



**U.S. Department of  
Transportation**

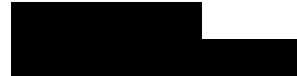
Office of the Secretary  
Of Transportation

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

December 18, 2020

Docket No. 21-0011

Richard A. Wilson, Sr.  
Owner/President  
Wilson Professional Services, PSC



Dear Mr. Wilson:

This is in response to your appeal of the decision of the Kentucky Transportation Cabinet to decertify your firm. Kentucky took the action on the basis of a failure to cooperate with the requirement of section 26.83(j) of the Department's DBE regulation to file an annual affidavit of no change and supporting documentation.

The state sent a reminder letter to you about this requirement on January 2, 2020, followed by an "intent to remove" letter on April 9, 2020. Having received no response, Kentucky sent its decertification letter to you on August 10, 2020. Your appeal does not dispute these facts, but rather asks for "leniency" based on a series of family medical problems, which you said caused you to lose sight of complying with this requirement.

We understand that medical issues can be very disruptive. However, we also note that according to information in the record that you did not dispute, your company also failed to file affidavits of no change in the two previous years. In addition, the record shows that you did file an online annual report with the Kentucky Secretary of State's office on June 3 of this year. You had filed similar reports in previous years.

That you regularly filed annual reports with the Secretary of State, including in 2020, while not filing affidavits of no change in those same years, is evidence that you have not been attentive to this DBE program requirement. Under these circumstances, reversing the state's decision, for which there is substantial evidence, would not be appropriate. Therefore, we are affirming Kentucky's decision.

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

Sincerely,

Samuel F. Brooks  
DBE Appeal Team Lead  
Disadvantaged Business Enterprise Division

cc: Brad Putty