

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL**



**Office of Government Operations  
Legal Counsel Division**

January 28, 2004

Barbara Kemp  
Commissioner, ANC 8C-07  
3845 Halley Terrace, S.E.  
Washington, D.C. 20032

Re: Notice of Advisory Neighborhood Commission Meetings, Commissioner Check  
Writing and Bonding

Dear Commissioner Kemp:

This responds to your letter of January 14, 2004 wherein you request advice regarding the legality of an Advisory Neighborhood Commission (ANC) 8C meeting, possible changes made to the ANC at said meeting, check writing authority and bonding of ANC commissioners, and election procedures for officers.

You state that you received a letter with a postmark of "November 26 or 28" for a meeting that was to be held on December 3, 2003. When you attempted to contact the Chairperson, R. Calvin Lockridge, for confirmation, you received no response. Other Single Member District (SMD) Commissioners of ANC 8-C you spoke with informed you that they were not aware of a December 3, 2003 meeting. Notwithstanding, you state that you thereafter received a bank statement from Riggs Bank (as the previous treasurer of record) for the ANC account that revealed a cancelled bank issued check (rather than a pre-printed account check), written on December 4, 2003, in the amount of \$6700.00. The check was signed by Mr. Lockridge and Mary Cuthbert, who has also claimed to be chairperson of the ANC. You advise that as a result of the competing claims to the chairperson position, the ANC has been unable to obtain bonding. You ask: 1) whether notice for the December 3, 2003 meeting was sufficient under applicable law; 2) whether elections may occur without notification to other commissioners; 3) whether checks can be written for ANC business on other than those pre-printed with the D.C. Government name on them; and 4) whether checks can be written by commissioners who are not bonded.

Notice of ANC meetings is governed by Section 14(c) of the Advisory Neighborhood Commissions Act of 1975 (Act), effective October 10, 1975, D.C. Law 1-21, D.C.

Official Code § 1-309.11(c)(2003 Supp.). We previously opined on this issue by letter dated March 1, 2002 (copy enclosed) to ANC 8-C, in which we pointed to the statutory notice requirements for official ANC meetings. As we concluded then, any action taken where notice is not proper, is invalid. In this case, however, you have not provided to us sufficient factual detail to determine whether the December 3, 2003 meeting, if it occurred at all, was invalid (you admit that you do not know for a certainty whether the meeting occurred).

Similarly, with regard to the election of new officers, if the notice requirements (in addition to other statutory requirements) were not fulfilled and elections did in fact occur, those actions too would be invalid.

As for your query concerning whether checks from the ANC account must be issued on the “pre-printed” type showing the name “District of Columbia Government,” or if a bank draft is sufficient, we refer you to Section 16(f) of the Act (D.C. Official Code § 1-309.13(f)(2003 Supp.), which states in pertinent part:

No expenditure of any amount shall be made without the specific authorization of the Commission. Any expenditure made by check shall be signed by at least 2 officers of the Commission, one of whom shall be the treasurer or Chairperson. The check shall, prior to signature, contain the date of payment, the name of the payee, and the amount of the payment. No check may be made payable to cash. **Any check shall be pre-numbered, shall bear the name of the Commission and ‘District of Columbia Government’ on its face, and shall be issued in consecutive order.**

If the copy of the cancelled check you received does not meet the requirements of the above-referenced section, it would have been improperly issued.

Finally, you query whether commissioners can issue checks without being bonded. Assuming first that the above-referenced requirements for Commission expenditures have been satisfied, there is an additional requirement that the Chairperson and treasurer be bonded (or participate in the Advisory Neighborhood Commission Security Fund) for as long as each holds office. *See* Section 16(c) of the Act (D.C. Official Code § 1-309.13(c)(2003 Supp.). Moreover, subsection (c) states in pertinent part: “No expenditure shall be made by a Commission during a vacancy in the office of treasurer **or at any time when a current and accurate statement and bond or its equivalent are not on file with the Auditor.**” We opined on this issue by letter dated July 12, 1994 to ANC 4-B, and we herewith enclose a copy for you. Thus, if an expenditure was made and the bond or security fund requirements (in addition to all other requirements) were not met, such expenditure would have been improper.

Any violations of law involving the use of funds by ANC 8-C should be promptly reported to the D.C. Auditor.

Sincerely,

ROBERT J. SPAGNOLETTI  
Corporation Counsel

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DGG/dps

Attachments (2)

(AL-04-058)