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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 1, 2017

Return Receipt Requested
Certified Mail#: (b) (6) - Privacy [redacted]

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

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]
Decatur, GA 30035

Re: Rejection of Administrative Complaint, 15R-16-R4

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

On March 4, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint, originally submitted to the Department of Justice (DOJ) on August 31, 2015. In your complaint you alleged that DeKalb County, in Georgia, discriminated against you on the basis of race and sex by denying contracting awards to your engineering firm. ECRCO has determined that it cannot accept your 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 you on June 9, 2017 to obtain additional information related to your concerns. As a result of that interview, in conjunction with the documents and complaint form you

previously submitted, ECRCO has determined that you do not allege a discriminatory act under ECRCO's jurisdiction. While you state on your complaint form that you have "solid evidence of discrimination," you also state that the contracts you seek from the county are being awarded to other contractors who are also "black/women LSBE contractors." In addition, you state in your complaint that "Black/women contractors that are part of the friends/family/political favorites/fraud/kickbacks are given work and repeated contracts." Therefore, it appears that you are alleging that the county awards contracts based on favoritism, personal relationships and/or political support. ECRCO has determined that you do not describe an allegation that, if true, would violate any of the laws enforced by ECRCO. That is, as described, your allegation does not constitute discrimination based on race, sex, disability or age as prohibited by the EPA's nondiscrimination regulation found at 40 C.F.R. Part 7.

As such, ECRCO lacks the jurisdiction to accept your 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 (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