UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 1, 2017

Return Receipt Requested
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In Reply Refer To:
EPA File No. 15R-16-R4

Mr. Michael Thurmond
Chief Executive Officer
Dekalb County Government
1300 Commerce Drive, 6th floor
Decatur. GA 30030

Re: Rejection of Administrative Complaint

Dear Mr. Thurmond:

On March 4, 2016, The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint, originally submitted to the Department of Justice (DOJ) on August 31, 2015. The complaint alleged that DeKalb County, in Georgia, discriminated against the Complainant on the basis of race and sex by denying contracting awards to the Complainant's engineering firm. ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. As a result, this case is closed as of the date of this letter.

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

ECRCO contacted the Complainant to obtain additional information related to the allegation. As a result of that interview, in conjunction with the documents and the complaint form that had been submitted, ECRCO has determined that the Complainant does not allege a discriminatory act under ECRCO's jurisdiction. The Complainant alleged discrimination based upon race and sex, but also stated that the County awarded contracts to businesses led by individuals of the Complainant's same race and sex. In addition, the Complainant described a system whereby county contracting awards were allegedly given to friends and political supporters of county officials. As a consequence, ECRCO has determined that the Complainant does not describe an allegation that, if true, would violate any of the laws enforced by ECRCO. That is, as described, the allegation does not constitute discrimination based on race, sex, disability, or age as prohibited by EPA's nondiscrimination regulation at 40 C.F.R. Part 7.

As such, ECRCO lacks jurisdiction to accept this complaint for investigation. Accordingly, this case is closed as of the date of this letter. If you have questions about this letter, please feel free to contact Debra McGhee, Team Lead, at mcghee.debra@epa.gov, or at (202) 564-4646.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official
U.S. EPA, Region 4