



**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

January 10, 2023

Docket No. 22-0078

Earnest H. Wright, II
Chief Executive Officer
Henry James Logistics, Inc.
1050 Rosecrans Street, Suite H
San Diego, CA 92106

Chardena Valley
Chief Certification Branch
Office of Civil Rights
California Department of Transportation
P.O. Box 942874, MS 79
Sacramento, CA 94274-0001

Dear Ms. Wright and Ms. Valley:

Section 26.86(a) of the Department's DBE regulation tells certifiers that "When you deny a request by a firm...to be certified as a DBE, you must provide the firm a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the denial."

Caltrans' December 16, 2021, denial of the DBE application of Henry James Logistics, Inc., includes nearly two pages of quotations from the regulation. However, the letter provides not a single word explaining reasons or citing evidence for its decision. As the appeal correctly points out, this is flatly inconsistent with the unequivocal directive of section 26.86(a).¹ We therefore reverse Caltrans's decision under section 26.89(f)(2) of the regulation and instruct Caltrans to certify the firm immediately.

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

Sincerely,

Samuel F. Brooks
DBE Team Lead
Disadvantaged Business Enterprise Division

¹ We noted an identical error in Docket No. 21-0037, Hearn Construction, Inc. (June 10, 2022). We suggest that Caltrans examine its procedures to prevent further problems of this kind.