



**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

September 24, 2020

Docket Number 20-0089

Tori Trapasso
Trapasso Trucking, LLC
22941 East Euclid Circle
Aurora, CO 80016

Dear Ms. Trapasso:

This is in response to your appeal of the decision of the Colorado Department of Transportation (CDOT) to deny the application of Trapasso Trucking, LLC (TTL), for DBE certification. CDOT based its decision on both ownership and control. This decision focuses on control.

TTL has no operating agreement apportioning responsibilities between its two members, you and your husband. You told CDOT during its onsite interview that you and Mr. Trapasso are actively involved. You manage the office are responsible for what you categorize as TTL's HR activities. Mr. Trapasso manages all field work, i.e., TTL's day-to-day trucking operations and revenue source. Mr. Trapasso has a decade of industry experience and significant operational knowledge. He supervises employees, evaluates competence and job performance, and identifies operational issues. He insures that the work gets done right and on time. He is often called "the manager."

These facts substantially support CDOT's explanation that it could not determine that you, as distinct from you and your husband working together, control the firm. By rule, that means you, the disadvantaged owner, have not carried your burden of proof and TTL is ineligible.¹

Accordingly, we affirm CDOT's decision, as 49 CFR 26.89(f)(1) prescribes.

This decision is administratively final.

Sincerely,
Patricia Ross For:
Samuel F. Brooks
DBE Team Lead
Disadvantaged Business Enterprise Division

cc: CDOT

¹ 49 CFR §§ 26.61(b), 26.71(k)(2), 26.89(f)(1).