

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Ralph Neunteufel,

Complainant

against

Docket # FIC 2025-0338

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 September 29, 2025, at which time the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint.

The hearing was then continued to February 17, 2026, to allow the complainant to cross-examine the affiant of the respondents' October 10, 2025, affidavit. The respondents appeared at the continued hearing, but without the affiant.¹ The complainant failed to appear.

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 29, 2025, the complainant submitted a written request for electronic copies of the following records maintained by the respondent Planning and Zoning Department: "any and all communications between the Planning and Zoning Department and the Planning and Zoning Commission concerning the property known as 740 Stepney Rd. or any part thereof" (hereinafter, "complainant's request" or "request at issue").
3. By email, filed and received on May 7, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide records responsive to the request described in paragraph 2, above.
4. Section 1-200(5), G.S., provides the following:

"[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-

¹ The Commission notes that, based upon the testimony of the respondents' finance director, zoning enforcement officer Jonathan Rosenthal, who was the affiant, had left the respondents' employ in November 2025.

recorded, videotaped, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides the following in relevant part:

[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. Section 1-211(a), G.S., provides, in relevant part, as follows:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, including an electronic copy sent to the electronic mail address of the person making such request, if the agency can reasonably make any such copy or have any such copy made [...].

(Emphasis added.)

7. 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.”

8. 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.

First Contested Case Hearing – September 29, 2025

9. At the September 29, 2025, hearing on this matter, the complainant testified that, as of the date of such hearing, he was “not quite sure” whether the respondents had disclosed to him any electronic records responsive to his request at issue. The complainant represented that he had attempted to check his electronic mail prior to such hearing but was unable to do so. Nevertheless, the complainant proceeded to request, for the first time, that the Commission consider imposing a civil penalty against the respondents based on the following allegations, set forth below.

10. The complainant first alleged that the respondents failed to provide him with responsive records within four days of receiving his request at issue, in violation of §1-206(a), G.S., which provides as follows, in relevant part:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request [...]. Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

11. Section 1-206(a), G.S., “provides that a request for information under the [FOI] Act is constructively [or “deemed”] denied if there is no response from the public agency within four business days of the request.” Sedensky v. Freedom of Info. Comm’n, No. HHB-CV-136022849-S, 2013 WL 6698055, at *4 (Conn Super. Ct. Nov. 26, 2013). As our Supreme Court has held, “[a]lthough a written denial of a request for disclosure of public records is required [under 1-206(a)], there is no statutory recourse against a public agency for failure to comply with this requirement. Without the statutory [or “deemed”] denial provision, therefore, if a public agency failed to respond to a request, the person seeking disclosure would have no further recourse because the right of appeal to the [Commission] in §1-206(b) is the right to appeal a denial.” West Hartford v. Freedom of Info. Comm’n, 218 Conn. 256, 261-262 (1991).

12. Section 1-206(a), G.S., is properly construed to mean that a requester, once having made a request to a public agency for access to public records, need only wait four business days from delivering such request to the public agency before filing a complaint with the Commission. If during the four business days following the public agency’s receipt of such request, a requester does not receive a written acknowledgment from the public agency, the requester may file a complaint with the Commission on the fifth business day. In effect, this provision deems a public agency’s silence during the four business days following receipt of a public records request to be a constructive denial of such request.

13. Contrary to the complainant’s contention, there is no provision in §1-206(a), G.S., requiring the respondents to provide all responsive records to the complainant within four business days; rather, records are to be provided “promptly” under the facts and circumstances of each request in accordance with §§1-210(a) and 1-212(a), G.S.

14. Therefore, it is concluded that the respondents did not violate §1-206(a), G.S., by failing to provide the complainant with all records responsive to his request at issue within four business days.

15. The complainant next alleged that the respondents failed to provide responsive records promptly and in the requested electronic form.

16. It is found that the respondents’ ZEO gave vague and conflicting testimony regarding the manner and the format in which the respondents purportedly provided records responsive to the complainant’s request.

17. Initially, the respondents’ ZEO testified that the respondents had sent mail to the complainant’s home address, but he did not specify the contents of such mailing. Subsequently,

he testified more specifically that he had mailed a letter to the complainant acknowledging the request at issue within four days of its receipt. It is found, however, that the respondents did not produce any documentary evidence to support that they had drafted and sent any such letter to the complainant.²

18. The respondents' ZEO further testified that he had provided electronic records responsive to the complainant's request. However, it is found that he was unable to recall at the hearing when he provided such records to the complainant, nor did he offer any evidence as to whether they were responsive to the complainant's request. The ZEO also represented, using broad generalities, that the respondents had given the complainant "every bit of digital information that's available," adamantly stressing, "he has them; he has them; he has them."

19. It is found that the respondents' ZEO explained that he was unable to recall specific facts related to this matter due to the large volume of requests that the complainant had recently submitted to the respondents. The ZEO testified that the complainant had inundated the respondents with approximately 110 other records requests around the same time and immediately after the submission of his request at issue in this matter.³

20. Following the close of the September 29, 2025 hearing, on October 1, 2025, the undersigned hearing officer ordered the respondents to submit to the Commission copies of all records provided to the complainant in response to the complainant's request at issue.⁴ The hearing officer also ordered the respondents to submit an affidavit from an individual knowledgeable about the following: the nature of the respondents' search for responsive records; the format in which the respondents maintained such records and the date on which they were provided to the complainant; and the fee, if any, charged to the complainant for such records (hereinafter, "October 1, 2025 order").

