



**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

November 28, 2022

Docket No. 22-0097

Carl Chaisson
United One Communications LLC
808 N Franklin St., Suite 3204
Tampa, FL 33602

Dwayne T. Moore
DBE & Small Business Development Manager
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Dear Mr. Chaisson and Mr. Moore:

The Florida Department of Transportation (FDOT) decertified United One Communications LLC (UOC) on the basis that its owner, Carl Chaisson, is not a socially and economically disadvantaged individual.

In a September 1, 2022, denial letter to Mr. Chaisson, FDOT quoted the entirety of section 26.87(b) of the DBE regulation, then proceeded to ignore the provision's requirements. Rather than sending Mr. Chaisson a notice of intent to remove UOC's certification, as the provision mandates, and giving him the opportunity for an informal hearing as required by section 26.87(d), FDOT simply sent UOC a "final notice" that its certification had been removed.

This unforced procedural error compels the Department to reverse FDOT's decision under section 26.89(f)(2). The Department directs FDOT to reinstate UOC's certification immediately.

However, the substantive basis for FDOT's action – that Mr. Chaisson is not an enrolled member of a federally or state recognized Indian tribe, and hence is not presumed to be socially and economically disadvantaged – is correct.¹ Consequently, FDOT has reasonable cause to believe that UOC is ineligible and therefore, as provided in section 26.87(b), must initiate a new decertification proceeding. We direct FDOT to do so.

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

¹ See definition of "socially and economically disadvantaged individual" in section 26.5 and the explanation of this requirement in the Department's October 2, 2014, final rule (79 FR 59579).

Sincerely,

Samuel F. Brooks
DBE Team Lead
Disadvantaged Business Enterprise Division