



**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 1, 2022

Docket No. 22-0094

Benny F. Sloan, Jr.
North Carolina Department of Transportation
Office of Civil Rights
1511 Mail Service Center
Raleigh, NC 27699

Ronnie L. Parson
Mars Network, LLC
[REDACTED]
Raleigh, NC 27658

Dear Mr. Sloan and Mr. Parson:

This letter concerns the North Carolina Department of Transportation's (NCDOT) May 31, 2022, denial of Mars Network, LLC's (Mars) application for Disadvantaged Business Enterprise (DBE) certification under the DBE program regulation at 49 CFR Part 26. We remand. See section 26.89(f)(4).

NCDOT denied Mars's application because firm owner Mr. Parson did not indicate his ethnic group membership on the Affidavit of Certification (Affidavit) accompanying Mars's certification application. The blank Affidavit prevented NCDOT from determining whether he is rebuttably presumed socially and economically disadvantaged (SED), a status that is necessary for certification eligibility. On appeal, Mr. Parson states that he is SED because he is Black American. In November 2022, NCDOT informed our Office that it would certify Mars if Mr. Parson submitted a new Affidavit indicating that he is Black American. NCDOT then asked Mr. Parson for the new Affidavit.¹

If Mr. Parson submits to NCDOT – no later than close of business December 9, 2022 – a new signed Affidavit indicating that he is Black American, then we direct NCDOT to certify Mars without delay. Due to the particularities of this case, Mr. Parson need not have the Affidavit notarized, and he may email it to NCDOT if he chooses. Any failure of Mr. Parson to fully comply will result in this letter becoming an affirmation of NCDOT's denial decision. We request that NCDOT send our Office a copy of the certification or noncompliance notice.

¹ NCDOT's contractor emailed Mr. Parson a blank affidavit but did not inform Mr. Parson that if he completed and returned it NCDOT would reverse its denial decision and certify Mars, having already found that Mars meets the regulation's remaining certification requirements. Mr. Parson did not respond to that email and has not responded to a more specific voice message. It is time for Mr. Parson to decide whether he wants the relief he requested.

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

Sincerely,

Samuel F. Brooks
DBE Team Lead
Disadvantaged Business Enterprise Division