



**U.S. Department of
Transportation**

Office of the Secretary
Of Transportation

Departmental Office of Civil Rights
1200 New Jersey Avenue, S.E., W76-401
Washington, DC 20590

May 26, 2020

Docket Number 20-0065

Ms. Alison Weber
Owner
ALRAN Books, LLC
9 Townsend Road
Harrisville, NH 03450

Dear Ms. Weber:

ALRAN Books appeals the New Hampshire Department of Transportation's (NHDOT) April 9, 2020 decision to remove ALRAN Books' DBE certification under the rules of 49 CFR part 26. NHDOT decertified the firm because you failed to submit the annual no-change affidavit (NCA) that section 26.83(j) mandates and did not respond to requests for it.¹ See sections 26.73(c) and 26.87. Having reviewed the administrative record, we affirm NHDOT's decision. ALRAN Books is ineligible for failure to cooperate.

The affidavit was due in January 2020. You did not provide it. Section 26.83(j) defines that omission as a failure to cooperate and authorizes decertification as a remedy. On February 10, 2020, NHDOT moved to decertify ALRAN Books on that basis. NHDOT notified you what it proposed to do and why. It advised you of your right to respond and told you what would happen if you did not. You did not respond, and NHDOT removed ALRAN Books' certification. NHDOT followed applicable procedures and proved ALRAN Books ineligible.

The decertification is consistent with applicable rules and supported by substantial evidence. Thus, we affirm it under section 26.89(f)(1). ALRAN Books may reapply after the applicable waiting period expires. This decision is administratively final.

Sincerely,

Samuel F. Brooks
DBE Team Lead
Disadvantaged Business Enterprise Division

cc: New Hampshire Department of Transportation

¹ NHDOT sent you courtesy reminders on December 10, 2019 to the email address you provided and a letter via certified mail in early February. You concede that your Office Manager received the letter but contend that you did not see it. Your obligation to file the NCA, however, is not contingent on receiving any reminder or notice, and ALRAN Books' failure to review correspondence is not NHDOT's error. See section 26.89(c).