



**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 27, 2022

Docket No. 22-0046

Ms. Anne Bader  
Owner  
Corn Island Archaeology, LLC  
PO Box 991259  
Louisville, KY 40269

Dear Ms. Bader:

Corn Island Archaeology, LLC (CIA) appeals the Kentucky Transportation Cabinet's removal of its DBE certification under the rules in [49 CFR Part 26](#) (the Regulation). KTC decertified for failure to cooperate, specifically for noncompliance with section 26.83(j). See sections [26.109\(c\)](#) and [26.87\(f\)\(6\)](#).

CIA's appeal cites various health, staffing, and administrative issues as reasons for not timely filing the mandatory annual affidavit and proof of gross receipts. None of these reasons is a ground for reversal. See section [26.89\(c\)](#). You acknowledge that CIA did not comply, and section 26.83(j) provides that the omission is a failure to cooperate. Section 26.109(c) in turn authorizes KTC to decertify the company as a result. KTC did so, we affirm its decision under section 26.89(f)(1).

CIA may reapply for certification at any time because the applicable waiting period has expired. This decision is administratively final.

Sincerely,

Samuel F. Brooks  
DBE Team Lead  
Disadvantaged Business Enterprise Division

CC: KTCR