

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue, NW
Suite 11
Washington, DC 20004
(202) 727-9945

MEMORANDUM

TO: Anthony Pirrotti, Chair, ANC 4D
Chrysanthe Courniotes, Treasurer ANC 4D
FR: Denise Wiktor, General Counsel
DT: 8/14/2024
RE: Petworth Peanuts Spooktacular 2024 grant request

The OANC has received a copy of a grant request from Petworth Peanuts has applied for its October 27, 2024, Spooktacular event. The purpose in stated in the application is for a “free Halloween event for the greater Petworth community hosted in Sherman Circle Park.” The event will take place within ANC 4D and provides a substantial benefit to the residents of ANC 4D though likely persons from other ANCs will attend. I have reviewed the application; budget and the addendum sent to the OANC and have found that the request is a permissible expenditure of ANC monies.

There are five prongs a grant must meet to be a permissible expense¹ and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead². They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”³ 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.”⁴ This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency. This event will include several local businesses and be free and open to the ANC 4D community. It is an opportunity for neighbors to come together for a fun Halloween themed event with activities for all ages of the population.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁵ This does not mean the grant may only benefit Commission residents; it simply

¹ 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>

² D.C. Official Code 1-309.13(m)(2)(D) “No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

³ D.C. Official Code § 1-309.13(l)(1).

⁴ *Id.*

⁵ D.C. Official Code § 1-309.13(m)(1).

means the grant's benefits should be focused on those residents.⁶ This event involves the local businesses and will benefit the population of ANC 4D primarily.

3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a discrete single event.
4. **Organization.** A grant must be to an "organization," not an individual or a government entity,⁸ although the organization need not be incorporated.⁹ Petworth Peanuts is an organization within the meaning of the DC Code
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The DC government does not have an event like this.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ None of the grant monies will be used for overhead as the Code defines it.

Finally, a review of the budget indicates that the ANC grant money would be spent on a sound system, signage, stage rental and porta potty rental. All permissible uses of ANC grant monies. I would note that the organizers are ensuring more accessible porta potty stations this year

Conclusion

For the reasons stated above this grant is an acceptable expenditure of ANC funds.

⁶ 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).

⁷D.C. Official Code § 1-309.13(m)(2)(A).

⁸ 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>

⁹ 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").

¹⁰ D.C. Official Code § 1-309.13(m)(1).

¹¹ D.C. Official Code §1-309.13(m)(1)(2)(D).