

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Octavia Belardo,

Complainant

against

Docket # FIC 2024-0672

Chief Administrative Officer, Marrakech,  
Inc.; and Marrakech, Inc.,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on June 2, 2025, at which time the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint; and again on August 15, 2025, at which time the respondents appeared but the complainant failed to appear.

After the consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that, by email dated October 21, 2024, the complainant requested that the respondents allow her to inspect and copy her personnel file. It is further found that, by email later that same day, the respondents promised to provide the complainant with a cost estimate for copying her personnel file.

2. It is found that, by email dated October 24, 2024, the complainant renewed her request to the respondents to inspect her personnel file. It is further found that, by email later that same day, the respondents informed the complainant that only current employees may inspect their personnel file and promised to mail her a copy the next day.

3. By email, dated November 10, 2024, and received and filed by the Commission on November 12, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by refusing to allow her to review her personnel file and refusing to send her a copy of such file.

4. At the contested case hearings held in the above-captioned matter, the respondents contended that Marrakech, Inc. (“Marrakech”) is not a public agency or the functional equivalent thereof and, therefore, the Commission lacks subject matter jurisdiction to hear the instant complaint.

5. Section 1-200(1), G.S., defines “public agency” as the following:

(A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission,

authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority or official, and also includes any judicial office, official, or body or committee thereof but only with respect to its or their administrative functions, and for purposes of this subparagraph, “judicial office” includes, but is not limited to, the Division of Public Defender Services; (B) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law; or (C) Any “implementing agency,” as defined in section 32-222.

6. It is concluded that Marrakech is not a “public agency” within the meaning of §§1-200(1)(A) and 1-200(1)(C), G.S.

7. With respect to whether Marrakech is the “functional equivalent” of a public agency within the meaning of §1-200(1)(B), G.S., four factors must be considered: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by government. See Board of Trustees of Woodstock Academy v. Freedom of Information Commission, 181 Conn. 544, 554 (1980) (“Woodstock”). “All relevant factors are to be considered cumulatively, with no single factor being essential or conclusive.” Connecticut Humane Society v. Freedom of Information Commission, 281 Conn. 757, 761 (1991).

8. It is found that Marrakech was incorporated in Connecticut in 1971 as a tax exempt, private nonprofit organization for the purpose of establishing transitional housing for mentally challenged individuals, facilitating interaction between the community and such individuals, and increasing the involvement of students and professionals in creating a community-oriented setting for such individuals. In the years since its incorporation, it is found that Marrakech has expanded the population that it serves and the services it provides to include youth in foster care, the homeless, and individuals struggling with substance abuse and addiction.

9. It is found that Marrakech is overseen by a volunteer board of directors that manages the organization’s personnel policies, fiscal affairs, risk management plan, and properties. It is found that the president and chief executive officer of Marrakech reports to such board. It is further found that no state entity takes part in the board of directors’ decision-making process or day-to-day operations.

10. It is found that Marrakech’s revenue is generated through a fee-for-services model. Specifically, it is found that some fees are generated through contractual relationships with state and municipal agencies. For example, Marrakech contracts with the state to operate group homes and provide day program services to individuals with disabilities living and working in the community. It is found that, for residents of Marrakech-operated group homes who are recipients of social security or other governmental benefits, Marrakech serves as the representative payee;

therefore, their benefits cover the costs of operating such homes. Marrakech also contracts with, among other state agencies, the Department of Children and Families to operate a “launch program” that assists youth in foster care as they transition to adult life; with the Department of Aging and Disability Services to provide job coaching for people with physical or developmental disabilities; with the Office of Workforce Strategy’s Career Connect to expand Marrakech’s thirty-year-old academy for human service training program; as well as with the Department of Social Services and the Department of Mental Health and Addiction Services. It is further found that Marrakech also contracts with some municipal entities, such as the Workforce Alliance and Workforce Development Board in the Waterbury area, to provide services.

11. It is further found that Marrakech also generates revenue from privately paying individuals whose families pay directly for Marrakech’s services.

12. It is found that Marrakech is not obligated by law to provide any of its services, nor is it obligated to serve or support any specific individuals enrolled in its programs. It is found that, in past instances when Marrakech concluded that an individual could not successfully be supported by its programs and services, the state accepted Marrakech’s position, as it lacked the authority to require or order Marrakech to serve such person.

13. It is found that Marrakech does not receive direct appropriations in the state budget to fund its operations. Based upon the testimony of Marrakech’s president and CEO, it is found that in Fiscal Year 2024, Marrakech received a one-time, \$100,000.00 budgetary earmark appropriation in the state budget to fund its advertising and recruitment efforts to secure new hires after the COVID-19 pandemic.

14. It is found that Marrakech owns approximately 35-40 properties, including group homes, and also rents properties. It is found that Marrakech builds into its service contracts with state and municipal agencies the costs to pay for such space and properties, and it also engages in fundraising to do so. It is further found that a portion of the government benefits that Marrakech receives as the representative payee for its group home residents is dedicated to covering real estate costs as well.

