



**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 14, 2021

Docket No. 21-0058

Michael McFadden  
MM's Cleaning Service, LLC  
39 East Flower St., Unit 226  
Chula Vista, CA 91910

Dear Mr. McFadden:

The California Department of Transportation (Caltrans) denied the application of MM's Cleaning Services, LLC (MM) under section 26.109(c) of the Department's DBE regulation, on the basis of a failure to cooperate.

MM applied for certification on July 28, 2020. On November 11, 2020, Caltrans sent a letter and to MM asking for several documents that are required for certification. The letter directed MM to submit the documents by December 23, 2020.<sup>1</sup> Not having received the documentation by January 15, 2021, Caltrans denied MM's application on that date.

The documents referenced in the Caltrans correspondence (e.g., resumes, tax documents, licenses, proof of capital contribution) are all items required by the Supporting Documents Checklist of the Uniform Certification Application form in the regulation, which Caltrans uses for DBE program applications. Even in the absence of any letters from Caltrans specifically requesting the documents, submitting them is an affirmative obligation of an applicant.

Your appeal apologizes for failing to submit the documents in a timely manner, citing Covid-19 and office support issues. However, these problems are not a defense to that failure.

The record shows that Caltrans complied with applicable rules with respect to the documentation. Caltrans had cause and authority to deny the certification under section 26.109(c). We therefore affirm the denial under section 26.89(f)(1).

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

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<sup>1</sup> The Caltrans letters actually says "December 23, 2021." We believe this to be a typographical error.

Sincerely,

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division

cc: Curtis E. Williams, Caltrans