

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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April 29, 2022

Tom Donohue
2200 Prout Street, SE
Washington, DC 20020

Dear Mr. Donohue,

This is to respond to your e-mails as to where you may obtain resolution regarding your issues with Advisory Neighborhood Commissioner Holly Muhammad (8A01). Based upon your correspondence with the Office of the Advisory Neighborhood Commissions (OANC), you have sought redress with executive and legislative agencies for your concerns with ANC 8A and Commissioner Muhammad for over six (6) months.

I can only answer that the OANC cannot offer any resolution to you other than that which is found in the ANC Law. To wit, I can state with 100% honesty and clarity that the ANC Law does not give any authority to the OANC to correct, adjudicate, discipline, or remove Commissioners who allegedly act badly. I am not telling you something that you do not know, Mr. Donohue. My Special Assistant, Kathy S. Williams, has spoken with you and e-mailed you, at length, about your concerns. She advised you that the OANC cannot assist you in that regard and suggested that you seek aid elsewhere in the District of Columbia Government. She even listed the relevant agencies that could potentially assist you with your issue.

To recap for you, the OANC is a body created by the DC City Council to "provide technical, administrative, and financial reporting assistance to the Advisory Neighborhood Commissions." DC Code, section 1-309.15(a). The OANC works for the ANCs. The OANC was not created to curb allegedly "bad" acts of Commissioners. Nor was the ANC given full authority to address allegedly "bad" acts of Commissioners.

As you also know, an ANC may remove an officer. Unfortunately, if the officer is the "chairperson," as it was in this case, the chairperson can stall such a process by not pressing same forward for a special meeting. DC Code, section 1-309.11(e)(2).

The DC City Council enacted a process by which any person could expose such behavior and that process is called "recall." Yes, we are aware that you sought that route and that the Board of Elections (BOE) refused to delete certain language supplied by Commissioner Mohammad, pursuant to her right to do so, from your approved petition. According to what you stated, the BOE, acting pursuant to its statute, believed that it had a right to protect the right of Commissioner Mohammad to present her view on the recall petition.

You decided at that time to not move forward because of your opposition to the BOE's position. However, I understand that, as recently as this morning, you have opted to continue the recall process with the BOE. As we have all understood, this is the appropriate route in this matter.

You also protested Commissioner Mohammad's actions to other government entities, e.g., BEGA, OIG, and DC Auditor. These entities all have specific statutory requirements by which to act. None of those requirements allow them to investigate an Advisory Neighborhood Commissioner who allegedly "acts badly."

It is not a matter of "passing the buck." It is a matter of having the authority to correct the alleged wrong.

You question whether the District of Columbia can do better than this; I answer, "Yes." Thanks to your concerns, the Office of At-large Councilmember Robert White has engaged affected Council Committees to provide a statutory remedy for the situation you present.

In a recent e-mail to me from Shawn Hilgendorf, Councilmember White's Committee Director for the Committee on Government Operations and Facilities, he wrote "With regard to the proposal for legislation associated with recall petitions, it appears to us that this is a matter squarely within general election law, not specific to ANCs, and is therefore under the jurisdiction of the Committee on Judiciary and Public Safety. I have reached out to that Committee, and I believe Mr. Donahue has as well on this issue. I understand they are aware of the concern. Legislation related to restrictions on an elected official's response to a recall petition requires careful consideration and our office is happy to work with interested parties in ensuring the Committee with jurisdiction has the information and experience they need as they determine next steps."

Additionally, I know that you seek legal assistance in this fight. I understand that Financial Manager Dawn Dickerson offered pro bono sources. Following up on that, I am happy to list some websites of similar services for your perusal.

<https://www.dcvlp.org/>
<https://www.uls-dc.org/>
<https://www.dcbar.org/pro-bono/index>
<https://www.legalaiddc.org/>
<https://www.lawyerscommittee.org/>
<https://wclawyers.org/>
<http://www.nlsp.org/>

As to the matter of the failure of ANC 8A to file multiple reports, you are correct. As you now know, based upon the multiple e-mails between you and Ms. Williams this morning, Commissioner Laneice Moore (8A05) is no longer the Treasurer. Commissioner Brian Thompson serves in that capacity now. He inherited the work to bring the filings up-to-date and, amid that process, he was selected to serve as the Chair on the Ward 8 Re-Districting Task Force.

Commissioner Thompson telephoned the OANC and admitted that he "was behind on his treasurer work because he was consumed with redistricting" but was eager to resolve the financial issues with ANC 8A now that his obligation to that process had concluded. This is to affirm Ms. Williams' assertion to you

this morning that he is slated to meet with Ms. Dickerson next week. Together, they will try to figure out what needs to be done to bring the filings current.

Thank you for writing. Please feel free to contact our office in the future as needed.

Sincerely,

Schannette Grant,
Interim Executive Director
Office of Advisory Neighborhood Commissions