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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 1, 2018

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In Reply Refer to:
EPA File No. 22R-16-R4

Ms. Jackie Schutz Zeckman
Chief of Staff
Office of the Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Re: Rejection/Closure of Administrative Complaint

Dear Ms. Schutz Zeckman:

This letter is in response to an administrative complaint received by the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), on March 19, 2016, and March 22, 2016, alleging that members of Florida Governor's Executive Office and the Florida Department of Environmental Protection (FDEP) procured and recommended the Governor's March 17, 2016, line-item veto of a $200,000 legislative matching grant for engineering work for West Augustine, Florida sewer service, which discriminated against African American residents in violation of Title VI of the Civil Rights Act of 1964. After careful review, ECRCO has concluded that an investigation in this case is not justified in light of the facts presented. Accordingly, this matter 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.

In addition to the above factors, ECRCO will also consider whether a complaint allegation provides information sufficiently grounded in fact. Where a complaint allegation is not

sufficiently grounded in fact, ECRCO may conclude that an investigation is unjustified, and may reject a complaint on this basis. Specifically, the Complainant alleged that the Florida Governor's Executive Office and the Florida Department of Environmental Protection (FDEP) procured and recommended the Governor's March 17, 2016, line-item veto of a $200,000 legislative matching grant for engineering work for West Augustine, Florida sewer service, which allegedly discriminated against African American residents. Complainant alleged that since another community's line item was not vetoed, the reason for the veto must have been discriminatory. However, based on a careful review of Complainant's original correspondence of March 19 and 22, 2016, as well as subsequent conversations with members of my staff on June 23 and August 11, 2016, ECRCO has determined that Complainant has not provided any additional information sufficiently grounded in fact so as to support this allegation. Accordingly, this matter is closed as of the date of this letter.

If you have any questions about this letter, please contact me, or Jonathan Stein, Case Manager, by telephone at (202) 564-2088, via email at *stein.jonathan@epa.gov*, or by mail at: U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

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

Enclosure: Acknowledgement Letter

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office
Office of General Counsel

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