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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 1, 2018

Return Receipt Requested
Certified Mail #: (b) (7)(C) - Enforcement Privacy

In Reply Refer to:
EPA File No. 31R-16-R4

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

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Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforc

This letter is in response to your administrative complaint received by the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), on May 17, 2016, and May 19, 2016, alleging that the deletion of 40 acres of affordable housing from the Nocatee Development of Regional Impact (DRI) discriminates on the basis of race in violation of Title VI of the Civil Rights Act of 1964. You also alleged that the St. John's County Administrator subsequently retaliated against you. 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. Although my staff has reached out to you, including by email dated June 16, 2016, in order to clarify the facts presented in your May 17 and 19, 2016, correspondence, we did not receive a response from you. Therefore, we have determined the limited information provided in your correspondence, is not sufficiently grounded in fact so as to support the allegations in your May 17 and 19, 2016, correspondence. Accordingly, this matter is closed as of the date of this letter.

If you have any questions about this letter, please contact Jonathan Stein 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

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