior to the City's IT Department commencing its search.

14. It is found that the Deputy Corporation Counsel's July 19 email, described in paragraph 13, above, indicated that the search would consist of:

- a. The following "Search Fields"²:
 - i. City Emails – Laoise King, Tom Livingston, Lisa Shanahan and Alexis Cherichetti.
 - ii. Norwalk Harbor Commission Emails – John Pinto, Alan Kibbe and Laurie Jones.
- b. The following search terms or keywords:
 - i. "WP Drain Install Recap" covering the period from February 2022 to present.³

The following searches covering the period from May 2021 to present:

- ii. "Nathan Hale" and ("Wilson Point", "WPPOA", "Nathan Hale Drainage Review", "SWMP", "Storm Water Management Plan", or "Storm Water System").
- iii. "Nathan Hale" and ("Illegal Drainage" or "IDDE").
- iv. "CGS Section 22a-430", "CGS Section 22a-361", "CGS Section 22a-32"
- v. The following email addresses – susan.jacobsen@ct.gov, kevin.zawoy@ct.gov, and brian.golembiewski@ct.gov⁴.
- vi. "Nathan Hale Drainage Review" and ("Wetland Regulation" or "Local Inland Wetland Agency")
- vii. "Lynnelle Jones", "Lynelle Jones", or "Christian Nagler"

² As used by the parties, "Search Fields" appears to refer to the e-mail accounts to be searched using the search terms outlined in paragraph 14.b., above.

³ "Present" as used by the parties appears to refer to the date the Town's IT Department runs the search and not the date of the underlying request described in paragraph 3, above. As the respondents were only obligated to provide records which existed and were maintained by the respondents *at the time of the request* (i.e., June 12, 2023), the Commission will not consider any record created after that time.

⁴ The Commission notes that these email addresses are search terms and/or keywords rather than "Search Fields" as described in fn.2.

viii. “Nathan Hale” and (“Ct CAM Review” or “Pre-Clearance”)

ix. “Nathan Hale” and (“CIRCA” or “AECOM”)

15. It is found that out of the seven email accounts listed in paragraph 14.a., above, only one is maintained by the respondent PZD – the email account for Alexis Cherichetti. It is found that the other email accounts listed in paragraph 14.a., above, are for: (i) employees (or former employees) of the City of Norwalk’s Mayor’s Office; or (ii) members of the Norwalk Harbor Commission, both of which are separate public agencies from the respondent PZD. Accordingly, it is found that, except for the email account of Alexis Cherichetti, the email accounts listed in paragraph 14.a., above, are outside the scope of the Commission’s order in Jones 1.

16. It is found that on July 22, 2024, the complainant replied to the Deputy Corporation Counsel’s July 19 email with comments and additional “search fields” and search terms. While a significant portion of the additional emails the complainant sought to add to the “search fields” were for accounts not maintained by the respondent PZD, the complainant also requested that accounts for the following PZD staff members be searched: (i) Michelle Andrzejewski; (ii) Steven Kleppin; (iii) Bryan Baker; (iv) John Hayducky and (v) Amelia Williams.⁵

17. Additionally, in her July 22 email, the complainant requested that the searches described in paragraphs 14.b., above, be modified as follows:

- a. The complainant further indicated that “WP Drain Install Recap” (i.e., the keyword for the search in paragraph 14.b.i., above) was the subject of a February 7, 2022 email (which she referred to as “Spahr 2-7-2022 email”) and sought all emails “in response, chained, or linked” to that email;
- b. Modify the search described in paragraph 14.b.ii., above, to include the words “Site Plan Review” and “pre-cleared”;
- c. Add the following statutes to the search described in paragraph 14.b.iv., above: “CGS section 22a-42”, “CGS section 221-38(13)”, “CGS section 22a-44(c)”; and
- d. Add the following names to the search described in paragraph 14.b.vi., above: Anne Yang, Anne Yang Dwyer, and Mitch Palais.

⁵ In her July 22 correspondence, the complainant identifies Jess Vonasheck as “in charge of P&Z,” however, it is unclear whether Jess Vonasheck was employed by the respondent PZD. After a brief internet search, it appears that Jess Vonasheck was the former Chief of Economic and Community Development for the City of Norwalk. See Katherine Lutge, Norwalk’s Chief of Economic and Community Development Jessica Vonashek to depart after 5 years, THE HOUR, (<https://www.thehour.com/news/article/norwalk-jessica-vonashek-economic-development-19755481.php>) (last visited September 23, 2025). Nevertheless, it is found that the respondents conducted a search of Jess Vonasheck’s email account as requested by the complainant.

The complainant also indicated that: (i) the searches in subparagraphs ii. and iii., of paragraph 14.b., above, could be combined; and (ii) she agreed to the searches described in subparagraphs v., vi., viii., and ix. of paragraph 14.b., above.

