

Wiktor, Denise (OANC)

From: Wiktor, Denise (OANC)
Sent: Monday, September 18, 2023 1:18 PM
To: Livingston, Karen (SMD 4C06)
Cc: Swegman, Casey (SMD 4C01); Defranco, Thomas (SMD 4C03); Alexander, Daniel (SMD 4C04); Kademian, Brittany (SMD 4C05); Heller, Eric (SMD 4C07); Kirby, Antoine (SMD 4C02); Boese, Kent (OANC); Dickerson, Dawn (OANC); Williams, Kathy (OANC)
Subject: RE: Seeking Guidance on Grant Application Criteria
Attachments: ANC-July-7-2017-Expending-Grant-Funds-for-Food-and-Entertainment-at-Block-Parties.docx; Seasoned-Settlers-Grant-and-Grants-Generally-by OAG.pdf

I am modifying the advice I gave you, specifically regarding entertainment. I have attached the OAG opinion on entertainment which I thought had been restricted due to an OMB circular. I have been persuaded that the OMB circular does not modify the OAG opinion. I have also attached the Seasoned Settlers OAG opinion. It is useful for grant guidance it that it clearly out lines the 5 prongs a grant must meet: 1. **Public purpose**-must benefit the community as a whole as opposed to an individual or small group of individual or organization 2. **Local benefit**, primarily benefit the residents and businesses within the ANC 3. **Proposed project**- the grant must be for proposed project not for one that has happened , 4. **Organization**, the grant must go to an organization and 5. **Non-duplication** a grant cannot duplicate services offered by the D.C. government.

1. **Soldiers Home** The table, chairs and tents for Soldiers home grant are acceptable as I mentioned before it met the prongs but was missing a budget. I see a budget has been attached. A budget is required as part of the grant submission, so this appears to all in order now.
2. **Petworth Peanuts**. In keeping with the OAG opinion, this grant meets the guidelines from ANC grants with the exception the grant monies cannot be spent on food, t-shirts for volunteers. The food in a DC Code prohibition and the t-shirts and prizes are for individuals. These should be easily segregated out from what is billed to the ANC given the grant is for 59% of the budget.
3. **Family Film Night**. The grant now clearly states that it is to primarily benefit the 4C community. The other concern I had about the second film being primarily entertainment is no longer a concern or prizes for individuals. The grant cannot go towards the ABRA licensing fee or any food/drink. These should be easily segregated out from the main budget.
4. **Community Market**. My opinion on the community market remains unchanged as the primary beneficiaries are the market and commercial vendors and the prohibition on food. (senior/WIC subsidies). I believe the ANC was going to pass a resolution requesting DDOT and other agencies waive fees. I have also discussed this with the Director, and he agrees.

Just a reminder that for your quarterly financial report your will need receipts showing payment for the items from the grantee to submit with the report. (as opposed to invoices or billing on an account).

I apologize this has taken a bit longer than I wanted but being fairly new it is a learning process for me.

Denise

Denise Wiktor

General Counsel- Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue, NW - Suite 11
Washington, DC 20004
Denise.Wiktor@dc.gov
(202) 727-9945
(202) 412-8483 (cell)

From: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>
Sent: Thursday, September 14, 2023 3:01 PM
To: Wiktor, Denise (OANC) <denise.wiktor@dc.gov>
Cc: Swegman, Casey (SMD 4C01) <4C01@anc.dc.gov>; Defranco, Thomas (SMD 4C03) <4C03@anc.dc.gov>; Alexander, Daniel (SMD 4C04) <4C04@anc.dc.gov>; Kademian, Brittany (SMD 4C05) <4C05@anc.dc.gov>; Heller, Eric (SMD 4C07) <4C07@anc.dc.gov>; Kirby, Antoine (SMD 4C02) <4C02@anc.dc.gov>; Boese, Kent (OANC) <Kent.boese@dc.gov>; Dickerson, Dawn (OANC) <dawn.dickerson@dc.gov>
Subject: Re: Seeking Guidance on Grant Application Criteria

Denise,

I'm following up on the grants guidance we recieved yesterday and tried to sort through at our meeting last night. We voted to support three out of four applications with the stipulation that we would would work with them to identify allowable expenses. That seemed like a reasonable compromise, given the information available. We postponed voting on the Petworth Market, given the scope of questions around that application.

I've attached updated and additional information we recieved from two of the applicants. I'd like to be able to circle back to each of them with an itemized list of allowable expenses as soon as possible for their event planning purposes. For the ANCs benefit, I'd also like to be able to point to the guidance for each of these determinations. I think it would be helpful to organizations seeking funds to have some of that clarifying information on our website.

