



**U.S. Department of
Transportation**

Office of the Secretary
Of Transportation

Departmental Office of Civil Rights
1200 New Jersey Avenue, S.E., W76-401
Washington, DC 20590

August 26, 2020

Docket Number 20-0071

Lisa M. Gregory, Chief
Office of Civil Rights, DDOT
55 M St. SE, 3d floor
Washington, DC 20003

Dear Ms. Gregory:

Olivier, Inc., timely appeals DDOT's March 26, 2020, removal of its DBE certification on the basis of Olivier's alleged failure to cooperate. See section 26.109(c). We reverse the decertification as inconsistent with applicable certification rules and unsupported by substantial evidence and direct DDOT to restore Olivier's certification immediately. See 49 CFR secs. 26.87(b)-(g), 26.89(c)-(f).

Olivier maintains in its April, 28, 2020, appeal that DDOT did not notify the firm of its intent to decertify, the reasons for the proposal, the right to contest, or the consequences of inaction. There is no evidence to rebut Olivier's assertion or any evidence that DDOT acted in accordance with applicable rules. The probable reason is DDOT's failure to provide us the full administrative record, or any of it, within the prescribed time, or at all. See section 26.89(d). There is no evidence that DDOT proved ineligibility, in short, as section 26.87(d) requires.

As section 26.89(f)(2) prescribes, we reverse the decertification and direct DDOT immediately to restore certification and revise pertinent lists and databases accordingly.

Please note that nothing in this decision relieves Olivier of any of its own responsibilities. We advise the firm and its owner to take particular care in future years to provide complete and timely annual section 26.83(j) documentation. The responsibility is exclusively Olivier's; it is not contingent on any reminder or request; and the rule provides no exceptions or defenses.

Sincerely,

Samuel F. Brooks
Team Lead
Disadvantaged Business Enterprise Division

cc: Olivier, Inc.