

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Dawn Dickerson, Program Analyst
FR: Denise Wiktor, General Counsel
DT: 2/6/2024
RE: ANC 4A Zenith Gallery Grant

A handwritten signature in blue ink, appearing to read "DW", is written over the "FR" and "DT" lines of the memorandum header.

You asked me to review the ANC 4A grant to Zenith gallery for woodworking classes. The grant was to “fund hands-on woodworking activities in Ward 4 for residents in DC.” It is also referred to later in the description as “interactive woodworking project in Ward 4.”

The grant should be denied as a non-permissible use of ANC funds. The paperwork with the grant application did not address the specific benefit to ANC 4A. Additionally, it fails to specify a statutorily mandated local benefit and a defined proposed project.

The project was to have two tracks, one of classes to individuals and the other introducing hands-on woodworking at “DC Festivals.” The grant paperwork did not address the number of students it would serve. It did list the goals for the project as:

- Hire a woodworking instructor to teach six three-hour classes each month.
- Offer woodworking classes in Ward 4 over a twelve-week period in 2023-2024.
- Market the program to the Ward 4 neighborhoods.
- Take ZCAF’s Mobile Woodshop to several Ward 4 sites.

The August 16, 2023, report indicated that 32 residents had responded to the ANC email and that the capacity for each class is 4 students. The report indicated that one class was held in July, two would be in September and “other classes will be set up for the Fall 2023” making up three more classes accommodating 12 students. The total number of students served will be 16. It did note that the students who took the class in July were residents of 4A. The August 16 report did not mention any participation at festivals as outlined in the grant request.

The D.C. Official Code states that ANC “[e]xpenditures may be in the form of grants by the Commission for public purposes.”¹ It further states that “A public purpose shall be a purpose that benefits the community as a whole...”²

¹ D.C. Official Code § 1-309.13(l)(1).

² Id.

The Office of Attorney General (OAG) discussed “public purpose” in *Seasoned Settlers and Grants Generally*,³ where it found that a grant that only “students of a specific age group at a specific school” was too small a target to meet the public purpose requirement.⁴ The OAG made similar findings in another opinion letter that a grant to fund teacher training where the beneficiaries of the training were 14 teachers and their 275 students did not serve the community as a whole; in the same letter the OAG found that a grant to fund computer training that would benefit 8 persons and a number of online persons also did not meet the “community as a whole” standard.⁵

In this particular case, a total of 16 students will take a class. Pursuant to all of the documentation presented, no workshops/demonstrations for larger groups will be held. The 2020 census for ANC 4A was 14,217⁶. Assuming all the people who take the classes are from ANC 4A, it is about 1 tenth of 1 percent of the residents of the ANC. This is too small of a number to benefit the community “as a whole.”

There are other issues with the grant application as written. In addition to having a Public Purpose, ANC grants must have a local benefit and be for a proposed project.⁷

The grant application and supporting documents repeatedly discuss the benefits to Ward 4, not the benefits to ANC 4A. It cures it somewhat by reporting the students who took the first session were ANC 4A but this benefit to 4A should have been addressed at the time the grant was awarded. However, as noted above, even if all the participants were from 4A the population is too small to meet other grant requirements.

“A grant must be for a “proposed project.”⁸ The word “project” means a grant must be for a specific undertaking, not for general support of an organization, and the word “proposed” means that a grant cannot reimburse an organization for expenses connected to an existing or completed project.”⁹ The application does not list a beginning or end date but does reference a 12 week period in 2023-2024 where woodworking classes for Ward 4 will be offered. It also listed a goal for the hiring of a woodworking instructor. The wording of the grant and attached documents make it unclear if there is a specific project being funded. As such the language about the instructor could be interpreted as ongoing support for the organization.

³ See *Letter to Schanette Grant on Seasoned Settlers and Grants Generally*, April 14, 2022, found at <https://oag.dc.gov/sites/default/files/2022-04/Letter-to-OANC-Re-Seasoned-Settlers-Grant-and-Grants-Generally-.pdf> hereafter “Seasoned Settlers.”

⁴ *Id.* at p. 6.

⁵ *Letter to Commissioner Israel re Proposed ANC 4D Grants*, July 19, 2022, found at <https://oag.dc.gov/sites/default/files/2022-07/ANC-4D-Letter-to-Commissioner-Israel-re-Proposed-ANC-4D-Grants-.pdf>

⁶ [2023 ANCs by 2020 census](#)

⁷ *Seasoned Settlers*, at p. 2.

⁸ See D.C. Official Code § 1-309.13(m)(2)(A).

⁹ *Seasoned Settlers*, at pp. 2-3 citing *Letter to Comm’r Varzi*, Dec. 3, 2019, available at <https://oag.dc.gov/sites/default/files/2019-12/ANC-4CAfter-the-Fact-Grant.pdf>

