

**STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION**

IN THE MATTER OF,)
)
Sue A. Meyers and Sue A. Meyers, Inc.) **2013-S-00__**
)
Respondent(s))
)

NOTICE OF SUSPENSION AND INTERIM SUSPENSION

To: Sue A. Meyers, President
Sue A. Meyers, Inc.
Rt. 2, Box 138
Wayne City, Illinois 62895

The Chief Procurement Officer for the State of Illinois, Department of Transportation ("CPO"), pursuant to Title 44 Illinois Administrative Code, Sections 6.510, 6.520, 6.530, in order to safeguard the public interest in the solicitation, execution, administration and performance of public contracts hereby notifies Sue A. Meyers and Sue A. Meyers, Inc. (collectively referred to hereafter as "Meyers") that the CPO proposes to suspend Meyers from participating on any new contract awarded by or requiring approval or concurrence of the Illinois Department of Transportation (herein "Department" or "IDOT").

The bases for these actions include one or more of the following allegations:

1. On May 29, 2012, Meyers, a Department Certified Disadvantaged Business Enterprise ("DBE"), submitted to the Department a copy of a State of Illinois Certificate of Title (title #X2108638194) for a 1998 Mack CH600 truck (vin #1M1AA13YXWW094841) documenting Meyers' proof of ownership of said truck as part of Meyers' DBE Certification. Meyers did so after having the ownership temporarily transferred from trucker "A", a Non-DBE trucker, to Meyers on March 23, 2012, for the purpose of allowing Meyers to apply for a Certificate of Title through the Illinois Secretary of State and then provide said title to the Department. Meyers' submittal of the title to the Department was intended to mislead the

Department by falsely inflating Meyers' truck inventory and disguising the true ownership of the truck, a Non-DBE trucker.

2. On May 29, 2012, Meyers, a Department Certified DBE, submitted to the Department a copy of a State of Illinois Certificate of Title (title #X2108638195) for a 2003 Freightliner truck (vin #1FUJA6CG23LK28008) documenting Meyers' proof of ownership of said truck as part of Meyers' DBE Certification. Meyers did so after having the ownership temporarily transferred from trucker "A", a Non-DBE trucker, to Meyers on March 23, 2012, for the purpose of allowing Meyers to apply for a Certificate of Title through the Illinois Secretary of State and then provide said title to the Department. Meyers' submittal of the title to the Department was intended to mislead the Department by falsely inflating Meyers' truck inventory and disguising the true ownership of the truck, a Non-DBE trucker.
3. On May 29, 2012, Meyers, a Department Certified DBE, submitted to the Department a copy of a State of Illinois Certificate of Title (title #X2088766032) for a 2000 Freightliner truck (vin #1FUPFWEB2YDF16855) documenting Meyers' proof of ownership of said truck as part of Meyers' DBE Certification. Meyers did so after having the ownership temporarily transferred from trucker "A", a Non-DBE trucker, to Meyers on March 23, 2012, for the purpose of allowing Meyers to apply for a Certificate of Title through the Illinois Secretary of State and then provide said title to the Department. Meyers' submittal of the title to the Department was intended to mislead the Department by falsely inflating Meyers' truck inventory and disguising the true ownership of the truck, a Non-DBE trucker.
4. Based upon the false and misleading information provided by Meyers, the Department allowed more DBE goal credit for work performed by Meyers than should have been permitted.
5. The Affidavit of Bruce Harmening is attached hereto in support of the above allegations.

Meyers, through its acts, omissions and/or misconduct, whether or not any such misconduct or offense is in connection with a Department contract or any contract

requiring Department approval, has demonstrated it lacks the responsible business integrity and honesty to contract with the Department. See, 44 Ill. Adm. Code 6.520(a), (c) and (d).

INTERIM SUSPENSION

Pursuant to 44 Illinois Administrative Code, Section 6.530, I find that immediate action is necessary to safeguard the public interest in the solicitation, execution, administration and performance of public contracts. The reasons for the interim suspension are set forth in paragraphs (1) through (3) above. Therefore, until the completion of an investigation of the causes for suspension and hearing on the merits, if necessary, Meyers is subject to an interim suspension. Meyers shall not enter or attempt to enter into a contract awarded or approved by the Department, irrespective of the method of procurement, or any subcontract, material supply agreement or equipment lease transaction in connection with any such contract, pending further notice.

RESPONDENT'S RIGHTS UNDER THE CODE

1. Any contractor receiving a notice of suspension may, within thirty (30) days after receipt of a notice, file an appearance and request for hearing. A contractor that does not file an appearance and request a hearing within the thirty (30) days after receipt shall be deemed to have waived any hearing and will be subject to immediate suspension. (44 Ill. Admin. Code 6.620)
2. Upon receipt of an appearance and request for hearing, the CPO will set the matter for a hearing within thirty (30) days, and notify the contractor of the place, time and date of the hearing and the designated hearing officer. (44 Ill. Admin. Code 6.630)
3. The contractor may file a written notice for disqualification of a Hearing Officer, setting forth reasons of personal bias or conflict of interest, within three (3) days after the appointment of the Hearing Officer. (44 Ill. Admin. Code 6.630)

4. The contractor may file a written answer to a notice not later than twenty (20) day prior to the hearing date, but shall not be required to file an answer. The answer may include affirmative defenses. (44 Ill. Admin. Code 6.640)
5. Within 30 days after receipt of a notice that imposes an interim suspension, the contractor may submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension. The Chief Procurement Officer will consider the contractor's submission in light of the evidence developed in the pending investigation, and may modify or terminate the suspension or may leave it in force. The Chief Procurement Officer's decision concerning imposition of an interim suspension is final without further hearing (44 Ill. Admin. Code 6.620).
6. Notices shall be directed to Lance T. Jones, Office of Chief Counsel, 2300 S. Dirksen Parkway, Springfield, IL 62764.

This Notice of Suspension and Interim Suspension is issued and served this 18 day of July, 2013 at Springfield, Illinois.

Department of Transportation



Bill Grunloh, Chief Procurement Officer

Lance T. Jones, Deputy Chief Counsel
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