

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ralph Neunteufel,

Complainant

against

Docket # FIC 2025-0339

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 an opportunity to cross-examine the affiant of the respondents' October 10, 2025, affidavit. Both the complainant and respondents appeared at the continued hearing, but the respondents' affiant did not appear.¹

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 30, 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 Conservation and Inlands Wetland Commission concerning the property known as 740 Stepney Rd or any part thereof" ("April 30, 2025 request").
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 complainant's request.
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 The Commission notes that, based upon the testimony of the respondents' finance director, zoning enforcement officer (ZEO) Jonathan Rosenthal, who was the affiant, had left the respondents' employ in November 2025.

1-218, whether such data or information be hand written, typed, tape-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 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.

10. 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).

11. Section 1-206(a), G.S., is properly construed to mean that a requestor, 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 requestor does not receive a written acknowledgment from the public agency, the requestor 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.

12. Contrary to the complainant’s contention, there is no provision in §1-206(a), G.S., requiring the respondent 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.

13. 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.

14. The complainant next represented that, as of the date of the September 29, 2025, hearing, the respondents had failed to provide him with any responsive records in the requested electronic form.

15. It is found that, by letter dated May 5, 2025, and mailed to the complainant’s residential address, the respondents had acknowledged the complainant’s April 30, 2025, request at issue. It is further found that such letter stated “[a]s a courtesy, materials from the Inlands Wetlands Commission are included in this response.”

16. It is found that the respondents offered no documentary evidence or testimony to prove that the materials they provided to the complainant “from the Inland Wetlands Commission,” described in paragraph 15 above, were responsive to the complainant’s request at issue.

17. It is found that the respondents’ ZEO gave vague and inconsistent testimony regarding the nature of the search that the respondents undertook for records responsive to the complainant’s request; whether any responsive records exist; and whether the respondents, in fact, provided such records to the complainant.

18. Specifically, the respondents' ZEO testified repeatedly that he believed that the respondents did not maintain records responsive to the complainant's April 30, 2025, request. It is found, based on the respondent ZEO's testimony, that he worked in close physical proximity to a member of the Inland Wetland Commission's enforcement officer. Therefore, the ZEO testified, there was not a need for the two of them to communicate in writing when they could speak to each other in the office.

19. The respondent ZEO also testified that, in addition to the Inland Wetlands Commission's enforcement officer, there were two other individuals associated with such Commission with whom he may have communicated: its chairwoman and its administrative assistant. The ZEO further testified that he searched his own emails for any written correspondence between himself and the three aforementioned individuals associated with the Inland Wetlands Commission.

20. It is found that, in addition to the ZEO, two other individuals were employed in the respondent department at the time of the complainant's April 30, 2025, request: a consultant engineer and an administrative assistant. It is found that the ZEO did not provide any testimony to address whether the respondents searched the consultant's and the administrative assistant's emails or electronic files for any records responsive to the complainant's April 30, 2025, request.

21. It is found that the respondents' ZEO gave conflicting testimony regarding the existence of responsive records maintained by the respondents. It is found that much of the ZEO's testimony misrepresented or misinterpreted the subject of the complainant's April 30, 2025, request at issue. Specifically, it is found that the ZEO testified that he prepared hard copies of records found in the complainant's file that pertained to a request "information regarding the actions of the Wetlands Commission," rather than communications regarding 740 Stepney Road.

22. It is further found that the respondents' ZEO used qualifying language when testifying to the existence of responsive records, revealing his uncertainty regarding their existence. Specifically, it is found that he testified that, "there's almost no communication;" "there's almost nothing." (Emphasis added.) It is further found that, at least five separate other times during his testimony, the ZEO offered to check again for responsive electronic records.

23. It is further found that, when asked whether he found any responsive emails, the respondents' ZEO testified, "I don't think so. I don't think there were any." (Emphasis added.)

24. It is found that the respondents' ZEO explained that he was unable to recall specific facts related to this matter due to the five-month passage of time between the complainant's request and the first contested case hearing. It is found that the ZEO also described the complainant's April 30, 2025, request at issue as "the second of 80 complaints."²

² 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.

25. Near the conclusion of the September 29, 2025, hearing, the complainant requested, for the first time, that the Commission consider imposing civil penalties upon the respondents based on the aforementioned allegations.

26. Following the close of such 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 April 30, 2025 request.³ 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 ("October 1, 2025 order").

27. 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

28. 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, described in paragraph 26, above. It is found that such filing contained what the respondents purported to be copies of responsive records provided to the complainant and a two-page affidavit from the respondents' ZEO.

29. It is found that, in response to the order for copies of responsive records provided by the respondents to the complainant, the respondents submitted a copy of a 23-page email. It is found that such email was sent by the respondents' ZEO to the Inland Wetland Commission's enforcement officer on April 21, 2025, with the subject line "FW: Photos 6 of 740 Stepney Plus." It is further found that such email did not contain any text and was comprised of 23 pages of color photographs, presumably taken of the 740 Stepney Road property.⁴ It is found that such email is a record responsive to the complainant's April 30, 2025, request.

30. It is found that the respondents also submitted a copy of the complainant's April 30, 2025, request that included handwritten annotations from an unidentified individual. It is found that such annotations indicated that "two responses" had been emailed to the complainant on May 19, 2025. It is further found, however, that the respondents did not provide a copy of the May 19, 2025, email to the complainant to prove that the responsive record described in paragraph 29, above, were among the two responses provided electronically to the complainant.

31. It is found that the respondents' ZEO did not provide any additional details in his affidavit, described in paragraph 28, above, regarding the nature of the respondents' search for electronic records responsive to the complainant's April 30, 2025, request.

³ See Complainant's Exhibit A: "Request at issue – 4/30/25 (1 pg.)."

⁴ See Respondents' Exhibit 2: "Respondents' 10.10.25 filing in response to FOIC'S Oct. 1, 2025 order (29 pgs.)."

32. 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 28 above, and also lodged various objections to the respondents' filings described in paragraphs 28 through 30, above.

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

Second Contested Case Hearing – February 17, 2026

34. At the continued hearing on February 17, 2026, the respondents' finance director appeared as the sole witness for the respondents. She did not wish to put any additional testimony on the record.

35. 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 24, 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.

36. Based on all of the foregoing, it is found that the respondents failed to prove that they conducted a thorough and diligent search of all electronic communications maintained by all staff in the respondent department and therefore provided all records responsive to the request described in paragraph 2, above, to the complainant. It is further found that the respondents failed to prove that they promptly provided the email described in paragraph 29, above, to the complainant in the electronic form that he requested in his April 30, 2025, request.

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

38. Despite the violation set forth in paragraph 37, above, the Commission, in its discretion, declines to consider the imposition of a civil penalty against the respondents.

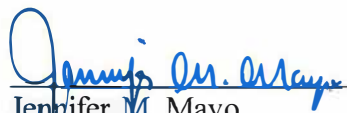
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Forthwith, the respondents shall conduct a new search of their computer storage systems for electronic records responsive to the complainant's April 30, 2025, request. Specifically, such search shall include a search of the email communications of the respondents' ZEO Jonathan Rosenthal, engineering consultant Justin Giorlando, and the administrative assistant who were employed by the respondent department on April 30, 2025.

2. 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.

3. 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.



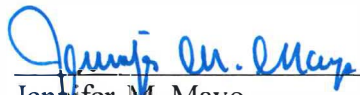
Jennifer M. Mayo
Acting Clerk of the Commission

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