15. It is found that Marrakech itself is not subject to state licensure; however, its group homes are subject to state licensing and regulation standards, as well as state inspection by the Department of Public Health. Additionally, it is found that various staff employed by Marrakech, such as those requiring medication certification, obtain state licenses; however, such licenses belong to the employees and may be transferred by such employees to other employment positions outside of Marrakech.

16. It is found that Marrakech employs approximately 600 individuals. It is found that, since its incorporation, described in paragraph 8, above, Marrakech has been a private employer. It is further found that at no time has Marrakech employed individuals provided or loaned by the state. It is found that Marrakech’s employees do not belong to any state collective bargaining coalition. It is found that Marrakech’s employees do not participate in the state’s pension plan for state employees.

17. With regard to the first of the four factors in Woodstock, whether an entity performs a governmental function, our courts have concluded that merely “[p]erforming a government service pursuant to contract does not make an entity a public agency subject to the act....The key to determining whether an agency is a government agency or merely a contractor with the government is whether the government is really involved in the core of the program.” Domestic Violence Services of Greater New Haven, Inc. v. Freedom of Information Commission, 47 Conn. App. 466, 474-75 (1998) (“Domestic Violence Services”). Furthermore, the first factor is not satisfied unless the entity is instilled with some governmental authority. “Courts have held that entities that are the functional equivalent of a public agency have the power to govern or to regulate or to make decisions [affecting government].” Id. at 475.

18. It is concluded, given the findings described in paragraphs 8-16, above, that Marrakech does not possess the power to govern, regulate, or make decisions affecting government. It is further concluded, given the findings in paragraphs 10 and 12, above, that Marrakech’s performance of services on behalf of various state and local governmental agencies pursuant to contract does not constitute the performance of governmental functions.

19. Regarding the second factor in Woodstock, the entity’s level of government funding, the courts have held that the amount of government funding an entity receives is “not solely determinative of whether the entity is the functional equivalent of government.” Domestic Violence Services, supra, 47 Conn. App. at 475. Furthermore, the second factor is not satisfied if the entity receives government funds in consideration for providing services pursuant to a contract. Id. at 476.

20. Given the findings described in paragraph 10, above, it is concluded that the governmental funding received by Marrakech is received in consideration for its contractual fee-for-services relationship with state and local agencies. Additionally, it is concluded that the state’s one-time budgetary appropriation to support Marrakech’s recruitment and hiring efforts, described in paragraph 13, above, does not constitute substantial governmental financing.

21. The courts have held that the third factor in Woodstock – the extent of governmental involvement or regulation – “is not satisfied if the entity is merely subject to professional standards or governmental audits, in the absence of day-to-day governmental involvement in the entity’s ongoing activities.” Connecticut Trees of Honor Memorial, Inc. v. Connecticut Freedom of Information Commission, No. HHB-CV-176038816-S, 2019 WL 3219661 (Conn. Super. Ct. June 10, 2019) at \*5, citing Domestic Violence Services, supra, 47 Conn. App. at 478. The entity must “operate under direct, pervasive or continuous regulatory control” to meet the third factor in the Woodstock test. Hallas v. Freedom of Information Commission, 18 Conn. App. 291, 296, cert. denied, 212 Conn. 804 (1989).

22. Given the findings in paragraphs 9, 15, and 16, above, it is concluded that the state or municipal agencies with which Marrakech contracts do not exert direct, pervasive, or continuous regulatory control over Marrakech. The extent of governmental involvement and regulation in Marrakech’s operation is minimal, limited only to employee licensing and facility inspection, and the state does not control Marrakech’s day-to-day operations.

23. Regarding the fourth factor in Woodstock, whether the entity is government-created, it is concluded that Marrakech was not created by the government, but rather incorporated as a private, nonprofit organization as described in paragraph 8, above.

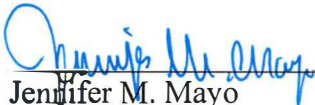
24. Given that Marrakech, Inc. does not meet any prongs of the four-factor Woodstock test, as described in paragraphs 17 through 23, above, it is concluded that the respondents are not the functional equivalent of a public agency within the meaning of §1-200(1)(B), G.S.

25. Accordingly, it is concluded that the Commission does not have subject matter jurisdiction over the violations alleged by the complainant, described in paragraph 3, above, in the instant matter, and, therefore, such allegations will not be addressed further herein.

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

1. Based upon the Commission's lack of jurisdiction over the instant appeal, the complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 22, 2025.

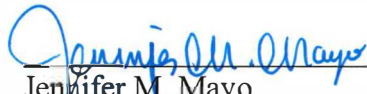
  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**OCTAVIA BELARDO**, 92 Brookside Road, Waterbury, CT 06708

**CHIEF ADMINISTRATIVE OFFICER, MARRAKECH INC.; AND MARRAKECH INC.**,  
c/o Attorney Sara Simeonidis, Jackson Lewis P.C., 90 State House Square, 8th Floor, Hartford,  
CT 06103

  
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Jennifer M. Mayo  
Acting Clerk of the Commission