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# FILE

## Government of the District of Columbia

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



May 24, 1990

IN REPLY REFER TO:  
LSD:ING:lng  
(90-76) (LCD4979)

Ken Fealing  
Chairman, ANC 1-E  
P.O. Box 43529  
Washington, D.C. 20010

Dear Mr. Fealing:

This in reply to your May 2, 1990 request for advice concerning use of official ANC stationery and use of the official seal of the District of Columbia.

Your first question is as follows:

Is it appropriate to use "official ANC letterhead stationery," paid for out of ANC funds, for personal use as well as for "official" ANC business? Specifically, please define what is considered "personal" and what is considered "official."

It is inappropriate for anyone to use ANC stationery, paid for out of public funds allotted to an ANC, for personal use. Public funds are allotted to the ANCs "[i]n order to pay the expenses of the Advisory Neighborhood Commissions, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood commission area...." D.C. Code §1-251(e) (1987). By necessary implication, such public funds may not be used to pay for stationery that is used for other than ANC business.<sup>1</sup>

Official use of ANC stationery may be defined as use by an ANC commissioner or employee in connection with an official act of such commissioner or employee. An official act of an ANC commissioner or employee is an act done by the commissioner or employee in his official capacity under color and by virtue of

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<sup>1</sup> Compare § 1804.1(b), of Chapter 18 of the D.C. Personnel Regulations, which prohibits a District government employee from "[u]sing government time or resources for other than official business, or government approved or sponsored activities...."

his office as ANC commissioner or employee. See generally 29A Words and Phrases, pp. 142 et seq. (1972).

In your second question you ask whether it is "appropriate for an ANC Commissioner to use the official Seal of the District of Columbia on 'personal' stationery."

Section 422(9) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, 87 stat. 790, D.C. Code § 1-242(9) (1987), provides that "[t]he Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law." Mayor's Memorandum 89-47, dated December 5, 1989, provides in pertinent part that "[u]se of the Corporate Seal of the District of Columbia is prohibited, except by permission obtained from the Secretary of the District of Columbia." Thus, it is inappropriate for an ANC commissioner to use the official seal of the District of Columbia on personal stationery unless that person has, prior to such use, obtained the permission of the Secretary of the District of Columbia pursuant to Mayor's Memorandum 89-47 (copy enclosed).

Your final question is: "What appropriate action may be taken if an ANC Commissioner is believed to have misused 'official ANC stationery'?"

Other than the recall process (see D.C. Code § 1-257(g) (1987)), the D.C. Code provisions relating to ANCs do not address the question of sanctions against ANC commissioners for such conduct. If an ANC wishes to have the ability to discipline a commissioner for misuse of ANC property, it should provide for such discipline in its bylaws.

Sincerely,



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

Enclosure

cc: The Honorable Betty Ann Kane  
Otis Troupe