



OFFICE OF LEGAL AFFAIRS
EXTERNAL OPINION

External Opinion # EX-2000-1018

To: Connie Boyles Lane
Executive Director
Legal Advice & Resource Center
P.O. Box 4147
Concord, NH 03302-4147

Date: August 25, 2000

Subject: **LARC/NHLA Board Integration**

You requested an advisory opinion as to whether the proposed integration of the Boards of Directors of Legal Assistance & Resource Center and New Hampshire Legal Assistance, as evidenced in your August 11, 2000, letter and the proposed Memorandum of Understanding (MOU) you provided, is consistent with the LSC program integrity requirements of 45 CFR Part 1610. We have reviewed the proposed MOU and find that the proposed plan, as currently described, meets the Part 1610 12 0 0 12 90 395.4003c (another organization

- (i) the existence of separate personnel;
- (ii) the existence of separate accounting and timekeeping records;

- (iii) the degree of separation from facilities in which restricted activities occur, and the extent of such restricted activities; and
- (iv) the extent to which signs and other forms of identification which distinguish the recipient from the organization are present.

45 CFR §1610.8(a). Consistent with that standard, a recipient and such an organization may have overlapping Boards of Directors, provided that the relationship between the recipient and the other organization otherwise exhibits the characteristics set forth above. *See Legal Services Corporation, Final Rule on Use of Non-LSC Funds, Transfers of LSC Funds, Program Integrity, 62 Fed. Reg. 27695, 27697 (May 21, 1997).*

Under the proposed LARC/NHLA arrangement, each of the regulatory factors is satisfied. Although each Board would have some of the same members, LARC and NHLA would remain legally separate entities, with separate and independent Boards of Directors. MOU at 2. The Boards plan to meet independently and maintain separate records. *Id.* The organizations would not share personnel or office space (further, L

We hope you find this information helpful. If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

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