

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ralph Neunteufel,

Complainant

against

Docket #FIC 2025-0337

Zoning Officer, Land Use Department,
Town of Easton; Land Use Department,
Town of Easton; and Town of Easton,

Respondents

April 22, 2026

The above-captioned matter was heard as a contested case on October 24, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts 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 April 28, 2025, the complainant requested from the respondents a “copy of all communications between the Planning and Zoning Department and all persons not employed at the Town of Easton concerning the property at 740 Stepney Rd. or any part thereof from Dec. 2024 to the present.”
3. By complaint received and filed May 7, 2025, the complainant filed an appeal with this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with records responsive to his request, as described in paragraph 2, above.¹
4. 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

¹ On October 6, 2025, the complainant requested that the Commission consider the imposition of a civil penalty against the respondents in over 20 of his pending complaints with the Commission, including the instant matter. To the extent such request sought to amend the complaint in the instant matter, such request is denied.

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.

5. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

6. It is concluded that the records described in paragraph 2, above, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

7. It is found that by email, dated May 19, 2025, the respondents informed the complainant that they did not maintain the requested records as “digital documents.”

8. It is found that the complainant, in making his April 28, 2025 request, described in paragraph 2, above, used the Town of Easton’s standardized records request form. It is found that such form provides an option for the requester to indicate whether they would like to receive responsive records as “paper copies” or as “other electronic media.” The complainant indicated that the records be provided as “other electronic media.”

9. Section 1-212(a), G.S., provides, in relevant part, that:

Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record. The type of copy provided shall be within the discretion of the public agency, except (1) the agency shall provide a certified copy whenever requested, and (2) if the applicant does not have access to a computer or facsimile machine, the public agency shall not send the applicant an electronic or facsimile copy.

10. It is found in his April 28, 2025 request, described in paragraph 2, above, the complainant expressly indicated that he sought copies of *all communications*. It is found that nothing therein suggests that the complainant was only seeking “digital” (i.e., computer-stored) records.

11. It is found that the complainant did not narrow his request to seeking *only* those records that are maintained in a computer storage system when he indicated on the request form that responsive records be provided as “other electronic media” as described in paragraph 8, above. While, for non-computer-stored records (i.e., paper records), the respondents have discretion as to the *type of copy* provided, nothing in §1-212(a), G.S., excuses the respondents

from providing responsive records as paper copies despite the complainant's preference for electronic copies.

12. It is found that the respondents did not present evidence regarding their search for responsive records, paper or computer-stored, and therefore failed to prove that they conducted a thorough and diligent search for records.²

13. It is found, therefore, that the respondents failed to prove that they provided the complainant with all records responsive to his request described in paragraph 2, above.

14. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to provide all records responsive to the complainant's request described in paragraph 2, above.

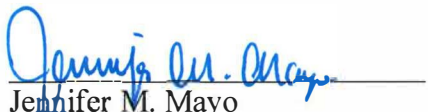
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Within thirty (30) days of the date of the Notice of Final Decision in this matter, the respondents shall conduct a thorough and diligent search for the records described in paragraph 2, above. Such search shall include, but not be limited to, email accounts, text messages, and physical files. If such search requires that the respondents search personal devices, the owner of such device may conduct the search and provide the respondents with responsive records, if any.

2. Within seven (7) days after completing the search for records described in paragraph 1 of this order, above, the respondents shall provide any responsive records to the complainant unredacted and free of charge. If, after conducting a thorough and diligent search, the respondents do not locate any additional records, they shall submit to the Commission, with copy to the complainant, an affidavit sworn to or attested by the person with the requisite knowledge indicating that no additional records were located and detailing the search for such records.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of April 22, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

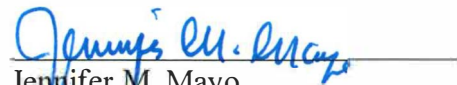
² The respondents testified that they have offered the complainant an opportunity to inspect their paper records and identify specific records he wished to receive copies of. The complainant, however, submitted a written request for *copies* of public records pursuant to §1-212(a)(3), G.S. Accordingly, the respondents are required, pursuant to the FOI Act, to search for and provide responsive records as requested.

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:

RALPH NEUNTEUFEL, 15 Hayes Street, Easton, CT 06612

ZONING OFFICER, LAND USE DEPARTMENT, TOWN OF EASTON; LAND USE DEPARTMENT, TOWN OF EASTON; AND TOWN OF EASTON, 225 Center Road, Easton, CT 06612


Jennifer M. Mayo
Acting Clerk of the Commission