



**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

August 23, 2022

Docket No. 21-0104

Dwayne T. Moore  
Florida Department of Transportation  
605 Suwannee St.  
Tallahassee, FL, 32399

Dear Mr. Moore:

This letter addresses the Florida Department of Transportation's (FDOT) April 13, 2021, denial of Elastizell of St. Louis, Inc.'s (Elastizell) application for interstate certification. The firm is already certified in its home state of Missouri. We reverse FDOT's decision because it is contrary to the DBE regulation's interstate certification rules. See 49 CFR 26.85.

Elastizell applied for certification in Florida (State B) in compliance with the requirements of section 25.85(b) and (c)(1). FDOT apparently determined that it had section 26.85(d)(2) "good cause" to believe Missouri's certification was erroneous or should not apply in Florida. It denied the application. Regardless of whether FDOT's objection amounted to "good cause," we must reverse under section 26.89(f)(2) because the section 26.85(d)(4)(i) notice FDOT sent to Elastizell was deficient. FDOT did not notify the company of its right to contest FDOT's objections in writing, in person, or at all. The omission deprived Elastizell of due process, and that is fatal to FDOT's decision. We therefore direct FDOT to certify Elastizell without delay.

This decision is administratively final under section 26.89(g). We appreciate your continued cooperation.

Sincerely,

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division

cc: Jane K. Megown, Elastizell of St. Louis, Inc.