UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 16 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
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In Reply Refer to:
EPA File No. 18R-12-R4

Zack Koonce III
Chairman, Jones County Board of Commissioners
P.O. Box 340
418 Hwy 58 N.
Trenton, NC 28585-0340

Re: Rejection and Referral of Administrative Complaint

Dear Chairman Koonce:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA),Office of Civil Rights (OCR), is rejecting the administrative complaint filed against Jones County and the Town of Trenton, North Carolina received by EPA on August 15, 2008, and referring it to the U.S. Department of Justice (DOJ). The complaint generally alleges that the Town of Trenton and Jones County, North Carolina fail to prohibit discrimination in their programs and activities on the basis of race, color, reprisal, and national origin. More specifically, the complaint alleges that the Town of Trenton and Jones County discriminated against African Americans because there has never been an African American elected or appointed to the Town Board of Trenton or the Jones County Board of County Commissioners. It appears that there may be an alleged violation of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.,* and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. 40 C.F.R. §7.120(b)(1). Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

The allegations do not meet EPA's jurisdictional requirements, in part, because neither of the named entities are current recipients of EPA assistance. Therefore, OCR must reject the complaint for investigation.

However, because the Voting Section of the Civil Rights Division at the Department of Justice (DOJ) may have subject matter expertise over the allegations in this complaint, this complaint is being referred to DOJ to review and investigate as it deems appropriate. A copy of the referral letter is enclosed with this correspondence.

If you have questions regarding this letter, please contact Jerett Yan of the OCR External Compliance Program at (202) 564-3113, via electronic mail at yan.jerett@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Vicki Simons
Acting Director

Enclosure(s)

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Naima Halim-Chestnut
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