

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

January 26, 2017

Commissioner Kathy Henderson  
Advisory Neighborhood Commission 5D  
1807 L Street, NE  
Washington, DC 20002

**Re: Questions Concerning ANC Reimbursement**

Commissioner Henderson:

This letter responds to several questions you asked us by email about reimbursements that your Advisory Neighborhood Commission (“ANC”) voted on in its December 13, 2016 meeting. You explained that, in that meeting, a document (attached here) was distributed that purported to describe all of the expenses for which Commissioners sought reimbursement. You also advised that two Commissioners sought reimbursements that do not appear to be described in that document. “Commissioner Roberts circulated what appeared to be a written invoice from an [American Sign Language] interpreter in Hyattsville,” and Commissioner Blacknell “circulated what appeared to be a Lexmark printer receipt dated June 16, 2015.”

You asked us five questions. This letter answers each in turn.

**(1) Is the attached document sufficient for ANC 5D Commissioners to vote on to approve the expenditures that are referenced but not actually presented?**

Not on its own. An ANC may only reimburse a Commissioner for lawful expenditures that are approved by the ANC and documented with receipts.<sup>1</sup> The first page of the attached document (titled “December 2016 reimbursements”) suggests that the expenses to be reimbursed were approved by the ANC, since it describes them as “budgeted,” but there are no receipts on that page or any other page of the document.

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<sup>1</sup> See D.C. Official Code § 1-309.13(f)(3) (2012 Repl.) (“A Commission may provide reimbursement for an authorized purchase made with a personal credit card, debit card, or cashier’s check that is documented with a receipt, a copy of which shall be submitted to the Commission”).

**(2) Is the Commission allowed to vote to approve reimbursements for expenditures or billed items that are a year old or older?**

Yes. Funds allocated to the ANC are available “without regard to fiscal year” and “remain available until expended.”<sup>2</sup>

**(3) Does the timing of Commissioner Roberts’s reimbursement request raise any concerns, given that ANC 5D’s account was unfrozen earlier this year and he was not reelected in the November 8<sup>th</sup> election?**

Based on the information you have provided, the timing of Commissioner Roberts’s request does not raise any legal concerns.

**(4) Given that Commissioner Roberts was not reelected on 11-8-16, would he have forfeited the right to request a properly documented request for reimbursement?**

No. A Commissioner who was not reelected remains a Commissioner until his or her term expires. Commissioner Roberts’s term did not expire until January 2, 2017,<sup>3</sup> so as of December 13, 2016, he retained the right to seek reimbursement.

**(5) May Commissioners be reimbursed for services they could otherwise get for free from the DC Government or in the District of Columbia?**

Yes, if the ANC approved those services. Nothing in District law forbids an ANC from paying for services that it could obtain for free from another source.

If you have any questions, please contact Josh Turner, Assistant Attorney General, at 442-9834, or Janet M. Robins, Deputy Attorney General, Legal Counsel Division, at 724-5524.

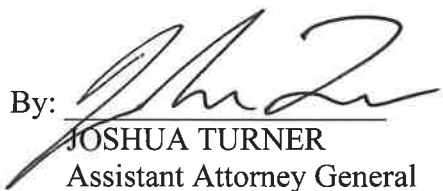
Sincerely,

KARL A. RACINE  
Attorney General for the District of Columbia

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<sup>2</sup> Fiscal Year 2016 Budget Request Act of 2015, Title III, effective Sept. 29, 2015 (62 DCR 13182). Congress adopted this provision into its fiscal year 2016 budget for the District, as well as its current fiscal year 2017 budget legislation. *See* District of Columbia Appropriations Act, 2016, approved December 18, 2015 (129 Stat. 2447; Pub. L. 114-113) (“District of Columbia Funds”); Continuing Appropriations Act, 2017, § 124(a), approved September 29, 2016 (130 Stat. 912; Pub. L. 114-223).

<sup>3</sup> *See* D.C. Official Code § 1-309.06(b)(1) (2012 Repl.) (“Each member of an Advisory Neighborhood Commission shall serve for a term of 2 years which shall begin at noon on the 2nd day of January next following the date of election of such member, or at noon on the day after the date the Board certifies the election of such member, whichever is later”).

By:   
JOSHUA TURNER  
Assistant Attorney General  
Legal Counsel Division

(AL-16-749)

December 2016 Reimbursements

Description from Budget	Budgeted	Actual	Notes
"Web Site hosting @ \$150/year"	\$ 300.00	\$ 225.21	2 years of web site hosting and domain fees
"Copy/printing for each ANC meeting @ \$100 x 12 meetings"	\$ 900.00	\$ 211.73	Only including 9 of 12 months as no expenses incurred Jan - March 2016
"Copy/printing for each SMD @ \$500 x 7 Commissioners"	\$ 500.00	\$ 336.57	
<b>Total</b>	<b>\$ 1,700.00</b>	<b>\$ 773.51</b>	<b>\$926.49 under budget</b>

web site

#	Description	Amount
1	ANCSD.com domain name registration and 1 month hosting	\$ 8.56
2	ANCSD.org domain name transfer from Michael Henderson	\$ 10.17
3	Web site hosting 12 months (Jan 9, 2016 - Jan 9, 2017)	\$ 88.70
4	Web site hosting 12 months (Jan 10, 2017 - Jan 10, 2018) and ANCSD.com renewal	\$ 117.78
	<b>TOTAL</b>	<b>\$ 225.21</b>

ANC April Nov

#	Description	Amount
	January	\$ -
	February	\$ -
	March	\$ -
1	April	\$ 15.31
2	May	\$ 11.69
3	June	\$ 27.87
4	July	\$ 40.22
5	August	\$ 26.34
6	September	\$ 34.82
7	October	\$ 22.25
8	November	\$ 16.18
	<b>TOTAL</b>	<b>\$ 194.68</b>

ANC - December

#	Description	Amount
1	December ANC meeting agenda, Chair report, November minutes	\$ 11.69
2	Copies of reimbursement supporting documents	\$ 5.36
	<b>Total</b>	<b>\$ 17.05</b>

SMD

#	Description	Amount
1	10/7/15 SMD Meeting Fliers	\$ 11.63
2	11/8/15 ANC 5D Special Meeting Notices	\$ 5.92
3	11/8/15 ANC 5D Special Meeting Notices - Tape	\$ 3.69
4	5/7/15 SMD Meeting Fliers	\$ 19.98
5	12/16/15 Council Testimony	\$ 4.74
6	6/24/15 SMD Newsletter	\$ 167.61
7	7/2/16 SMD Meeting Fliers	\$ 17.98
8	7/2/16 SMD Meeting Refreshments	\$ 22.73
9	4/27/15 SMD/PSA Meeting Fliers (Qty 150)	\$ 21.99
10	8/15/15 SMD/PSA Meeting Fliers	\$ 14.81
11	8/15/15 SMD/PSA Meeting Flier Tape	\$ 8.45
12	4/16/16 SMD Meeting Fliers	\$ 37.04
	<b>Total</b>	<b>\$ 336.57</b>