

## **Committee Report: FINANCE/FUNDRAISING COMMITTEE (MAY 2022)**

This is the May 2022 monthly status report on the Finance/Fundraising Committee. One of the committee's responsibilities is proposing fundraising ideas for the Board of the Fort Lincoln Civic Association. The status of the Committee's three fundraising priorities for the 2021-2022 term are described below:

**Annual Funding From Fort Lincoln Housing Clusters.** Natalie Carey suggested securing funding for the FLCA's operations generally, at least in part from those Fort Lincoln housing developments that can include a yearly contribution in their budgets. They would likely be: (1) The Reserves at Dakota Crossing, (2) The Village at Dakota Crossing, (3) Pineview Court (although not necessarily this year, because they are adversaries in zoning litigation with the FLCA), (4) Summit Court Condominiums, (5) Banneker Ridge, (6) Dakota Crossing, (7) Maple View Condos, (8) Hillside Condominiums and (9) Dakota Crossing.

The FLCA had not taken that approach, earlier, because the FLCA had asked each of those same housing clusters to hold either \$850.00 or \$500.00 in reserve in the event the FLCA has to retain an appellate attorney in its BZA zoning case. However, more than 1-1/2 years has passed since the July 2020 BZA hearing and the BZA has not been able to figure out a way around our legal arguments. And so, it would appear, that the FLCA should focus now on seeking annual funding from those housing developments that appreciate the value of collective action and can financially support it.

That would free the FLCA from having to respond to the priorities of groups outside of Fort Lincoln, that are sometimes even hostile to certain FLCA's goals and objectives. The FLCA's President has asked that the Finance/Fundraising Committee coordinate this effort, because it will hopefully be repeated each year. And he requested that Natalie Carey be the point person on the Finance/Fundraising committee in coordinating this funding effort.

**Annual Funding From Premium Distributors.** While researching Fort Lincoln's history for the FLCA website, the FLCA President ran across an old October 2012 and October 2013 Newsletters that former ANC Commissioner, Robert ("Bob") King, sent out. The statements he made in the Newsletter revealed a source of ongoing future funding for the FLCA.

Back in 1999, Premium Distributors of Washington, D.C., LLC, ("Premium Distributors") filed a Planning Unit Development {"PUD"} application, Case No. 99-5C, with the D.C. Zoning Commission. The application Premium Distributors filed sought a zoning change to permit the construction and operation of a beer distributorship for Premium Distributors in the Fort Lincoln community. In the application Premium Distributors noted that one of the requirements for the requested zoning change was a demonstration that if the application was granted it would result in a "high quality development that provides commendable public benefits." (bolding supplied) (Section 2403.9 of the Zoning Regulations).

After negotiating with the then-President of the Fort Lincoln Civic Association and the ANC Commissioner for SMD 5A12, the required "public benefits" that Premium Distributors voluntarily asked the Zoning Commission to order included a requirement: (1) that Premium

Distributors place \$10,000.00 into an escrow account each year, for a student at Thurgood Marshall Elementary School to use when the student reached college age, and (2) that Premium Distributors donate their old computers to the school every 2-3 years.

The Zoning Commission adopted Premium Distributors' request, as part of Premium Distributors' "public benefit" obligation, and included it in its April 13, 2000 Order, at page 11 (¶¶ 13 & 14). The FLCA, of course, supported inclusion of those public benefits and, as a consequence, no opposition testimony was presented at the hearing on the PUD application.

Some thirteen years later, in July 2013, Thurgood Marshall Elementary School permanently closed its doors. As a consequence, since 2013 Premium Distributors has not been able to comply with the annual "public benefits" obligations that the FLCA was the primary force behind, and that were ordered by the D.C. Zoning Commission.

The appropriate course of action when changed circumstances make the performance of a public benefit obligation to one service organization in the Fort Lincoln community untenable, is to seek to have the terms of the Zoning Commission Order modified to direct those payments to another service organization in the Fort Lincoln community that will be able to put the payment to a use that will benefit the entire Fort Lincoln community.

That alternative and appropriate service organization, in the case of Premium Distributors' "public benefits" obligation, is the FLCA. The FLCA has representatives on its Board of Directors from each of the 17 apartment buildings and housing developments in Fort Lincoln. And, as a 501(c)(3) organization, the FLCA's primary charitable purpose is educational. Indeed, for that reason, it is about to launch a community website (funded in part by a loan that has to be repaid within the next six months) to educate and inform the Fort Lincoln community on a wide variety of topics. And it has both an Education Committee and a Youth Committee that prioritize outreach to young people in Fort Lincoln.

On April 2, 2022, the Finance and Fundraising Committee voted to email a letter to the attorney for Premium Distributors (Phil Feola), in which we asked that he bring our letter to the attention of Premium Distributors and seek their authorization to promptly take the steps necessary to apply for the "modification of significance," requested in this letter, to again bring them into compliance with a major public benefit requirement that the FLCA negotiated to have included in the Zoning Commission's Order of April 13, 2000.

The letter was attached to an email that was sent on April 3, 2022. Over the course of the next month the committee chairperson spoke with attorney Phil Feola, who represented Premium Distributors back in 2000. Mr. Feola no longer represents them. And so the chair ultimately had to reach out to the General Counsel for Premium Distributors in Rosemont, Illinois. An attorney of the staff of the General Counsel responded on April 25, 2022 that she (Anne Hemmings) would review the matter and get back to the chairperson. On April 27, 2022, the chair spoke with Ms. Hemmings and she indicated her agreement that filing a "modification of significance" to substitute the FLCA for a student at the now-closed Thurgood Marshall Elementary school, was the appropriate course of action. The chairperson provided her with the telephone number and email address for attorney Phil Feola for that purpose.

On May 5 the chairperson left a voicemail message for attorney Feola to determine whether he had been retained by Premium Distributors. The next day Mr. Feola sent the chairperson an email stating that he had not been. As a consequence, later on May 6, 2022, the chairperson sent an email to attorney Hemmings asking whether Premium had selected another attorney. If so, the chairperson requested their attorneys' contact information so that the FLCA could confirm the timeline by which Premium would be filing a "modification of consequence." On May 12<sup>th</sup> the chairperson made a follow up phone call to attorney Hemmings. Ms. Hemmings promptly returned to call and advised that Premium was in the process of completing a conflicts check and signing an attorney to a retainer agreement. She said she expected to get back to the chairperson with a couple of days with contact information for the attorney they retained.

**Revenue From the FLCA Website.** A third source of funding for the FLCA is one that it should inherit from the FLCA's Communications Committee. That source of funding will be: (1) advertisements from surrounding businesses on the Home Page of the FLCA website and (2) charitable contributions from surrounding businesses, that will be recognized by placing their logos on the Home Page of the FLCA website. Three of the eleven organizations that currently have their logos on the Home Page of the FLCA website, have paid for its placement. The Finance and Fundraising Committee will be responsible for encouraging each of them to renew in April of 2023, and for reaching out to each of the businesses at The Shops beginning in the fall. With a track record of a successful website by that point, they can send emails and charitable contribution solicitations to all 85 businesses listed on the chart developed by the FLCA's Communications Committee in 2021.