

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:
OLC:LNG:lng
(AL-96-581)

December 19, 1996

Gregory J. Ferrell
Commissioner
Advisory Neighborhood Commission 6-A
700 Constitution Avenue, N.E. suite 1-515
Washington, D.C. 20002

Re: Urban Risk Initiative Project

Dear Commissioner Ferrell:

This letter is in response to your telephone call to me on December 17, 1996, concerning the advice rendered to you in my letter of December 13, 1996.

In my letter of December 13, 1996, I concluded that the deposit of the DCRA Urban Risk Initiative Project grant funds in a bank account other than ANC 6-A's checking account did not violate the one-checking-account requirement of section 16(b) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(b) (1992), because the grant funds in question did not belong to ANC 6-A. In your November 7, 1996 letter to the Corporation Counsel, you sought the advice of this Office as to "whether the establishment of the second checking account [for the DCRA grant funds] in the manner herein delineated...was in any way in conflict with ANC laws[.]" In your letter you stated that the checking account in question bore the title "Advisory Neighborhood Commission 6A T/A Urban Risk Project" and that the Internal Revenue Service tax identification number listed on the account was the same as the tax identification number listed on ANC 6-A's checking account.

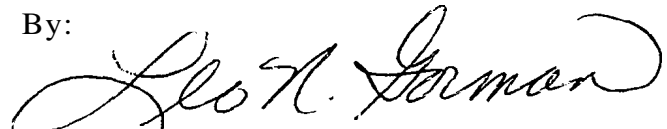
I reaffirm my conclusion that the establishment of the above-titled checking account did not violate the statutory requirement that all funds received by an ANC that are needed for current expenditures be deposited in the ANC's checking account and that an ANC may have only one such checking account. Nevertheless, I wish to make clear that this conclusion should not be understood to constitute approval by this Office of the manner in which the Urban Risk project checking account was established. More specifically, the use of the name "Advisory Neighborhood Commission 6A" and the use of ANC 6-A's IRS tax identification number in connection with

this checking account was improper (albeit not in violation of any District of Columbia statute of which I am aware) because it created the impression that this was ANC 6-A money, when in fact it was not. In this regard, I am in agreement with the view expressed by Interim D.C. Auditor Deborah Nichols when, during the course of ANC 6-A's special meeting on September 26, 1996, she recommended that ANC 6-A's name and tax identification number be removed from this account. See Transcript of September 26, 1996 ANC 6-A Special Meeting, at pp. 59, 71-72.

sincerely,

Charles F.C. Ruff
Corporation Counsel

By:



Leo N. Gorman
Assistant Corporation Counsel
Office of Legal Counsel

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

Betty King
Director
Office of the Ombudsman

Ayo Bryant
Director
Office of Diversity and Special Services

Deborah Nichols
Interim D.C. Auditor

Marshall Williams
Chairman
Advisory Neighborhood Commission 6-A

Hans Moenning
Treasurer
Advisory Neighborhood Commission 6-A