

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

| | | |
|---|---|---------------------------|
| In the Matter of a Complaint by James McCarthy, Complainant |) | Report of Hearing Officer |
| |) | |
| against |) | Docket #FIC78-104 |
| |) | |
| City of Bridgeport; and the Park City Housing Development Corporation of the City of Bridgeport, Respondents |) | August 14, 1978 |
| |) | |
| |) | |

The above captioned matter was heard as a contested case on July 31, 1978 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. By letter dated May 21, 1978, the complainant requested from the respondent corporation a copy of a certain document pertaining to the administration costs of the respondent corporation.
2. Having failed to receive compliance, the complainant filed the present appeal with the Commission on June 5, 1978.
3. At hearing, the respondent corporation agreed to provide the complainant with a record of its administration costs for the years 1974 through 1977.
4. Such tender of compliance fully satisfies the complainant herein.
5. Satisfactory compliance by the respondent corporation at hearing is fully determinative of the issues raised by the complainant in this appeal.
6. Nevertheless, the parties ask that the Commission decide whether or not the respondent corporation is a public agency for purposes of the Freedom of Information Act.
7. Because the question raised is one of first impression, the Commission agrees to advise both parties on such issue, limited to the facts developed by them at hearing.
8. The City of Bridgeport is the recipient of a cash grant through the United States Department of Housing and Urban Development (HUD) under a federal program known as the Community Development Block Grant program (CDBG).

9. The city permits the respondent corporation to administer the City's CDBG grant money.

10. The respondent corporation is not permitted to draw down from such grant funds until such time as they are actually needed.

11. Accordingly, the respondent corporation makes periodic requests to the city for advances of such funds.

12. The city is required to assure HUD that the funds are being utilized in accordance with the requirements of federal law.

13. The staff of the respondent corporation is paid by the city entirely out of the city's CDBG money.

14. The requested administration costs referred to in paragraph 1 above, relates directly to CDBG money.

15. The corporation's board of directors is appointed by the Mayor of the City of Bridgeport pursuant to paragraph 7 of its Certificate of Incorporation.

16. In the event of the dissolution of the corporation or the winding up of its affairs, the corporation's property is required, under paragraph 6 of its Certification of Incorporation, to be conveyed or distributed only to the Bridgeport Model Cities agency, the City of Bridgeport or to a similarly created and operated organization subject to approval by the City of Bridgeport.

17. The respondent corporation is a public agency within the meaning of §1-18a(a), G.S., with respect to its administration and operation of the City of Bridgeport's CDBG grant money.

18. No opinion is expressed whether the respondent corporation is a public agency under §1-18a(a), G.S., when it is acting in a capacity other than the administration and operation of the city's CDBG grant money.

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

1. The complaint is hereby dismissed.



Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 13, 1978.



Charlene G. Arnold
Clerk of the Commission