

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Corporation Counsel**



**Office of Government Operations  
Legal Counsel Division**

May 23, 2003

Mr. Nik Apostolides  
Commissioner  
P.O. Box 21652, N.W.  
Washington, D.C. 20009

**RE: Legal Permissibility Concerning Grant By  
Advisory Neighborhood Commission 1C**

Dear Mr. Apostolides:

This is to respond to your letter dated May 16, 2003, addressed to Interim Corporation Counsel Arabella Teal regarding grant funds for the Adams Morgan Main Street Group, Inc. You have asked the Office of Corporation Counsel ("OCC") whether our office has any comments on Adams Morgan Main Street Group's grant application which Advisory Neighborhood Commission ("ANC") 1C has approved subject to objections from the Office of the Auditor or OCC.

According to your letter, a grant application was submitted by Adams Morgan Main Street Group, Inc., a registered section 501(c)(3) non-profit organization that works to accomplish neighborhood commercial district revitalization. According to their application, the organization is seeking funding for the following:

To support the research and creation of a A/M signature design element. Funds to be spent on some subset or combination of research, consultant community outreach, design competition, environmental impact analysis, and/or demonstration project related to tile or mosaic tree surrounds or design logo or other element as chosen by Adams Morgan Main Street.

The law governing grants by ANCs is found in section 16 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code § 1-309.13 (2001), and provides as follows:

(l)(1) [E]xpenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to section (m) of this section.

\* \* \* \* \*

(m)(1) A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public meeting following the public presentation of the grant request. A Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area. The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.

D.C. Official Code § 1-309.13(m)(1) (2001).

Under the law, grant awards are not permitted where they do not benefit the general public or meet a public purpose. The issue presented by this case is whether this grant provides a public benefit since it is not clear from the application exactly how Adams Morgan Main Street Group, Inc. intends on spending public funds awarded to it by this grant.

While Adams Morgan Main Street Group, Inc. is engaged in development revitalization for the Adams Morgan community, it should submit an amended application that provides a more definitive description of how it proposes to use monies granted to it by Advisory Neighborhood Commission 1C. Accordingly, I conclude that approval of the grant to Adams Morgan Main Street Group, Inc. should be withheld until it is determined what purposes the organization intends to make of the grant.

If you have any further questions, please contact Nancy Alper, Assistant Corporation Counsel, at 724-5508 or me at 724-5493.

Sincerely,

ARABELLA W. TEAL  
Interim Corporation Counsel



By: DARRYL G. GORMAN  
Senior Deputy Corporation Counsel  
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(AL-03-320)