

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: ANC 1D  
FR: Denise Wiktor, General Counsel  
DT: 3/11/2027  
RE: Green Spaces for DC Grant Request

---

The Office of Advisory Neighborhood Commissions (“OANC”) has received a copy of a grant request from the Green Spaces DC regarding a grant for a Natural Heritage Series hosted by Capital Nature, a subsidiary organization to Green Spaces. The program consists of two programs and one nature walk.

The applicant is requesting a grant amount of \$2,000. 5% or \$100 is fee to Green Spaces.

I have reviewed the application sent to OANC and have found that the request is an **impermissible** expenditure of ANC monies. The \$235.00 fee is listed as overhead but it is not overhead for the programs, and as explained to me, Green Spaces takes a 5% fee from all grants. This is more in line with a fiscal agent fee. I also spoke to the Office of the Attorney General about this fee and they felt it was an impermissible expenditure. The grant does not meet the public purpose test.

**Analysis**

There are five prongs a grant must meet to be a permissible expense<sup>1</sup>, and there is also a sixth requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead<sup>2</sup>. The main issue with this grant is with the public purpose prong. There is a second issue with the fee kept by Green Spaces.

---

<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.”

## 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> One of the safeguards put in place to ensure that private entities are not benefitting is that no checks written by the Grantee can be made to individuals. This was put in place when the Auditor handled the Quarterly Financial Reports and continued when the OANC took over the program in 2017. This grant was specifically discussed with Director Boese and OANC will not be removing this safeguard. Even if the OANC removed the safeguard, the Auditor would likely flag it as a violation during an audit.

While a series on the Nature of Mt. Pleasant does have a public purpose, the primary beneficiary of this grant is Ms. Tarnay in that she will receive the ANC funds directly. This is not an attempt to diminish Ms. Tarnay’s qualifications or enthusiasm for the subject. This goes to the peculiar requirements of ANC grants.

Ms. Tarnay will be paid directly \$1900.00 of the \$2000.00 grant. The direct payment of grant funds to an individual is not permitted as outlined above. Even if small amounts were allowed to be paid to individuals this grant has the appearance of using a non-profit as a pass through to an individual.

## Overhead

Overhead cannot exceed 15% of the grant amount.<sup>5</sup> None of the grant monies would be used here for overhead costs related to the grant. Instead, it is a flat fee charged by Green Spaces when a subsidiary receives a grant. It is very much like a fiscal agent fee. There is no benefit to the residents or businesses of the ANC from this fee.

## Conclusion

While this is a thoughtful series put together by Ms. Tarnay, due to the distinct requirements of ANC grants as stated above, this grant is an **impermissible** expenditure of ANC funds.

---

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

<sup>4</sup> *Id.*

<sup>5</sup> D.C. Official Code § 1-309.13(m)(1)(2)(D).