

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division

April 6, 2006

Ms. Sandra "S.S." Seegars
Chairperson ANC 8E
Post Office Box 7050
Washington, D.C. 20032

Re: Use of ANC Funds for Paralegal Training

Dear Chairperson Seegars:

This responds to your recent letter in which you ask whether your Advisory Neighborhood Commission (ANC) may authorize the expenditure of ANC funds for you to obtain training as a paralegal at Howard University. For the reasons that follow, your request at this time must be denied because we do not have sufficient information that such training would satisfy the statutory conditions for ANC expenditures on training.

In your letter, you describe the training as being a "Paralegal Certificate Course" which begins on May 30, 2006 and ends July 15, 2006. The cost, not including books and materials, is \$989.00. You state that such training would enable your ANC to function better by having knowledge of the "justice system" and that you will thereby be able to assist the ANC's constituents in day to day legal questions that might arise. You also state that the course will help you understand and interpret "legislation/laws/regulations/bills, etc." advanced by the Mayor's office, the Council or other government agencies. This, you explain, would enable your ANC to better advise the Mayor, Council, boards, commissions and independent agencies pursuant to the ANC's duties and responsibilities under ANC law.

On March 29, 2006 we attempted to contact you, leaving a message at the ANC 8E office requesting more information including a class syllabus or course description that might be available from the institution concerning the content of the program. To date we have received no response.

Section 16(l)(1) of the Advisory Neighborhood Commissions Act of 1975, as amended, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.13(l)(1) (2005 Supp.)(the ANC Act) states in pertinent part: "A Commission may expend its funds for Commissioner training on subjects pertaining to their official duties when such training is not available from government sources." Unfortunately, based upon the information

provided in your letter, we are unable to find that either of these two conditions have been met.

In the absence of any particular information concerning the paralegal course you wish to take, we turn to the general definition of a paralegal found in Black's Law Dictionary, Fifth ed., 1979, which states that a paralegal is "[a] person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer or who is otherwise authorized by law to use those legal skills."

The duties and responsibilities of ANCs include such activities as holding monthly public meetings, advising the District Government concerning various proposed government actions, holding public hearings on proposed government action, and initiating their own proposals for District Government action, if they so choose. D.C. Official Code § 1-309.10 (2005 Supp.). ANCs can also make grants for public purposes within the ANC area to organizations that are public in nature. D.C. Official Code § 1-309.10 (2005 Supp.). Notably, ANCs are prohibited from instituting legal action in the courts of the District of Columbia or in the federal courts. D.C. Official Code § 1-309.10(g) (2005 Supp.).

In considering your request, we recognize that ANCs are comprised of elected officials charged by statute with some degree of authority for matters under their purview. As a result, we further recognize that some deference to ANC decision-making is warranted for matters within an ANC's discretion, including certain expenditures not otherwise prohibited. This would include expenditures for ANC training – an area in which the ANCs should be able to anticipate their needs. Nonetheless, the Council found it necessary to put at least two conditions on ANC training expenditures: that such training "pertain" to a Commissioner's role as a member of the ANC and that it not duplicate already available training.

Unfortunately, we are unable to find from the information you provided either that a paralegal certificate "pertains" to your official duties as an ANC commissioner or that the goals of the training you describe cannot be met by other training available from the D.C. Government.

Again, we have little information concerning the actual content of the requested paralegal training course and it is unclear to us whether the course will focus on any one topic area, such as, for instance, litigation. If training to assist in litigation is, in fact, to be a significant part of the course, it would be difficult for us to find that the course material "pertains" to your official duties, especially considering the bar on ANCs filing law suits. On the other hand, if the course materials cover legislative matters such as interpretations of laws, bills and municipal regulations – topics you state you wish to understand better – then training in these areas is already available through the District. For instance, the Office of the Attorney General (OAG) offers many legal education courses to their attorneys including interpretation of laws, rulemaking and legislative drafting. And, we understand that ANC Commissioners generally would be permitted to attend these classes.¹ Moreover, the Council of the District of Columbia also offers training classes to its employees that focus on legislative matters. You should contact Gottlieb Simon in the

¹ For more information, you may contact Paulette Andrews, OAG's training coordinator, at 202-724-7149.

Office of Advisory Neighborhood Commissions to determine if ANC Commissioners would be permitted to attend such training classes. Finally, the Center for Workforce Development (CWD), a division within the D.C. Office of Personnel, offers classes to members of the District Government (this should include ANC commissioners). These classes cover many areas including business writing, communicating, problem solving, and education on such laws as the Family and Medical Leave Act and the Fair Labor Standards Act.²

We point this out to you so that you may consider whether your training needs can be met by available resources. If you are unable to locate a suitable course within the District Government and wish to go to a third party, such as Howard University, please resubmit your request along with a course syllabus or official description of the course from the offering institution (this must include the topics to be covered). You also must establish how the training “pertains” to your official duties as an ANC Commissioner given your specific statutory duties and responsibilities (i.e., generally being of assistance to constituents would not be a sufficient basis).

Sincerely,

ROBERT J. SPAGNOLETTI
Attorney General

_____/s/_____

RJS/dps

(AL-O6-134)

² A complete listing and schedule of available classes is located at <http://dcop.dc.gov/dcop/cwp/view,a,1220,q,530540,dcopNav,|31656|.asp>.