

**Memorandum**

● Government of the District of Columbia

TO: Harvey C. Jones Office: Corporation Counsel  
Realty Officer Prepared by: L&O:RND:pmcK  
Office of Management Services (87-192)  
D.C. Public Schools

FROM: Margaret L. Hines *MH*  
Deputy Corporation Counsel, D.C. Date: August 7, 1987  
Legal Counsel Division

SUBJECT: Liability of ANC's and their staffs while  
occupying space in D.C. Public Schools.

This is in reply to your letter, dated July 28, 1987, addressed to Ida A. Powell, Assistant Corporation Counsel, in which you ask for the legal advice of this Office as to "the ANC's status as an agency or entity of the D.C. Government while occupying space in D.C. Public Schools and if that status entitles the ANCs and their staff to the same insurance coverage that indemnifies regular employees and agencies of the D.C. Government."

Attached is a copy of a letter which we sent on October 2, 1986 to William R. Spaulding, Chairman of the Council Committee on Government Operations, regarding whether ANC funds could be used to purchase health or liability insurance. In the first full paragraph on page two of that letter the Acting Corporation Counsel noted:

As regards use of ANC public funds to purchase liability insurance for the benefit of ANC Commissioners or Commission staff, it is pertinent to note that this Office provides legal representation in the event an ANC Commissioner (or, by implication, a Commission staff member) is sued in connection with the performance of ANC functions. This Office has also indicated that the District government would indemnify ANC Commissioners (and, by implication, ANC staff employees) against damages awarded as a result of conduct within the scope of ANC duties.

Thus, there appears to be no justification for ANCs to use public funds to purchase liability insurance.

86-P-I048

We trust that this answers your inquiry.

MLH

Attachment

cc: George Margolies  
Director  
Legal, Regulatory and Legislative  
Branch  
D.C. Public Schools