It may be helpful to touch base to discuss, but I'll want to be sure that the other Commissioners are looped into any guidance shared. I have time available tomorrow before 9:00 am, noon-1, and 3-3:30, and after 4. Thank you,
Karen

From: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Sent: Wednesday, September 13, 2023 8:12 PM

To: Swegman, Casey (SMD 4C01) <4C01@anc.dc.gov>; Swegman, Casey (SMD 4C01) <4C01@anc.dc.gov>; Defranco, Thomas (SMD 4C03) <4C03@anc.dc.gov>; Alexander, Daniel (SMD 4C04) <4C04@anc.dc.gov>; Kademian, Brittany (SMD 4C05) <4C05@anc.dc.gov>; Heller, Eric (SMD 4C07) <4C07@anc.dc.gov>

Subject: FW: Seeking Guidance on Grant Application Criteria

From: Wiktor, Denise (OANC) <denise.wiktor@dc.gov>

Date: Wednesday, September 13, 2023 at 5:29 PM

To: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Cc: Dickerson, Dawn (OANC) <dawn.dickerson@dc.gov>, Boese, Kent (OANC) <Kent.boese@dc.gov>

Subject: RE: Seeking Guidance on Grant Application Criteria

I apologize I just did not focus on the meeting date—September 13 seemed far away when I got your email.

I will follow this up with a written memo that will include Dawn Dickerson who will review the grants at the end of the quarter. I will also answer your other questions once I finish the research and hope to give you a detailed answer within a week.

1. **Soldiers Home** The table, chairs and tents for Soldiers home grant are acceptable. Their budget is listed in a paragraph and they are requesting the same items as they have requested in the past. I recommend you request a detailed budget as is required before a check is issued. The primary purpose is community building as opposed to entertainment.
2. **Petworth Peanuts**

Grants cannot be spent on entertainment if the grant is to a non-profit per OMB circular 122 “Cost Principles for Non-Profits” because the monies to ANCs come from Federal appropriations. In limited circumstances grants can be spent on entertainment.

The film for Petworth Peanuts, the musician and the fames are for entertainment purposes so would not be allowable. I realize the film is the primary cost. There are other allowable items in the grant but the food and t shirts for volunteers are not allowable, food is not allowable under the DC code and the t-shirts are a benefit to particular individuals.

This pretty much leaves the posters and misc. supplies in the budget as allowable.

3. **Family Film Night.** The one film mentioned is a documentary and is for educational purposes as opposed to entertainment and other costs may be allowable but there is no budget attached to the grant request so it cannot be properly evaluated. Additionally, there is no indication of what the second film is. The other issue, and we just had this in Ward 3, is the primary beneficiary is not your ANC but your ANC with Ward 4 residents and the community. The primary beneficiary must be your ANC. I would suggest that the applicant re-do their application with a little more detail so that the ANC can identify allowable expenses and if it meets the primary beneficiary test.
4. **Community Market.** This is now allowable for several reasons. The grants states it is for “this includes, **but is not limited to:** Senior/WIC matching, permit and meter fees, insurance, web hosting and purchase of market materials.”

There is no detailed budget and the statement “but not limited to” indicates there are expenses they have not stated and may lead the ANC to granting for impermissible uses. Senior/WIC is a food expense not permitted under the

statute. "Permit and meter fees" are fees paid to the DC government which is not allowable and also the meter fees benefit the private commercial vendors, also not allowable. I would suggest the ANC petition the DC government to get those fees waived. In the ancient days when markets exploded and there was a different DDOT director the public space fees were waived. I have not idea what permit fees are referred to. Insurance, web hosting and materials do not meet the public benefit test as the beneficiary is the non-profit. One rule of thumb is that operating expenses will not meet the public benefit test as it is the applicant which will be the beneficiary.

Hi Denise,

I was hoping for guidance before our meeting this evening. You can reach me at 202-494-3726.

Karen

From: Wiktor, Denise (OANC) <denise.wiktor@dc.gov>

Date: Monday, September 11, 2023 at 3:28 PM

To: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Cc: Dickerson, Dawn (OANC) <dawn.dickerson@dc.gov>, Williams, Kathy (OANC) <Kathy.Williams@dc.gov>

Subject: Re: Seeking Guidance on Grant Application Criteria

Thank you.

Denise

Denise Wiktor

General Counsel- Office of Advisory Neighborhood Commissions

1350 Pennsylvania Avenue, NW - Suite 11

Washington, DC 20004

Denise.Wiktor@dc.gov

(202) 727-9945

(202) 412-8483 cell

From: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Sent: Monday, September 11, 2023 12:38:23 PM

To: Wiktor, Denise (OANC) <denise.wiktor@dc.gov>

Cc: Dickerson, Dawn (OANC) <dawn.dickerson@dc.gov>; Williams, Kathy (OANC) <Kathy.Williams@dc.gov>

Subject: Re: Seeking Guidance on Grant Application Criteria

Hi Denise,

I've attached the application forms from the four organizations. They also provided a range of supporting documentation (e.g., nonprofit status, event info), which I can share if needed.

