

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ryan Salvas,

Complainant

against

Docket #FIC 2025-0779

Director, Northeast District Department
of Health; and Northeast District
Department of Health

Respondents

August 26, 2026

The above-captioned matter was heard as a contested case on April 10, 2026, 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 August 20, 2025, the complainant requested from the respondents:

copies of any and all records, reports, communications, or
documents in the possession of the [respondents] concerning:

1. Properties

327 Newport Road, Sterling, CT

237 Newport Road, Sterling, CT

2. Individual

Victoria Robinson-Lewis [(“VRL”)] (in both her personal and official capacities, including but not limited to her role as a former Town of Sterling Zoning Enforcement Officer, current position as ZEO in Brooklyn, and as a private citizen).

Specifically, I am requesting:

[Part 1]

All inspection reports, complaints, notices of violation, enforcement actions or citations related to [the properties] or [VRL].

[Part 2]

Any email communications, correspondence, notes, call logs, or memoranda between [the respondents'] staff/officials and

[i] Town of Sterlin Officials, NECCOG, Connecticut Department of Agriculture, Connecticut State Police, USDA/APHIS, or other state/federal agencies.

[ii] [VRL] directly.

[Part 3]

Any internal . . . records, drafts, or communications referencing [the properties or VRL].

[Part 4]

Any recordings reflecting site visits, photographs, diagrams, or environmental/health assessments related to [the] properties.

[Part 5]

Any meeting minutes, agendas, or notes where [the] properties or [VRL] were discussed.

This request includes, but is not limited to, documents created, received, or maintained from January 1, 2022 to the present [i.e., August 20, 2025].

3. It is found that on August 28, 2025, the respondents informed the complainant that they did not maintain information concerning the properties described in paragraph 2, above.

4. By complaint received and filed on August 28, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide all records responsive to his request described in paragraph 2, above.

5. 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

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.

6. 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.

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, 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.

9. It is found that the complainant’s request described in paragraph 2, above, generally seeks “any and all” records pertaining to the properties and individual identified therein. It is found, however, that the complainant also provided specific categories of records (i.e., Parts 1 through 5 of the request described in paragraph 2, above). It is found that under the facts and circumstances of this case, the complainant’s request was for those specific categories of records enumerated in Parts 1 through 5 of the request described in paragraph 2, above.¹

Parts 1 and 4 of the Complainant’s Request

10. It is found that the respondents receive the types of records that would be responsive to Parts 1 and 4 of the complainant’s request from various municipal departments regarding certain properties. It is found that the respondents maintain such categories of records in a physical file for each specific property in question. It is found that the respondents also upload such records to a publicly available online database that they maintain.²

¹ At the April 10, 2026 contested case hearing in this matter, the respondents were not represented by counsel. Accordingly, the hearing officer questioned the respondent Director concerning each of the five parts of the complainant’s request described in paragraph 2, above. After completing that questioning, the hearing officer asked the complainant whether he had any questions for the respondent Director. The complainant responded, “I mean, I think you definitely nailed everything that we had for questions.” Although the complainant then asked several follow-up questions, none concerned any category of records that the hearing officer had not already addressed.

² The respondent Director testified that certain categories of records are not uploaded to the publicly available database, such as records covered under the Health Insurance Portability and Accountability Act (“HIPAA”) and private-well test results. It is found, however, that neither category of records is germane to the complainant’s request described in paragraph 2, above.

11. It is found that upon receiving the request described in paragraph 2, above, the respondents searched their physical records for the files associated with the properties mentioned in the complainant's request. It is found, however, that the respondents did not maintain a file for either property identified in the complainant's request.

12. It is further found that the respondents also searched their online database for records associated with the relevant properties.

13. As described in paragraph 2, above, Part 1 of the complainant's request sought "[a]ll inspection reports, complaints, notices of violation, enforcement actions or citations related to [the properties] *or* [VRL]." (Emphasis added.) It is found that the respondents did not search their physical files or their online database for records related to VRL.

14. It is found that because the respondents limited their search for records to only those that pertained to the properties and did not run a separate search for records related to VRL, they failed to conduct a reasonably diligent and thorough search for records responsive to that portion of Part 1 of the complainant's request described in paragraph 2, above.

15. As described in paragraph 2, above, however, Part 4 of the complainant's request only sought records pertaining to the properties identified in the request. It is found that all records responsive to Part 4 of the complainant's request would be maintained in the respondents' physical files. Accordingly, it is found that the respondents conducted a reasonably diligent and thorough search for records responsive to Part 4 of the complainant's request.

Part 2

16. It is found that Part 2 of the complainant's request seeks "email communications, correspondence, notes, call logs, or memoranda" between the respondents and certain local, state, and/or federal agencies *or* between the respondents and VRL.

17. With respect to email correspondence and communications, it is found that the respondents limited their search to the archived email account of a former employee who worked for the respondents during the period relevant to the request. It is further found that the respondents searched that account using VRL's name in conjunction with the property addresses.

18. The respondents testified that they limited their search to the former employee identified in paragraph 17, above, because she had previously been responsible for processing records requests. It is found, however, that Part 2 of the complainant's request was not limited to correspondence concerning records requests or to correspondence involving a specific staff member. Rather, it is found that Part 2 of the request included communications between all of the respondents' "staff/officials" and VRL, officials from the Town of Sterling, or officials from state or federal agencies.

19. It is further found that Part 2 of the complainant's request was not limited to email communications pertaining to *both* the relevant properties *and* VRL. Rather, the request encompassed email communications pertaining to *either* the relevant properties *or* VRL.