21. The October 1, 2025 order also invited the complainant, by a certain date, to submit objections, if any, to the above-ordered filings and to request the opportunity to cross-examine the respondents' affiant.

Parties' Compliance with October 1, 2025 Order

22. By email, filed with and received by the Commission on October 10, 2025, the respondents submitted a filing in response to the hearing officer's October 1, 2025 order. It is found that the contents of the respondents' submission did not comply with such order.

² See Respondents' Exhibit L, which is comprised of sixteen separate letters and emails from the respondents to the complainant. Such letters acknowledge the respondents' receipt of numerous records requests from the complainant. However, none of the letters in Exhibit L acknowledge the receipt of the complainant's April 29, 2025 request at issue.

³ The Commission also takes administrative notice of the volume of complaints filed with the Commission in 2025 alone by the complainant against the respondent town and its land use department and planning and zoning commission. These complaints total 96 in number and were filed by the complainant in a five-month span, between April 25, 2025 and October 14, 2025.

⁴ See Complainant's Exhibit F: "Request at issue (1 page)."

23. Specifically, it is found that the respondents failed to submit any records responsive to the complainant's April 29, 2025 request at issue; rather, they submitted a single record that, on its face, purported to be responsive to a separate and distinct April 30, 2025 request from the complainant regarding a wetland violation at 740 Stepney Road.

24. It is further found that the October 10, 2025 affidavit from the respondents' ZEO ("the affiant") contained many nonresponsive answers to the information sought in the hearing officer's October 1, 2025 order.

25. Regarding the date on which responsive records were provided to the complainant, the affiant averred that responsive records were provided to the complainant by email on June 19, 2025, and purported to have enclosed a copy of such email with the affidavit. However, it is found that the email enclosed with the affidavit consisted of the May 15, 2025 nonresponsive email, described in paragraph 22, above, regarding a wetland violation at 740 Stepney Road.

26. The affiant also averred that, on May 2, 2025, the respondents sent a letter via U.S. Mail to the complainant inviting him to retrieve responsive records from their office, which could be found in Respondents' Exhibit 1. However, it is found that the May 2, 2025 letter contained in Exhibit 1 is related to an April 28, 2025 request from the complainant, not the April 29, 2025 request at issue.

27. By email, filed with and received by the Commission on October 23, 2025, the complainant submitted a request to cross-examine the respondents' ZEO regarding the affidavit described in paragraph 22 above, and also lodged various objections to the respondents' filings described in paragraphs 23 through 26, above.

28. Accordingly, the hearing officer continued the contested case hearing to February 17, 2026, to allow the complainant to cross-examine the respondents' ZEO, who was the affiant for the affidavit described in paragraph 17, above.

Second Contested Case Hearing – February 17, 2026

29. At the continued hearing on February 17, 2026, the respondents' finance director appeared as the sole witness on behalf of the respondents. She testified that, at a December contested case hearing involving the parties, she had personally provided the complainant with paper copies of every file maintained by the respondents for the 740 Stepney Road address. She further testified that she believed the date may have been December 4, but she was not sure.

30. The respondents' finance director further testified that she had searched "everyone's" email and that the respondents "feel that we have fulfilled all of these requests."

31. It is found that the respondents' finance director offered no testimony or documentary evidence specifically relating to the complainant's April 29, 2025 request at issue.

32. It is found that, throughout the course of the first and second contested case hearings, the respondents failed to prove that they had provided the complainant with electronic records responsive to his request at issue, as they did not provide sufficient documentary evidence to clarify their witnesses' vague, inconsistent, and frequently contradictory testimony. It is further

found that, while it is understandable that the respondents felt overwhelmed by the volume of the complainant's pending requests, described in paragraph 19, above, it is concerning that the respondents failed to take advantage of the four-month period between the two hearings on this matter to refamiliarize themselves with the request at issue and provide the Commission with relevant documentary evidence and more specific testimony.

33. Based on all of the foregoing, it is found that the respondents failed to prove that they conducted a thorough and diligent search and therefore provided all records responsive to the request described in paragraph 2, above, to the complainant.

34. Accordingly, it is concluded that the respondents violated the disclosure requirements of §§1-210(a), 1-211(a), and 1-212(a), G.S.

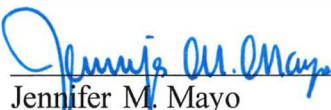
35. Despite the violation set forth in paragraph 32, above, the Commission, in its discretion, declines to consider the imposition of a civil penalty against the respondents.

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

1. Within 45 days of the date of the Notice of Final Decision, the respondents shall provide the complainant with electronic copies of all records responsive to the request at issue that the respondents maintain on "computer storage systems" within the meaning of §1-211(a), G.S., free of charge.

2. Henceforth, the respondents shall strictly comply with the disclosure requirements of §§1-210(a), 1-211(a), and 1-212(a), G.S.

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



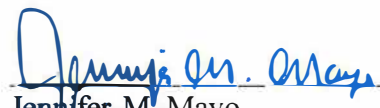
Jennifer M. Mayo
Acting Clerk of the Commission

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