Karen

From: Wiktor, Denise (OANC) <denise.wiktor@dc.gov>

Date: Monday, September 11, 2023 at 12:11 PM

To: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Cc: Dickerson, Dawn (OANC) <dawn.dickerson@dc.gov>, Williams, Kathy (OANC) <Kathy.Williams@dc.gov>

Subject: RE: Seeking Guidance on Grant Application Criteria

If you can send us a copy of the applications, that will help to advise you properly as to the specific applications.

Denise

Denise Wiktor

General Counsel- Office of Advisory Neighborhood Commissions

1350 Pennsylvania Avenue, NW - Suite 11

Washington, DC 20004

Denise.Wiktor@dc.gov

(202) 727-9945

(202) 412-8483 (cell)

From: Wiktor, Denise (OANC)

Sent: Monday, September 11, 2023 10:04 AM

To: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Subject: FW: Seeking Guidance on Grant Application Criteria

Commissioner Livingston,

This was forwarded to me from the ANC mailbox. I will address your questions but will need to do it after a meeting I have mid-day today.

Denise

Denise Wiktor

General Counsel- Office of Advisory Neighborhood Commissions

1350 Pennsylvania Avenue, NW - Suite 11

Washington, DC 20004

Denise.Wiktor@dc.gov

(202) 727-9945

(202) 412-8483 (cell)

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From: Livingston, Karen (SMD 4C06) <4C06@anc.dc.gov>

Sent: Sunday, September 10, 2023 3:29 PM

To: Office of ANC's <OANCS@dc.gov>

Cc: Swegman, Casey (SMD 4C01) <4C01@anc.dc.gov>; Kirby, Antoine (SMD 4C02) <4C02@anc.dc.gov>; Defranco, Thomas (SMD 4C03) <4C03@anc.dc.gov>; Alexander, Daniel (SMD 4C04) <4C04@anc.dc.gov>; Kademian, Brittany (SMD 4C05) <4C05@anc.dc.gov>; Heller, Eric (SMD 4C07) <4C07@anc.dc.gov>

Subject: Seeking Guidance on Grant Application Criteria

I'm writing seeking timely guidance on grant applications ANC 4C is currently reviewing from four different organizations. We are deciding on these applications at our September 13 meeting.

According to the [ANC 4C grant application guidance](#), "festivals" are listed among examples of ineligible projects (see Section: Office of the District of Columbia Auditor Statutory Guidelines for ANC Grant Awards). I reviewed the DC Code and did not see that that level of specificity, so I'm guessing that these more detailed examples have emerged from determinations by auditors, the OAG, and OANC. In addition, ANC 4C has awarded funds to festivals in the past, including the Celebrate Petworth Festival.

I consulted with a former Commissioner who advised that the guidance was primarily intended to ensure grants would not support entertainment-related costs. To be sure we're in compliance, I have a few clarifying questions as I generally view the current applications as furthering the kind of community-oriented activities the ANC would want to support. But the guidance around grants is a little confusing, and I'd like to update our guidance to be more accurate. Below are examples of areas where the decision or guidance to the applicant is not clear to me.

- **Festivals:** What is the underlying issue with festivals or can we remove this example entirely? We could instead be more specific to those concerns in the guidance, as opposed to ruling out festivals entirely. The Friends of the Soldier's Home is seeking funds for the Fall Fun Fest to go towards the tent, table, and chairs.
- **Entertainment:** Can grants fund costs associated with entertainment? And if it depends, what are the categories of expenses that could be funded? For example, the Home Rule Music and Film Preservation Foundation is seeking funds for a Family Film Series at Lincoln's Cottage. The funds would go towards film rental, equipment rental, screen, and sound equipment. We also have an application from Petworth Peanuts seeking funds for a Halloween (free) costume exchange and outdoor movie night. The resources will go towards the movie equipment, rights, posters, and give-aways.
- **Applications in Same FY and Active Project:** The Petworth Community Market submitted an application seeking funds for the market which is currently underway and scheduled to continue through November. They had a grant approved in November 2022 under the prior ANC, which they received funds for this Spring. (ANC transition contributed to delay) I don't know if they submitted that application before or after the start of the new FY, but ANC guidance states that applicants may only submit one application in an FY. Also, as I understand, grants should go towards future events, not events that have already occurred or are already underway. If the latter is an issue, could the ANC advise that the grant would need to go towards next year's market?

Thanks so much for your assistance and guidance. If it would be helpful to schedule a call, I am primarily available in first thing in the morning and late afternoon/evening.

Karen

[Karen Livingston](#)

Commissioner, Single Member District 4Co6
Advisory Neighborhood Commission Ward 4
(202) 505-1281