20. With respect to “call logs,” the respondents testified and, it is found, that they maintain two physical call logs: one for calls answered by staff and another for missed calls. It is found that the respondents searched both logs and testified that they did not maintain any records responsive to Part 2 of the complainant’s request. It is unclear, however, whether the respondents limited their conception of responsiveness to only those records pertaining to the relevant properties *and* VRL, instead of *either* of those search terms.

21. With respect to the portion of Part 2 of the complainant’s request seeking notes or memoranda, the respondent Director testified that he was unaware of any responsive records and that any such records would be maintained in the applicable property file. As found in paragraph 17, above, however, the respondents did not separately search for records relating to VRL independently of the properties identified in the request. Accordingly, it is found that the respondents failed to conduct a reasonably diligent and thorough search for notes or memoranda relating to VRL.

22. For the reasons outlined in paragraphs 17 through 21, above, it is found that the respondents failed to prove that they conducted a reasonably diligent and thorough search for records responsive to Part 2 of the complainant’s request.

Part 3

23. It is found that Part 3 of the complainant’s request concerns the respondents’ “internal” records. The complainant, however, did not clarify what he meant by “internal” records. Under the facts and circumstances of this case, it is found that “internal” records are reasonably understood as records created or maintained by the respondents primarily for use within their office and not routinely shared outside the agency.³

24. The respondents testified that internal records pertaining to a specific property would be maintained within the same property file described in paragraph 10, above. As found in paragraph 11, above, the respondents searched their physical property files and did not maintain a file for either property identified in the complainant’s request.

25. It is found, however, that Part 3 of the complainant’s request also sought records referencing VRL. Accordingly, it is found that by limiting their search to specific properties, the respondents excluded records that may have referenced VRL independent of the two addresses identified by the complainant.

26. With respect to internal drafts, it is found that staff members and officials may maintain such drafts on their individual computer workstations. It is found, however, that the respondents did not search those workstations for drafts responsive to the complainant’s request.

27. It is found that the only search for communications (whether internal or external) that the respondents conducted was that described in paragraph 17, above. Accordingly, the

³ This is supported by Part 3 of the complainant’s request also seeking “drafts” as well as Part 2 of the request covering a similar category of records that were created or shared externally.

respondents' search for "internal communications" was insufficient for the same reasons described in paragraphs 18 and 19, above.

28. For the reasons outlined in paragraphs 24 through 27, above, the respondents failed to prove that they conducted a reasonably diligent and thorough search with respect to Part 3 of the complainant's request.

Part 5

29. It is found that the respondents maintain their meeting minutes, agendas, and notes on their website and, excluding executive session notes, such records are publicly accessible.

30. It is found that the respondents did not conduct a search of their meeting minutes, agendas, or notes in response to Part 5 of the complainant's request. Rather, it is found that their August 28, 2025 response that they did not maintain responsive records was predicated on the respondent Director's personal knowledge of the discussion at such meetings given that he had attended every meeting since assuming the role. Moreover, the respondent Director testified that matters concerning individual properties were not typically discussed during their meetings.

31. It is found, however, that the respondent Director did not assume his role until August 2025, the same month in which the complainant made his request described in paragraph 2, above. As found in paragraph 2, above, the complainant sought records dating back to January 1, 2022.

32. Although the Commission finds the respondent Director's testimony concerning the general nature of the respondents' meetings credible, he lacked personal knowledge of meetings held before his tenure. His testimony alone is therefore insufficient to establish that the respondents did not maintain any records responsive to Part 5 of the complainant's request.

33. Accordingly, it is found that the respondents failed to conduct a reasonably diligent and thorough search for records responsive to Part 5 of the complainant's request described in paragraph 2, above.

34. In light of the findings in paragraphs 14, 22, 28, and 33, above, it is found that the respondents failed to prove that they provided the complainant with all records responsive to his request. It is concluded, therefore, that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

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

1. Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondents shall conduct a thorough and diligent search for records responsive to Parts 1, 2, 3, and 5 of the complainant's request described in paragraph 2 of the findings, above. In determining whether a record is responsive, the respondents shall include records that either: (i) directly reference either of the requested properties or VRL; or (ii) do not directly reference either property or VRL but are readily identifiable from their contents alone as concerning either property or VRL. In light of paragraph 15 of the findings, above, no further search is required

with respect to Part 4 of the complainant's request. The respondents shall provide the complainant with a copy of all responsive records located as a result of such search, unredacted and free of charge.

2. Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondents shall submit to the Commission an affidavit detailing the nature and scope of the search conducted pursuant to paragraph 1 of the order, above.

3. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall contact the Commission's public education officer to schedule training regarding the requirements of the FOI Act.

4. 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 August 26, 2026.

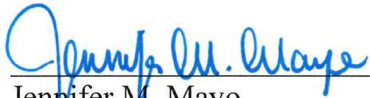

Jennifer M. Mayo
Acting Clerk of the Commission

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:

RYAN SALVAS, Radical Roots Farm, LLP, 146 Buck Hill Road, Canterbury, CT 06331

**DIRECTOR, NORTHEAST DISTRICT DEPARTMENT OF HEALTH; AND
NORTHEAST DISTRICT DEPARTMENT OF HEALTH**, c/o Luigi Sartori, Northeast
District Department of Health, 69 South Main Street, Unit 4, Brooklyn, CT 06234



Jennifer M. Mayo
Acting Clerk of the Commission