



**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

October 22, 2020

Docket No. 20-0102

Mr. Curt Taras  
Infrastructure Improvement, Inc.  
PO Box 746  
Folsom, CA 94354

Dear Mr. Taras:

This is in response to your appeal of the decision of the California Unified Certification Program (CUCP) to deny the DBE application of your company, Infrastructure Improvement, Inc. CUCP denied the application on the basis of your alleged failure to cooperate with the application process.<sup>1</sup>

The denial letter stated that, despite two requests, you did not supply needed documents, specifically a justification supporting your request to be considered disadvantaged on an individual basis and Federal tax returns for the three previous years. Your appeal responds by saying that you did in fact submit the documents in question.

The record supports your assertion. On April 1, 2020, you sent an email to Eric Hunt, a staff member of the California Department of Transportation, representing that you were attaching, among other documents, justification for your claim of social and economic disadvantage and Federal tax returns for 2016, 2017, and 2018. On April 6, 2020, Mr. Hunt responded, saying that he had received the documents, but would be limited in his ability to review them because staff was not then going into the office.

The documents themselves – your March 31, 2020, letter of justification for your claim social and economic disadvantage on an individual basis, and Form 1040s for 2016, 2017, and 2018 – are also found in the record. Under these circumstances, we find that CUCP did not have substantial evidence to deny the application for a failure to cooperate.

For this reason, we are reversing CUCP's decision<sup>2</sup> and remanding the matter to CUCP with instructions to make a decision on the merits of the firm's application within 30 days of the date of this letter.

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<sup>1</sup> 49 CFR 26.109(c).

<sup>2</sup> 49 CCR 26.89(f)(2).

This decision is administratively final.

Sincerely,

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division

cc: Caltrans