Gmail Seth Sturm <sethsturm@gmail.com>

Re: FOIA

1 message

Seth Sturm <sethsturm@gmail.com> Mon, Sep 21, 2026 at 9:41 AM
To: Chuck Shields <cshields@marioncountywv.com>
Cc: Kris Cinalli <kcinalli@marioncountywv.com>, Linda Longstreth <llongstreth@marioncountywv.com>, Ernie Vangilder <evangilder@marioncountywv.com>, Bobby DeVaul <bdevaul@marioncountywv.com>

Chuck,

In addition to the deficiencies and demands outlined in my email from Friday, the following four points must be addressed before Tuesday at noon.

To avoid any narrow interpretation, please note that under West Virginia Code § 29B-1-2, "writing" is statutorily defined to include all forms of recorded information, including sound recordings, voicemails, call logs, electronic messages, and digital data, not merely textual documents.

- **Andrea Zaleski**
  You claimed no records exist relating to public business. On page 32 of the Commission's approved August 12 minutes, Commissioner DeVaul explicitly ordered that any future questions from Andrea be put in writing and that you be included on all emails. Her questions pertained to the Worthington petition on your agenda that morning and how forming a PSD would work if the town dissolved. You cannot direct a citizen on the record to email you about an active petition and then claim those emails do not constitute public business. Please produce them, certify that no one ever received what you ordered her to send, or include them in the requested Vaughn index.
- **The PSC Response**
  Response 4 repeats the exact phrasing as Response 1, leaving it ambiguous whether records were reviewed and excluded or simply do not exist. Either the County had communications with the PSC that are being withheld, or no communications exist at all. If you have records, produce or log them. If not, state plainly for the record that the County had zero contact with the PSC.
- **The Search Term "Sturm"**
  Request 3 required a search for "Sturm." Esteban Fernandez included four separate references to me in his article hours after Kris emailed him, yet you produced zero records containing my name. Please confirm whether "Sturm" was actually searched across Kris's phone and email.
- **The Exemption Log**
  My September 14 request explicitly demanded an itemized log for any record withheld under state law, but none was provided. If you are screening out records under your own definition of "public business," you must list the date, sender, recipient, format, and subject of every document excluded.

To ensure there is no claim of confusion or undue burden, the following exact items are required to complete this FOIA request under West Virginia law:

1. Esteban Fernandez's incoming FOIA request referenced in Kris's September 11 email.
2. All call detail logs, text messages, and notes showing when and how Kris communicated with Esteban Fernandez to provide quotes for the September 11 article.
3. Written confirmation on whether mobile devices (including Kris's "T-Mobile 5G Device") were searched, specifically confirming that the mandatory search term "Sturm" was run.
4. The audio recording, file, or log of Melvin Lindsey's voicemail to Kris referenced in the September 1 email.
5. The records, notes, or memos of the information Kris told Melvin the County was actively gathering on Worthington.
6. Any communications with Andrea Zaleski, an affirmative written certification on the record that no such communications exist on any device, or their inclusion in the Vaughn index.
7. A plain statement regarding Response 4 confirming whether zero communications of any kind exist with the PSC, or the production/logging of any withheld records.
8. An itemized Vaughn index (including date, sender, recipient, format/device, subject, and legal justification) for every single record withheld under your interpretation of W. Va. Code § 29B-1-2(5) or § 29B-1-4.

The deadline remains Tuesday, September 22, 2026, at 12:00 PM.

Seth Sturm
(304) 504-7333

On Fri, Sep 18, 2026 at 4:00 PM Chuck Shields <cshields@marioncountywv.com> wrote:

Dear Mr. Sturm,

Your FOIA request for public records of the Marion County Commission and associated personnel sent via email to Kris Cinalli, dated Monday, September 14, 2026 has been forwarded to me for review and response.
Public record is defined in West Virginia Code §29B-1-2 (5) as "any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public's business."
The following responses are based upon the statutory definition of public records.

Request 1
Communications with Andrea Noshagya Zaleski: All emails, text messages, electronic messages, written notes, and phone logs between County Administrator Kris Cinalli, County Attorney Chuck Shields, or any Marion County Commissioner and Andrea Noshagya Zaleski (including references to "Andrea Noshagya" or "Andrea Zaleski" or "Noshagya Zaleski) regarding the Town of Worthington, the Petition for Forfeiture and Dissolution, utility service, water quality/advisories, or the potential formation of a Public Service District (PSD).
Response 1
There are no writings containing information prepared or received by County Administrator Kris Cinalli, County Attorney Chuck Shields, or any Marion County Commissioner responsive to the request, the content or context of which, judged either by content or context, relates to the conduct of the public's business.

Request 2
Communications with Town of Worthington Officials: All emails, text messages, calendar entries, meeting notes, and written correspondence between Kris Cinalli, County Attorney Chuck Shields, or any Marion County Commissioner and Acting Mayor Melvin Lindsey (or any town council member, recorder, or legal counsel for the Town of Worthington) regarding the Petition for Forfeiture and Dissolution, W.Va. Code § 8-35-1, the municipal charter, municipal elections, agenda items marked "no action", or the sanitary sewer system.
Response 2
See attached

Request 3
Communications with News Media: All emails, text messages, written correspondence, and phone notes between Kris Cinalli, County Attorney Chuck Shields, or any Marion County Commissioner/staff and Esteban Fernandez (or any reporter/editor with the Times West Virginian) containing or referencing any of the following terms: "Worthington", "dissolution", "charter", "Heflin", "Sturm", "PSC", "mandamus", "8-35-1", or "petition".
Response 3
See attached

Request 4
Communications with the West Virginia Public Service Commission: All emails, letters, text messages, and written notes of verbal communications between Marion County officials/staff (including Kris Cinalli, County Attorney Chuck Shields, and County Commissioners) and the West Virginia Public Service

Commission (PSC) staff, Commission members, or Engineering Division staff regarding the Town of Worthington sewer utility, distressed utility status, or the dissolution petition.

Response 4

There are no writings containing information prepared or received by County Administrator Kris Cinalli, County Attorney Chuck Shields, or any Marion County Commissioner responsive to the request, the content or context of which, judged either by content or context, relates to the conduct of the public's business.

Regards,

Charles A. Shields
Assistant Prosecuting Attorney
Marion County, West Virginia
213 Jackson Street
Fairmont, WV 26554
304-367-5436
cshields@marioncountywv.com