

Government of the District of Columbia



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MEMORANDUM

TO: Commissioner J.P. Szymkowicz
FR: Denise Wiktor, General Counsel *DW*
DT: September 25, 2023
RE: ANC 3D Reimbursement to Private Entity for Legal Expenses

You have asked if ANC 3D could reimburse a private entity, the Lab School, for legal expenses. The D.C. Official Code would prohibit such expenditures whether made directly by the ANC or through a grant.

The D.C. Official Code section 1-309.13 governs expenditures made by ANCS which fall generally into operating expenses for ANCs and grants for public purposes. Such an expenditure is expressly prohibited in 309.13(l)(2) which states:

No Commission may expend funds except as authorized under [this part](#). Prohibited expenditures include those for any purpose that involves partisan political activity, legal expenses other than for Commission representation before an agency, board, or commission of the District government, or travel outside of the Washington metropolitan area.

Such an expenditure would also be prohibited as a grant under D.C. Official Code section 1-309.13(l)(1):

Expenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to subsection (m) of this section. A public purpose shall be a purpose that benefits the community as a whole and is not done for *the primary purpose of benefitting a private entity*. (Emphasis added)

Absent a court order awarding attorney's fee, I can see nothing in the code that would allow an ANC to expend monies for a private party's litigation or legal expenses.

I am happy to discuss this with you or any of your fellow Commissioners. My email is denise.wiktor@dc.gov and my cell phone is 202-412-8483