

Government of the District of Columbia



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MEMORANDUM

TO: ANC 1C
Dawn Dickerson
FR: Denise Wiktor, General Counsel
DT: 3/18/2025
RE: Check 4069 Archeology in the Community grant request.

Dawn Dickerson asked me in November to review the Archeology in the Community grant. At the time I gave an informal opinion but did not produce a memo. The OANC received a copy of a grant request from Archeology in the Community that was submitted with the ANC 1C QFR documents. The documents were the grant request and 3 receipts. The grant was approved in the December meeting as noted in the draft minutes sent to the OANC.¹ There was no budget in the grant request. I have reviewed the application sent to the OANC and have found that the request is an **impermissible** expenditure of ANC monies as outlined below. The Public Purpose and Local Benefit prongs of the test were not met. While the archeology site is in ANC 1C the expenditures and the grant application outline little, if any, benefit to ANC 1C.

There are five prongs a grant must meet to be a permissible expense² and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead³. They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”⁴ 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.”⁵ This standard was changed with the Fiscal Year 2025 Budget Support Act and the accompanying emergency. There is a public purpose with the grant, however it is not one that substantially benefits the ANC community. While the grant discusses that it is important that children in ANC 1C learn about the history found in the Kalorama Park

¹ The December 2023 minutes are marked draft and it appears they were adopted without changed as reflected in the January 2024 minutes. However, no final minutes were sent to the OANC.

² 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>

³ 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.”

⁴ D.C. Official Code § 1-309.13(l)(1).

⁵ *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.

Archeological site, it does not state in the application how that is to happen and does not tie the expenses to that. The receipts are for posters/postcards which were given away at a Dunbarton Oaks event which is presumably a city-wide event for DC Archeology Month. A lesson plan was also mentioned. Another receipt is for a contractor payment of \$1250.00 but there is no mention in the grant application of a contractor. The “receipt” is also a Contractor Payment Report with no date as to when this contractor was paid. The payment to the contractor would be deemed impermissible due to the fact it is not included in the grant and there is no date or other proof of payment.

2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁶ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁷ As discussed in number1 there is little indication that this benefits the people who live and work in ANC 1C.
3. **Proposed Project.** A grant must be for a proposed project.⁸ 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 event.**
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁹ although the organization need not be incorporated.¹⁰ Archeology in the Community is an organization as defined by the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹¹
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹² None of the grant monies will be used for overhead as the Code defines it.

Conclusion

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

⁶ D.C. Official Code § 1-309.13(m)(1)

⁷ 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).

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

⁹ 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>

¹⁰ 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”).

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

¹² D.C. Official Code §1-309.13(m)(1)(2)(D).

