



July 11, 2001

**Sent via electronic mail with hard copy
to follow via U.S. mail**

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John Erlenborn

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Harrisburg, PA

Ron Hutchinson, Esq.
Executive Director
Dakota Plains Legal Services
160 Second Street
P.O. Box 727
Mission, SD 57555-0727

**RE: Eligibility of Older Americans Act Client to Serve as 'Eligible Client
Member' on Recipient Board of Directors, Ex-2001-1011**

Dear Mr. Hutchinson,

I am writing in response to your recent inquiry to the Office of Legal Affairs regarding the appointment of an Older Americans Act ("OAA") client to the board of directors of Dakota Plains Legal Servi funds is

n eligible client member for purposes of a recipient governing body unless he or she is financially qualified under 45 C.F.R. 1611. Section 1607.2 of the LSC Regulations provides that an "eligible client member" means a board member who is financially eligible to receive legal assistance under *the [LSC]Act and part 1611 of this chapter. . . .* [Emphasis added.] The regulation does not provide discretion to permit the appointment of financially ineligible client

I hope this information is helpful. Please feel free to contact me at 202-336-8871 if you have any questions or if you would like to further discuss this issue.

Sincerely,

Dawn M. Browning
Assistant General Counsel

Victor M. Fortuno
General Counsel