

Government of the District of Columbia



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**MEMORANDUM**

TO: Natasha Dupee, Chair ANC 7E  
Karla Reid-Witt, Treasurer ANC 7E  
FR: Denise Wiktor, General Counsel  
DT: December 30, 2024  
RE: The Vegetarian Fox Book Grant

The OANC received a copy of a grant from I have reviewed the application sent to the OANC. I also contacted the applicant and based upon her representation that she will distribute 100 copies of the book within ANC 7E the request is a **permissible** expenditure of ANC monies should the ANC choose to fund it.

There are five prongs a grant must meet to be a permissible expense<sup>1</sup> and a 6<sup>th</sup> requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead<sup>2</sup>. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”<sup>3</sup> A public purpose is one “that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity.”<sup>4</sup> This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency.<sup>5</sup> This book is cute (not a factor) and designed to improve the self esteem of children who feel different by using a Fox who is vegetarian as the main character. The fox is treated differently by other animals. The improvement of the mental health of ANC residents is a public purpose and with the distribution of free copies meets the test.

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<sup>1</sup> 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>

<sup>2</sup> D.C. Official Code 1-309.13(m)(2)(D) provides that “[n]o Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

<sup>3</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>4</sup> *Id.* This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

<sup>5</sup> D.C. Official Code § 1-309.13(m)(1).

2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>6</sup> This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.<sup>7</sup> As mentioned above, 100 of the books will be for residents of the SMD 7E.
3. **Proposed Project.** A grant must be for a proposed project.<sup>8</sup> This means that it must be for a specific undertaking, not for general support of an organization. It also means that a grant cannot reimburse an organization for expenses connected to an existing or completed project. **This is a discrete single project.**
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,<sup>9</sup> although the organization need not be incorporated.<sup>10</sup> Systems Support for Social Stability is an organization as defined by the D.C. code and was verified to be a 50(c)(3) organization.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>11</sup>
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>12</sup> None of the grant monies will be used for overhead as the Code defines it.

## Conclusion

For the reasons stated above this grant is a **permissible** expenditure of ANC funds if used as outlined above.

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<sup>6</sup> *Id.*

<sup>7</sup> See *Letter to Deborah K. Nichols*, Nov. 9, 2006, at 2 n.2 found at [Letter-to-Deborah-Nichols-Re-Whether-an-ANC-may-approve-a-grant-to-commission-plans-and-drawings-.pdf](#) (ANC 4C grant was permissible where the “[b]enefit to other ANCs would be incidental to the benefit conferred on ANC 4C residents,” because a grant’s benefits need not “be exclusive to the ANC that gives the grant funds”); see *Letter to Comm’r Fletcher*, Mar. 15, 2022, at 2, available at <https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf> making the same point with respect to the public-purpose requirement).

<sup>8</sup> D.C. Official Code § 1-309.13(m)(2)(A).

<sup>9</sup> D.C. Official Code § 1-309.13(m)(1); see also *Letter to Deborah K. Nichols*, Jan. 14, 2010, at 4, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-January-14-2010-Guidelines-for-Use-of-ANC-Funds.pdf>

<sup>10</sup> See *Letter to Deborah K. Nichols*, Aug., 4, 2000 at 3, available at <https://oag.dc.gov/sites/default/files/201802/ANC-August-4-2000-Grants-by-ANCs-Public-Purpose-and-Corporate-Status-of-Recipients.pdf> (“The plain meaning of the term ‘organization’ includes unincorporated associations”).

<sup>11</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>12</sup> D.C. Official Code §1-309.13(m)(1)(2)(D).