

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

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(AL-95-142)

March 24, 1995

Karen J. Wirt
Commissioner
Advisory Neighborhood Commission 6-A
1341 Maryland Avenue, N.E.
Washington, D.C. 20002-4407

Re: May an Advisory Neighborhood Commission raise funds by conducting bake sales and car washes?

Dear Commissioner Wirt:

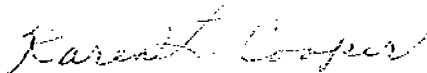
This is in reply to your February 27, 1995 letter to Leo Gorman of this Office in which you seek advice concerning whether it is permissible for an Advisory Neighborhood Commission (ANC) to conduct fund-raisers in the community, such as bake sales and car washes.

From the outset, it was contemplated by Congress that a source of funds that ANCs could use to employ staff and otherwise use for public purposes would be voluntary contributions from private persons and entities. Thus, section 738(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, D.C. Code § 1-251(c)(2) (1992), provides that "[e]ach advisory neighborhood commission...may employ staff and expend, for public purposes within its neighborhood commission area, public funds and other funds donated to it..." (Emphasis added.) Section 13(1) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-261(1) (1992), provides in pertinent part:

No Commission may solicit or receive funds unless specifically authorized to do so by the Council, except that receipt of individual contributions of \$400 or less need not be approved by the Council. No person shall make any contribution, nor shall a Commission receive any contribution from any person which, when aggregated with all other contributions received from that person, exceeds \$400 per calendar year.

On the one hand, this language prohibits an ANC from soliciting funds unless such solicitation is specifically authorized by the Council. On the other hand, this language authorizes private persons and entities to contribute up to \$400 per year to an ANC without Council authorization. Under these circumstances, we are inclined to construe the prohibition on solicitation somewhat narrowly; i.e., we construe it to prohibit only solicitation of cash donations where the donor does not receive in return any goods or services. Under this construction, raising funds through bake sales and car washes would not contravene the statute's prohibition on solicitation of funds.

Sincerely,



Karen L. Cooper, Chief
Legislation & Opinions Section
Legal Counsel Division

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

Lavonna Johnson
Director
Office of Constituent Services

Ayo Bryant
Director
Office of Diversity and
Special Services

Russell A. Smith
D.C. Auditor