



**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. 21-0081

Kylee Guthrie  
Riveter Electric  
44336 Nolina Circle  
Lancaster, CA 93536

Curtis E. Williams  
Office Chief, Certification  
Office of Civil Rights, Caltrans  
PO Box 942874, MS 79  
Sacramento, CA 94274-0001

Dear Ms. Guthrie and Mr. Williams:

On April 9, 2021, the California Department of Transportation (Caltrans) denied DBE certification to Riveter Electric (RE) on the basis of control.

While Ms. Guthrie was working 30 to 40 hours a week at RE, her start-up firm, she also worked 5 to 10 hours a week, for a period of time, for SCV Electric, a firm in the same line of work. As a result, Caltrans concluded that the two businesses were inextricably connected and that RE was to be a conduit for SCV to procure electrical supplies for contractors.

The problem with this conclusion is that there is almost no evidence in the record to support it. Other than her part-time work with SCV, which ended before Caltrans issued its decision, there is no evidence of any connection, let alone an inextricable one, between the two firms. The idea that RE, after certification, would act as a pass-through to allow SCV to claim DBE credit illegitimately is purely speculative.

In the appeal, Ms. Guthrie states that during the on-site interview, she was instructed to answer the standard questions from Caltrans' questionnaire strictly as they were read to her, and that she was not to expand on any topic other than what was asked. The statement is troubling.<sup>1</sup> The best interviews, we believe, are those that ripen into conversations. We suspect that had Caltrans conducted a less structured interview, it would have evidence to support its conclusion or would have concluded otherwise.

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<sup>1</sup> The Department intends for on-site interviews to be valuable sources of information, not checklist exercises. The interview should afford the owner a fair opportunity to explain whatever she believes is important for the certifier to know. There is no required format and no call for rigidity. Certifiers use the time best when they ask open-ended questions, not just canned ones, and ask follow-up questions to gain insight.

We reverse under section 26.89(f)(2) and direct Caltrans to certify RE immediately.

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

Sincerely,

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division