

We think better criteria would be:

- (1) The period of time for which a member is elected;
- (2) The procedure set up to provide for action upon membership applications; and
- (3) Initiation fee and membership dues.

If, for example, the membership obtained is for one day or one week only and can be purchased through the gate-keeper, the status of the club as a "private club" would be highly suspect. On the other hand, Meadowbrook required the payment of an initiation fee, and the purchase of a seasonal membership, which membership had first to be approved by a Board of Directors.

On the basis of the above criteria, Meadowbrook was a private club, at the time of the filing of the complaint, and, as such, was exempt from the provisions of Ordinance No. 103.

However, since the complaint was filed, a new corporation, Meadowbrook Swimming Club, Inc., has been formed and is now occupying and using pool facilities. No complaint has ever been made against this new corporation.

It is apparent, from the record, that the new corporation was formed solely to comply with Rule of Interpretation No. 1, of the Commission, relating to tax exempt status, and it may be that the new corporation meets the above suggested criteria for a private club.

The Commission staff has suggested that the new club is a mere subterfuge, and that jurisdiction can attach to Meadowbrook Swimming Club, Inc., by "piercing the corporate veil".

However, since we have already determined that, at the time the complaint was filed, Meadowbrook was a private club and exempt from the provisions of Ordinance No. 103, we see no need to investigate further the creation of the new corporation, or the reasons therefor.