

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

March 22, 2018

Tischa Cockrell  
Treasurer  
ANC 4B  
5521 Chillum Place NE  
Washington, DC 20011

**Re: Scope of Prior Letter and Authority of the Chairperson**

Commissioner Cockrell:

This letter responds to two questions you asked us on March 8, 2018.

First, you asked whether this Office's February 14, 2018 letter to Chairperson Andre Carley<sup>1</sup> decided that the suspension of your ANC's standing committees in the ANC's February 14 special meeting violated the ANC's Rules of Procedure. The answer is no, because that was not the question we were asked. We were asked, and we answered, a "narrow question about your ANC's Rules of Procedure: would suspending the operation of your ANC's standing committees without supplying one month's advance notice of that action be consistent with those Rules?"<sup>2</sup> We did not decide whether the ANC had, in fact, supplied the required notice.<sup>3</sup>

Second, you asked whether a Chairperson of ANC 4B may require a Commissioner to demonstrate that the Commissioner resides within that ANC area. The answer is no. The Commissioner may ask for such a demonstration, but lacks authority to require one. Although the Chairperson is the "convener of the Commission" and "chair[s] Commission meetings,"<sup>4</sup> nothing in that authority empowers the Chairperson to require Commissioners to supply proof of their residency. Likewise, although each Commissioner must reside in the relevant ANC area,<sup>5</sup>

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<sup>1</sup> Letter to Chairperson Andre Carley, Feb. 14, 2018, <http://oag.dc.gov/sites/default/files/2018-02/ANC-4-B-February-14-2018-Proposed-Suspension.pdf> (last visited Mar. 12, 2018).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> Our Office answers legal questions, and to the extent that our analysis rests on specific facts, we rely on the information that has been provided to us.

<sup>4</sup> D.C. Official Code § 1-309.11(e)(1A)(A).


<sup>5</sup> *See id.* §§ 1-309.05(a)(1)(A) (each Commissioner must be "a registered qualified elector actually residing in the single-member district from which he was elected") and 1-309.06(e) ("Any member of an Advisory Neighborhood

the authority to determine whether a Commissioner meets this residency requirement, and to enforce the requirement, rests with the Board of Elections, not with the Chairperson.<sup>6</sup>

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

By:   
JOSHUA TURNER  
Assistant Attorney General  
Legal Counsel Division

(AL-18-125)

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Commissioner who ceases to reside in the single-member district from which he or she is elected shall be considered to have resigned”).

<sup>6</sup> See *id.* § 1-309.06(f)(2), (3), and (5).