

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Ralph Neunteufel,

Complainant

against

Docket # FIC 2025-0466

Zoning Enforcement Officer, Land Use
Office, Town of Easton; Land Use Office,
Town of Easton; and Town of Easton,

Respondents

May 27, 2026

The above-captioned matter was heard as a contested case on December 4, 2025, and February 5, 2026, at which times the complainant and respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

Subsequent to the hearings and pursuant to an April 20, 2026 order of the hearing officer, the respondents submitted an after-filed exhibit, which has been marked and admitted as: Respondents' Exhibit 1 (after filed): two-page email from Jonathan Rosenthal to the Commission, dated April 30, 2026.

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, by email dated May 15, 2025, the complainant requested that the respondents provide him with “[a]ny documents mentioning [a] berm on the property at 740 Stepney Rd. showing that P&Z believes or has information about the age of the berm near the north end of the property” (“May 15 request”).¹ It is found that the complainant indicated in his request that he would like to receive responsive records in electronic format.
3. By complaint filed on June 11, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his May 15, 2025, request, described in paragraph 2, above.² Thereafter, by email, filed on October 6, 2025, the complainant requested that the Commission impose a civil penalty

¹ 740 Stepney Rd. is hereinafter referred to as the “property”.

² The Commission takes administrative notice of the volume of complaints filed with the Commission in 2025 alone by the complainant against the respondent Town, 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.

against the respondents.

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 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. 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.”

7. 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.

8. It is found that, prior to the first hearing on this matter, on or about November 24, 2025, the respondents provided the complainant with copies of records responsive to his May 15 request, free of charge. At the hearings on this matter, the respondents’ witness, who is not a member of the respondent Land Use Office, but an employee of the respondent Town, testified that such records constituted all existing paper files pertaining to the property that were located in the physical file dedicated to the property, and therefore they had provided the complainant with a copy of all records responsive to the May 15 request.

9. At the continued hearing on this matter, the complainant acknowledged that, on or about November 24, 2025, the respondents provided him with copies of the records described in paragraph 8, above, but contended that he was unsure whether those records were responsive to his May 15 request. Nonetheless, the complainant claimed that the respondents failed to conduct a thorough search and provide him with all responsive records. Specifically, the complainant contended that the respondents failed to provide him with copies of: certain 1964 and 2024 aerial photos; complaints made against the property; records of violations against the property; records of the berm on the property; emails from the former ZEO mentioning the berm on the property; and records relating to certain violations listed in an April 9, 2025, Notice of Code Violations.

10. With respect to the complainant's contention that the respondents did not conduct a thorough search and therefore failed to provide him with a copy of all records responsive to the May 15 request, the respondents' witness testified, and it is found, that all three of the members of the respondent Land Use Office resigned a few weeks before the December 4, 2025 hearing on this matter, and that such resignations interfered with the respondents' ability to respond to the May 15 request. The witness testified, and it is found, that "as of right now we do not have a department."³

11. The respondents' witness testified, and it is found, that, notwithstanding the above-mentioned resignations, she conducted the search that resulted in the responsive records that were provided to the complainant as described in paragraph 8, above. The respondents' witness also testified, and it is found, that the respondents made paper copies of certain electronic files pertaining to the property, which were compiled together with all existing paper files pertaining to the property that were located in the physical file dedicated to the property, and provided the entirety of such records to the complainant as described in paragraph 8, above. The respondents' witness further testified, and it is found, that she "did briefly go through...the [electronic] files on [the former ZEO's] computer, but [she] really didn't see anything that was not already handed over."⁴

12. The respondents' witness further testified, and it is found, that she "did go through the files as much as [she] could...to see what [the respondents] have. But knowing that [they] handed the whole entire file, [she is] assuming whatever [they] have is in [the complainant's] hands at this time."

13. It is found that the respondents did not provide testimony as to their search of any of the respondents' other electronic files, including those of the former land use consultant and the former administrative assistant to the ZEO.

14. At the conclusion of the continued hearing on this matter, the respondents agreed to provide an affidavit from the former ZEO relating to records concerning certain 1964 and 2024 aerial photos; complaints made against the property; records of violations against the property; records of the berm on the property; emails from the former ZEO mentioning the berm on the property; and records relating to certain violations listed in an April 9, 2025, Notice of Code Violations.

15. Notwithstanding such agreement, the respondents failed to timely provide such an affidavit and, therefore, on April 20, 2026, the hearing officer issued a written order for the respondents to produce an affidavit from the former ZEO, by no later than April 30, 2026, attesting to whether the respondents maintain any records responsive to the complainant's request that had not yet been provided to the complainant, including those records identified by the complainant at the hearings on this matter and in paragraphs 9 and 14, above.

³ The Commission notes that the witness's reference to "the department" in this instance refers to the respondent Land Use Office.

⁴ The Commission also notes that, based upon the witness testimony at the hearing, Mr. Rosenthal is the former ZEO of the respondent Town and is one of the employees referenced in paragraph 10, above, who resigned.

16. It is found that, on April 30, 2026, in response to the hearing officer's April 20, 2026 order, the respondents filed with the Commission an email from the former ZEO, dated April 30, 2026, stating, in part:

The Town of Easton did not use a drone or airplane to document significant violations at Mr. Neunteufel's property, Nor did the Town engage a company to collect data. If there were any aerial "photos" in the file they [c]ame from the use of the regional (Geographic Information System (GIS) provided by MetroCog, The program is MapExpress.net and is open to anyone and can be accessed through the Town's website. It provides time series data on all properties in the Town and throughout Fairfield County. The Town does not produce or control its contents. The program is commercially available to anyone such as realtors, buyers, the press and even town officials.

(Punctuation in original).

17. It is found that the former ZEO's email, described in paragraph 16, above, does not comply with the orders of the hearing officer. It is found that the former ZEO states *only* where the respondents may have obtained certain aerial photos *if* there were any in the file and not whether the respondents maintain the photos identified by the complainant at the hearings on this matter. It is also found that the statement does not address whether the respondents maintain records relating to complaints made against the property; violations against the property; the term on the property; and certain violations listed in an April 9, 2025, Notice of Code Violations.

18. Based on all of the foregoing, it is found that the respondents failed to provide sufficient evidence regarding the nature and scope of their search and therefore failed to prove that they conducted a diligent and thorough search for records responsive to the May 15 request. Accordingly, it is found that the respondents failed to prove that they provided the complainant with all records responsive to his May 15 request.

19. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

20. Notwithstanding the foregoing findings and conclusion, 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 fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall undertake a search for all records responsive to the complainant's May 15, 2025 request; specifically, the electronic files of the former land use consultant and the former administrative assistant to the ZEO, and any records relating to complaints against the property,

violations against the property, the term on the property and certain violations listed in an April 9, 2025, Notice of Code Violations. Within thirty (30) days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with a copy of any such records free of charge.

2. Within thirty (30) days of the date of the Notice of Final Decision, the respondents shall also provide an affidavit to the complainant and the Commission, prepared by a person with knowledge of the efforts taken, and detailing the scope and results of their search, to locate and provide the complainant with a copy of the records identified in order one, above.

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 May 27, 2026.

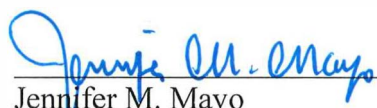

Jennifer M. Mayo
Acting Clerk of the Commission

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 ENFORCEMENT OFFICER, LAND USE OFFICE, TOWN OF EASTON;
LAND USE OFFICE, TOWN OF EASTON; AND TOWN OF EASTON**, 225 Center Road,
Easton, CT 06612



Jennifer M. Mayo
Acting Clerk of the Commission