

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division

May 18, 2005

Mr. Tony Norman
Home Roots Foundation, Inc.
533 Gresham Place, N.W.
Washington, D.C. 20001

Re: Complaint against ANC 1B

Dear Mr. Norman:

This responds to your letter of complaint dated March 30, 2005 against commissioners of ANC 1B for alleged “bias and political motivations” against your organization, Home Roots Foundation, Inc. You state that these individuals are seeking to taint the name of Home Roots Foundation, Inc. for political purposes and that they have misrepresented communications allegedly made by the organization to the full ANC, as well as to this Office and the D.C. Auditor. You also allege that these members have denied receiving documents that you believe they received.

In support, you attach a letter to Mr. Tim Stevens, Treasurer ANC 1B, dated March 30, 2005, which provides additional details of the allegations against the ANC commissioners, including that certain commissioners allegedly breached their fiduciary duties by “playing politics with ANC grants” and requesting that the ANC rescind a grant to your organization (voted down, however, by the full ANC). The letter itself appears to be a response to some request by the ANC treasurer for information concerning use of an ANC grant given to your organization.

Your letter presents no facts upon which this Office may take action. The Office of the Attorney General for the District of Columbia is charged with, among other duties, assisting Advisory Neighborhood Commissions (ANCs) by providing “legal interpretations of statutes concerning or affecting the Commissions, or of issues or concerns affecting the Commissions. These interpretations . . . may be requested directly by any Commission.” D.C. Official Code § 1-309.12(d)(3) (2004 Supp.). Your request, insofar as it seeks some disciplinary action against certain ANC commissioners for the alleged conduct you describe, is not an appropriate subject for review by this Office. Where there are allegations that an ANC has improperly spent or failed to account for funds, generally the D.C. Auditor conducts an investigation and reports its findings to us.

You do not allege that the ANC improperly distributed or spent funds. If anything, by requesting information concerning the grant, it appears that the ANC, through its treasurer, was attempting to fulfill its statutory duty to monitor the use of ANC grant funds after-the-fact, as required by D.C. Official Code § 1-309.13(m)(3)(2004 Supp.). That provision requires a grant recipient to forward to the ANC a statement as to the use of the grant funds consistent with the grant application, complete with receipts which support the expenditures. Failure to do so could result in the grant being disallowed and an action by this Office against either the ANC or the grant recipient, or both, for return of the funds.¹

With regard to your allegations that members of the ANC are using their positions for political purposes, these allegations, even if proved, likely could not result in action by this Office unless such activity exceeds what is permitted by law. You have presented no such actionable facts. Commissioners are elected political officials and, as such, they are certainly permitted to vote for or against matters within their purview, including ANC grant expenditures. Presumably commissioners are representing the voices of their constituents, and if not, the remedy can be affected during the next election cycle.

Accordingly, there is no basis to find any wrongdoing by ANC 1B, nor any of its members, on the facts you have presented to us and we will take no further action.

Sincerely,

ROBERT J. SPAGNOLETTI
Attorney General

/S/

RJS/dps

cc: Lynard Barnum – ANC Program Manager – D.C. Auditor
Tim Stevens – Treasurer – ANC 1B (P.O. Box 73710, Washington, D.C. 20009)

(AL-O5-231)

¹ Insofar as your submissions to us demonstrate an attempt to comply with the ANC treasurer's request for grant information, and because the ANC has not contacted us with contrary information, we will refrain for now from forwarding this matter to our enforcement division for further investigation of compliance with the reporting statute.