

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST.: N.W.

WASHINGTON, D. C. 20001



April 20, 1994

IN REPLY REFER TO:

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(94-141-L)

Lenwood O. Johnson
Commissioner
Advisory Neighborhood Commission I-A
3511 14th street, N.W.
Washington, D.C. 20010

Re: ANC I-A Grant to D.C. Neighborhood Partnership

Dear Commissioner Johnson:

This is in reply to your April 1, 1994 letter to the Acting Corporation Counsel concerning a \$1,000 grant made by Advisory Neighborhood Commission CANC) 1-A to Dorothy Brizill. You state in your letter that Ms. Brizill has yet to provide a product or documentation (receipts) showing how she spent the grant, according to ANC records."

The grant in question was made in 1991 to D.C. Neighborhood Partnership, a non-profit corporation, whose executive director is Dorothy Brizill. In the grant application submitted to ANC 1-A, Ms. Brizill described the project to be funded by the grant in the following language:

The D.C. Neighborhood Partnership proposes that it will monitor ongoing developments in the District government and the development community, research issues that arise as warranted, contact and inform community organizations in Columbia Heights, convene a series of community meetings to disseminate information about these projects, and devise in consultation with community leaders a common strategy to redevelop the 14th street corridor in accordance with the needs and wishes of the community.

There followed an itemization of expenses which included \$600 for "[r]esearch, [p]reparation of memos and reports, [c]onsultation with District officials and real estate, urban planning, and legal experts"; \$200 for "[p]ostage, photocopying, and fees associated with FOI requests"; and \$200 for "[n]eighborhood planning sessions and community meetings."

Section 16(m) of the Advisory Neighborhood commissions Act of 1975, D.C. Code § 1-264(m) (1992), provides the following in regard to grants made by ANCs:

A grant approved by a Commission shall provide a benefit that is public in nature that benefits persons who reside or work within the commission area. A grant to an individual shall be prohibited as a non-public purpose expenditure. A Commission shall adopt guidelines for the consideration and award of grants that shall include a provision that requires the proposed grantee to present the request for a grant at a public meeting of the Commission. A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public meeting. The award of a grant by a Commission shall not be conditioned on support for a position taken by the Commission.

The statute does not require that the grant guidelines adopted by each ANC include a provision that each grantee must submit an accounting to the ANC on the use of the grant. However, an ANC may adopt such a requirement as part of its guidelines. If a grantee fails to abide by an accounting requirement attached to a grant, a practical remedy available to the ANC is to refuse to make any further grants to that grantee. If the grantee has spent the grant funds for purposes other than those represented to the ANC in the grant application, there may be right of recovery against the grantee for the misspent funds. See generally, Principles of Federal Appropriations Law, Chapter 10, Part H (2nd ed. 1992). Thus, if you have any evidence that Ms. Brizill spent the \$1,000 grant in question for purposes other than the purposes set forth above, you should present that evidence for further investigation to the D.C. Auditor, Russell A. Smith, 415 12th Street, N.W., suite 210, Washington, D.C. 20004, telephone 727-3600.

Sincerely,



Thomas F. Bastow
Deputy Corporation Counsel
Legal counsel Division

cc: The Honorable Harold Brazil
Chairman, Committee on Government Operations
Council of the District of Columbia

Russell A. Smith
D.C. Auditor

Regena Thomas
Director, Office of Constituent Services