

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004



November 29, 1989

IN REPLY REFER TO:
I&O:LNG:Ing
(89-243) (LCD-4621)

Mark Sandusky
Administrative Assistant
Advisory Neighborhood Commission 3-B
P.O. Box 32312
Washington, D.C. 20007

Dear Mr. Sandusky:

This is in reply to your November 10, 1989 letter to the Corporation Counsel.¹ In your letter you ask the following question:

Would a commissioner be acting in an improper manner, inconsistent with ANC rules, if he or she were to meet privately with a developer to review the developer's project, after that developer had made a public presentation of the development project before the ANC? Would this type of action violate the sunshine or any other law?

Pursuant to D.C. Code § 1-262(d) (1987), each Advisory Neighborhood Commission (ANC) is required to "establish bylaws governing its operation and internal structure." Thus, it is the responsibility of each ANC to determine what operational rules it will adopt and whether a particular activity, such as the one posed in your question, is consistent or inconsistent with those rules.

It does not appear that it would violate any statutory provision applicable to Advisory Neighborhood Commissions for a commissioner simply to hold the private meeting posed in your question. On the other hand, if ANC 3-B were to take any further

¹ You addressed your letter to Frederick D. Cooke, Jr. Mr. Cooke resigned his position as Corporation Counsel in August of this year. Herbert O. Reid, Sr. is currently the Acting Corporation Counsel.

official action with respect to the project in question and that action is based in whole or in part on what occurred at the private meeting between the commissioner and the developer, then the results of that meeting should be made public, either orally at a public meeting of ANC 3-B or via a publicly available written report filed with the ANC. See D.C. Code §§ 1-261(d), 1-262(g), and 1-1504(a) (1987).

Sincerely,

A handwritten signature in cursive script that reads "Margaret L. Hines".

Margaret L. Hines
Deputy Corporation Counsel, D.C.
Legal Counsel Division