

May 21, 2018

Reference Number: 17-0138

Mr. Michael Obrebski
Managing Director
Western Irrigation & Landscape LLC
Redacted
San Antonio, Texas 78257

Dear Mr. Obrebski:

Your firm, Western Irrigation & Landscape LLC (Western), attempts, by letter dated August 11, 2017, to appeal the South- Central Texas Regional Certification Agency's (SCTRCA's) June 25, 2017, denial of its application for certification as a Disadvantaged Business Enterprise (DBE) under criteria set forth at 49 C.F.R. Part 26 (the Regulation). We dismiss for non-compliance with the appeal requirements of Regulation §26.89(c).

Regulation §26.89(c) requires (please note the "must") that an appeal include pertinent "information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this Part the recipient did not properly apply." Western's letter states, in full, "As a 100 percent Disabled Military Veteran I am making an administrative appeal to your office of the decision by the South -Central Texas Regional Certification Agency denying by DBE application." Your letter is not a §26.89(c) appeal because you allege no specific error, omission, or mischaracterization and provide no relevant information in support of such an allegation. You fail to state a claim upon which we might grant relief under the Regulation.

This dismissal is without prejudice as to any underlying issue. The Department expresses no view regarding the firm's eligibility for certification. Western's recourse is to make its eligibility arguments directly to the certifier in a new application for certification. Western may reapply at any time after the required waiting period, which the Department believes, based on the 12 months waiting period identified in the Decision letter, should end on June 15, 2018.

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

Sincerely,

Samuel F. Brooks
DBE Appeal Team Lead
External Civil Rights Programs Division

cc: SCTRCA