18. It is found that within seven days⁶ of the complainant's July 22 email described in paragraph 17, above: (i) the Deputy Corporation Counsel had forwarded the updated search criteria to the Town's IT Department; (ii) the IT Department ran the search, compiled the resulting records, and forwarded the same to the Deputy Corporation Counsel to review such records for any applicable exemptions to disclosure (specifically, the attorney-client privilege).⁷

19. It is found that in conducting their search for emails, the Town's IT Department used and searched all keywords, search terms, and email accounts identified in the Deputy Corporation Counsel's July 19 email, described in paragraph 14, above, and the complainant's July 22 email, described in paragraphs 16 and 17, above.

20. It is found that in addition to the search conducted by the Town's IT Department, PZD staff coordinated with Commissioners of the Norwalk Harbor Commission to search their personal email addresses. It is found that the PZD staff used the same search terms used by the IT Department as described in paragraph 19, above. As noted in paragraph 15, above, the respondent PZD and the Norwalk Harbor Commission are separate public agencies, and thus, such search fell outside the scope of the Commission's order in Jones 1.

21. It is found that during various points in the process of developing the criteria for the supplemental search, the nature of the parties' communications appeared adversarial. Nevertheless, it is found that the respondents: (i) met with the complainant to discuss the scope of the supplemental search; (ii) requested feedback from the complainant; and (iii) fully incorporated that feedback when conducting the supplemental search.⁸

⁶ Respondents' Exhibit 2 indicates that the Town's IT Department ran the search for emails on July 29, 2024.

⁷ While the respondents indicated that some records were withheld from disclosure pursuant to the attorney-client privilege, the respondents later clarified, via their Affidavit Regarding Withheld Privileged Documents, dated September 8, 2025, that almost all of the records withheld pursuant to the attorney-client privilege were created *after* the complaint in Jones 1 was filed (and pertained thereto). While a single email from 2022 was withheld, it was not responsive to the complainant's request in Jones 1. Accordingly, such records are not within the scope of the Commission's order in Jones 1. The respondents' Affidavit Regarding Withheld Privileged Documents is marked as Respondents' Exhibit 36 (after-filed).

⁸ While the Commission, in Jones 1, made clear that the respondents were required to conduct a search for Section B of the complainant's request, described in paragraph 3, above, the respondents have taken the position that Section B was not to be included in their supplemental search. Nevertheless, as indicated in paragraph 21, above, the respondents' supplemental search ultimately included all search terms and/or keywords requested by the complainant, including those that would have reasonably applied to Section B of the request.

22. Accordingly, it is found that the parties acted in good faith to derive a list of reasonable search terms and/or keywords to conduct the supplemental search, as required by Paragraph 2 of the Commission's order in Jones 1.

23. It is found that on July 31, 2024, pursuant to Paragraph 3 of the Commission's order in Jones 1, the respondents submitted an affidavit⁹: (i) identifying the search terms and keywords that had been compiled by the parties; and (ii) indicating that they were in the process of conducting the requisite searches.

24. Additionally, as found in paragraph 18, above, the respondents conducted the supplemental search within seven days of the complainant's July 22 email. It is found, therefore, that the respondents complied with Paragraph 4 of the Commission's order in Jones 1.¹⁰

25. With respect to Paragraph 5 of the Commission's order in Jones 1, the respondents, within 30 days of conducting the supplemental search, were required to: (i) disclose any responsive records to the complainant; and (ii) submit an affidavit to the Commission indicating if they withheld any records and, if so, their basis for doing so. As the respondents conducted their search on July 29, 2024, the compliance date for Paragraph 5 of the Commission's order in Jones 1, was August 28, 2024.

26. It is found that the respondents attempted to provide the complainant with records on September 4, 2024. It is found that the Deputy Corporation Counsel sent the records from the supplemental search to the complainant in a series of 38 emails.

27. It is found, however, that on September 9, 2024, the complainant informed the respondents that she had not received 16 out of the 38 emails sent by the Deputy Corporation Counsel containing records from search identified in paragraph 18, above.

28. It is found that also on September 9, 2024, the respondents submitted an affidavit¹¹ to the Commission's Director of Education and Communications, attesting that they had begun to produce records to the complainant; that some records had been withheld pursuant to §1-

⁹ In Paragraph 3 of the Commission's order in Jones 1, the respondents were ordered to send the affidavit to the Commission at foi@ct.gov, with copy to the complainant. However, the respondents sent the affidavit to the Commission's Director of Education and Communications, with copy to the complainant. While the respondents did not strictly comply with Paragraph 3 of the Commission's order in Jones 1, it is found that they substantially complied with such order.

