

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Corporation Counsel



Office of Government Operations
Legal Counsel Division

February 10, 2003

Mr. Abdul Rahim Mohammad
7059 Wyndale Street, N.W.
Washington, D.C. 20015

RE: Legal Permissibility Memorandum Concerning Award of One Grant By
Advisory Neighborhood Commission 1B
(AL-02-588)

Dear Mr. Mohammad:

This is to respond to your concerns that you raised regarding the issuance of a grant to Hung Tao Choy Mei Kung Fu Academy.

A grant application was submitted by Hung Tao Choy Mei Kung Fu Academy (the "Academy") located at 1351 U Street, N.W. Washington, D.C to Advisory Neighborhood Commission 1B. According to the request, the Academy sponsors students studying Kung Fu at the Academy to compete in international championship matches. The Academy is seeking funding to sponsor student participation in the Third International Zhou Jia Quan Kung Fu and Lion Dance Championships to be held in Germany in July 2003. In support of its application, the Academy stated that the grant will benefit persons who reside in the Commission area by drawing attention to the world class level of sporting organizations that reside in the District. Further, the Academy stated that the entire city will benefit from the Academy's sponsorship of the next International Championship in Washington, D.C. which will provide much needed tourism and tax revenues. The Academy sought \$20,000 out of a total cost of the "project" of \$35,000. The Academy was awarded a \$5,000 grant.

The law governing grants by ANCs is found in section 16 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code, 2001 Ed. § 1-309.13, and provides as follows:

(l)(1) [E]xpenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to section (m) of this section.

* * * * *

(m)(1) A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public meeting following the public presentation of the grant request. A Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area. The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.

(2) An applicant for a grant must submit an application in writing to the Commission. The application shall contain:

- (A) A description of the proposed project for which the grant is requested;
- (B) A statement of expected public benefits; and
- (C) The total cost of the proposed project, including other sources of funding, if any.

In addition, in section 16 of the Advisory Neighborhood Commissions Act of 1975, D.C. Official Code, § 1-309.13(1)(2) (2001), provides as follows:

Funds allocated to the Commissions may not be used for a purpose that involves...travel outside of the Washington metropolitan area.

After reviewing the grant application provided and the law, I conclude that denying the grant to the Academy is appropriate on two grounds. First, simply put, the Commissions may not provide funds for any request that involves travel outside of the Washington metropolitan area. Since the Academy seeks a grant to assist in financing a trip for Academy students to travel to Germany to participate in an international competition, the grant must be denied.

In addition, the Academy does not meet the definition of an organization that is "public in nature." In reviewing the legislative history on this issue, there were previous iterations of the provision, "organizations that are public in nature." One was "citizen organization or group," Section 13(c) of Duties and Responsibilities of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976, D.C. Law 1-58, § 2, 22 DCR 5465, which indicates that the type of the organization was non-profit in nature. *See also* July 20, 1976 letter from John R. Risher, Jr., Corporation Counsel, to Thomas A. Wilkins, Director, Department of Manpower (interpreting phrase "citizen organization or group")

as private, nonprofit organizations”). This would appear to indicate that the intent of the legislation is that the types of organizations that are eligible to receive grants from ANCs should be non-profit in nature. Accordingly, the grant to the Academy does not meet the requirements of the law giving ANCs the authority to make grant awards.

If you have any questions, please contact Nancy Alper, Assistant Corporation Counsel, at 724-5537 or me at 724-5493.

Very truly yours,



Darryl G. Gorman
Senior Deputy Corporation Counsel
for Government Operations
Legal Counsel Division

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