

March 18, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Reference No. 14-0027

Ms. Ruby Brooks
Certification Section Manager
Milwaukee County Community Business Development Partners
2711 W. Wells Street
Room 830
Milwaukee, WI 53208

Dear Ms. Brooks:

We are granting your March 9, 2015, request to remand the matter of Black Diamond Group, Inc. to the Milwaukee County Community Business Development Partners (MCCBDP) for reconsideration. On September 9, 2013, MCCBDP denied the firm Disadvantaged Business Enterprise Certification because the agency determined that the personal net worth of its disadvantaged owner, Ms. Deborah Teglia, exceeded \$1.32 million, contrary to the DBE program regulation 49 C.F.R. Part 26, §26.67.

A hearing as the regulation §26.67(b)(2) requires in this case was not conducted. MCCBDP, citing §26.67(b) in its August 12, 2013, correspondence to the firm, states that agencies are not required to have a proceeding in order to rebut the presumption of disadvantage if the applicant owners' personal net worth does not exceed \$1.32 million. This provision is intended for situations wherein the personal net worth statement submitted by the applicant shows they are over the threshold; not in instances wherein the agency calculates a different (higher) amount. Ms. Teglia calculated her personal net worth to be lower than \$1.32 million; as such MCCBDP is required to hold a hearing to rebut the presumption of economic disadvantage.

We direct MCCBDP to conduct a hearing with 45 days of this letter and consider all evidence the firm submitted in connection with its appeal to this office. MCCBDP is further directed to issue a new denial decision after its reevaluation of the matter or to certify the firm, within 10 days of its hearing. Please send a copy of your decision to this office.

This appeal is being closed in our files and a copy of our decision is provided to the firm. This decision under §26.89(f)(4) is administratively final under §26.89(g). Should MCCBDP decide again to deny Black Diamond Group, Inc. DBE certification, the firm is entitled to appeal to this office and should be informed as such by MCCBDP. Thank you for your continued cooperation.

Sincerely,

Marc D. Pentino, Acting Associate Director
External Civil Rights Programs Division
Departmental Office of Civil Rights

cc: Deborah Teglia, President BDG