¹⁰ While the parties met to discuss the supplemental search on July 19, 2024, the respondents incorporated the additional search terms and/or keywords included in the complainant's July 22 email in such search. Thus, for the purposes of determining whether the respondents complied with Paragraph 4 of the Commission's order in Jones 1, July 22, 2024, is the appropriate date from which the respondents were required to conduct the supplemental search.

¹¹ The respondents' original affidavit sent to the Commission's Director of Public Education and Communications on September 9, 2024, was unsigned and undated. While technically defective, the affidavit contained all of the requisite information required by Paragraph 5 of the Commission's order in Jones 1. The respondents on November 18, 2024, re-sent a signed and dated copy of the affidavit, thereby curing the technical deficiencies contained in the original affidavit.

210(b)(10), G.S.; and that the complainant indicated that she had not received all of the emails sent by the respondents on September 4, 2024.

29. It is found that the respondents did not meet their obligation to provide the complainant with responsive records within 30 days of conducting the supplemental search, as required by Paragraph 5 of the Commission's order in Jones 1.

30. It has been long recognized, however, that "one public agency may not be held responsible for disclosing the public records in the custody of another public agency." Lash, First Selectman of the Town of Greenwich v. FOI Commission, 116 Conn. App. 171, 188 (2009), *aff'd* in part and reversed in part on other grounds, Lash v. FOI Commission, 300 Conn. 511 (2011).

31. As indicated in paragraphs 14 through 17, and 20, above, the scope of the supplemental search conducted by the respondents far exceeded the scope of the complainant's June 12, 2023, request at issue in Jones 1. Specifically, at the request of the complainant, the respondent PZD searched numerous email accounts they did not maintain – e.g., email accounts for staff of the Mayor's Office, the Town's Director for the Department of Public Works, the Town's Director of Health, Commissioners and staff of the Norwalk Harbor Commission, as well as several attorneys in the Town's Legal Department.

32. It is found that as part of their supplemental search, the respondents had expended significant efforts to compile records for which they had no obligation to retrieve or disclose. In fact, it is found that if the supplemental search was limited to the scope of the complainant's June 12, 2023 request, the respondents would have had to search far fewer email accounts (i.e., those of the respondent PZD and staff), and would not have had to coordinate with the Norwalk Harbor Commissioners to compile records from their personal accounts.

33. Moreover, it is found that instead of limiting their search to records existing as of June 12, 2023 (i.e., the date of the request in Jones 1), the respondents searched for all records up to July 29, 2024. It is well established that the obligation of a public agency to disclose records under the FOI Act, extends only to those records which that agency maintains *at the time of the request*. See Docket #FIC 2023-0564, Joao Campos v. Keith White, Chief Police Department, Town of Monroe, et al. (October 23, 2024) (Emphasis added).

34. It is found that the extended scope of the supplemental search for records not maintained by the respondent PZD and/or created after June 12, 2023, reasonably accounts for the delayed production of records (8 days past the compliance date) and submission of affidavit to the Commission (12 days past the compliance date).

35. Accordingly, it is found that the respondents substantially complied with Paragraph 5 of the Commission's order in Jones 1.

36. It is found that although the parties experienced various technical difficulties with respect to the respondents' production of records described in paragraphs 26 and 27, above, the respondents promptly worked with the complainant to first try sending the records via a sharable link and, ultimately, adding the records to a USB flash drive that was provided by the

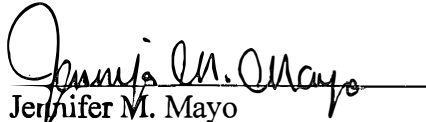
complainant. It is found that the records on the USB flash drive were available for the complainant to pick up on September 24, 2024.¹²

37. Based on the foregoing, and under the facts and circumstances of this case, it is concluded that the respondents substantially complied with the Commission's orders in Jones 1.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 8, 2025.


Jennifer M. Mayo
Acting Clerk of the Commission

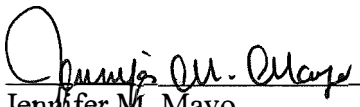
¹² While the complainant alleges that some records continue to remain outstanding (specifically, a February 25, 2022 email from an individual, Anne Yang, to Alexis Cherichetti, with the subject "Wilson Point"), the respondents have presented sufficient evidence that such email *was* included in their production of records to the complainant. Nevertheless, given the parties' apparent technical difficulties in producing and/or receiving records, the Commission encourages the respondents to provide the complainant a copy of the email described herein.

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:

LYNNELLE JONES, 10 Point Road, Norwalk, CT 06854

**SENIOR PLANNER, PLANNING AND ZONING DEPARTMENT, CITY OF NORWALK;
PLANNING AND ZONING DEPARTMENT, CITY OF NORWALK; AND CITY OF
NORWALK**, c/o Attorney M. Jeffry Spahr, Office of the Corporation Counsel, 125 East Avenue,
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Jennifer M. Mayo
Acting Clerk of the Commission