



**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

February 1, 2023

Docket No. 22-0090

Ramon Ortiz
Metro Los Angeles
Manager, Certification & Economic Development
Diversity & Economic Opportunity Department
One Gateway Plaza
Los Angeles, CA 90012-2952

Dear Mr. Ortiz:

CA Project Management Consultants (CAPMC) appeals the Los Angeles County Metropolitan Transportation Authority's (Metro) removal of its DBE certification.

CAPMC had been certified with Metro for several years, with Doaa AbouZeid as the 51 percent, female owner. In 2021, she transferred her ownership interest to Ouafae Jdid. CAPMC dutifully notified Metro of the change in ownership, as section 26.83(i) of the DBE regulation requires. On November 29, 2021, Metro wrote CAPMC saying that its certification had been suspended under section 26.88(b)(1). The letter told CAPMC that, in order to lift the suspension, CAPMC would have to submit a new application by December 29, 2021. That was reversible error.

Metro's only options once it suspended certification were to decertify in full compliance with section 26.87 or lift the suspension unconditionally. See sections 26.88(e) and (g). It did neither. Metro had no authority to require CAPMC to reapply. See sections 26.83(h)(1) and (2). We therefore reverse Metro's decision and direct it to restore certification immediately.¹

If Metro believes that CAPMC is ineligible, on the basis of control or otherwise, its recourse is to commence new section 26.87 proceedings, in which it bears the burden of proving ineligibility. Under the circumstances, we consider a new suspension to be strictly out of bounds.

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

Sincerely,

Samuel F. Brooks

¹ See section 26.89(f)(2). We find other significant errors in the unnecessarily convoluted procedural history. In the interests of clarity and sufficiency, we choose not to address them.

DBE Team Lead
Disadvantaged Business Enterprise Division

cc: CAPMC