



**U.S. Department of
Transportation**

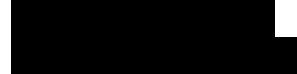
Office of the Secretary
Of Transportation

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

March 22, 2021

Docket No. 21-0004

Lisa Morrell, President
L-Mor, Inc., dba Darling Fire Control Co.



Dear Ms. Morrell:

This is in response to your appeal of the denial by the Ohio Department of Transportation (ODOT) of the application for DBE certification of L-Mor, Inc. (L-Mor). ODOT's decision was based on both ownership and control. This decision focuses on control.

According to the on-site report, both you and your husband, a co-owner and vice-president of L-Mor, work full-time for the company. Both have authority to sign checks. Both establish company policies, procedures, and employee benefit packages. Both do marketing. Both act as supervisors in the field. Both are allowed to purchase supplies and equipment. They share the responsibility for dealing with problems that may come up. The on-site report reflects that, according to Mr. Morrell, "it is all intertwined." This information paints a persuasive picture of the company as one controlled by you and Mr. Morrell as a family business, rather than by you individually. As provided under section 26.71(k)(2) of the regulation, this prevents L-Mor from carrying its burden of proof with respect to control.

Consequently, we conclude that ODOT had substantial evidence to find that the company failed to meet its burden of proof with respect to control. We therefore affirm ODOT's decision.

This decision is administratively final and not subject to petitions for review.

Sincerely,

Samuel F. Brooks
Team Lead
Disadvantaged Business Enterprise Division

cc: Deborah M. Green