



**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 17, 2021

Reference Number 21-0028

Ms. Natalie Alavi  
NBA Engineering, Inc.  
897 Hyde Street, Suite 201  
San Francisco, CA 94109

Dear Ms. Alavi:

NBA Engineering, Inc. (NBA) appeals the California Unified Certification Program's (CUCP) September 16, 2020 removal of its DBE certification under the rules of 49 C.F.R. Part 26 (the Regulation). We affirm based on excess Personal Net Worth (PNW).

The facts are uncontroverted. CUCP removed NBA's certification after it concluded that your PNW exceeded the regulation's \$1.32 million cap.

You reported a commercial building worth [REDACTED] on your September 2020 PNW statement. That asset puts your PNW over the limit.<sup>1</sup> You assert on appeal that the property should be excluded from your PNW because NBA "always considered the building as part of the engineering firm." To support your argument for exclusion of the commercial building, you provided documents describing the transfer of the commercial real estate asset in December 2020. NBA asserts that your PNW should be [REDACTED].

Unfortunately, your after the fact transfer does not form a claim for which the Department may grant reversal. 26.89(f)(2). See section 26.89(f)(6) ("the Department's decision is based on the status and circumstances of the firm as of the date of the decision being appealed.").

We affirm under section 26.89(f)(1) because the decision is supported by substantial evidence and consistent with procedural and substantive certification rules. This decision is administratively final.

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division

cc: CUCP

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<sup>1</sup> We decline to opine on the other asset valuations in dispute because our discussion regarding the building is sufficient to affirm the decertification. Section 26.89(f)(1).