



1200 New Jersey Ave., S.E.
Washington, DC 20590

MAR 23 2017

In Reply Refer To: HCR-20
DOT# 2017-0160

(b) (6)

Dear (b) (6)

This letter is in reference to your complaint dated December 14, 2016, to the North Dakota Department of Transportation. The U.S. Department of Transportation's Federal Highway Administration (FHWA) North Dakota Division Office referred your complaint to the FHWA Office of Civil Rights on December 20, 2016. Your complaint alleges that the North Dakota Department of Transportation's licensing processes discriminate on the basis of race.

After a thorough review of the complaint, the FHWA has determined that the allegations in the complaint are not within the jurisdiction of the FHWA. The issue you raised is under the jurisdiction of the U. S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA), who handles complaints related to driver's licenses. The FHWA Office of Civil Rights has referred your complaint to the NHTSA for appropriate action. You may contact the NHTSA at:

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Civil Rights, NCR-010, Room W43-316
1200 New Jersey Avenue, SE
Washington, DC 20590

Please be advised that the FHWA's Office of Civil Rights has responsibility to investigate individual complaints of discrimination involving violations of the ADA, Section 504, and Title VI of the Civil Rights Act of 1964. These statutes prohibit discrimination based on disability, race, color, or nation origin under any program or activity receiving Federal financial assistance.

If this office can be of assistance to you in any matter under FHWA's jurisdiction, please contact us at (202) 366-0693, or at the address noted above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Irene Rico", written over a light blue circular stamp.

Irene Rico
Associate Administrator for Civil Rights

**cc: Wendall Meyer, Division Administrator, FHWA North Dakota Division Office
Sandy Zimmer, Civil Rights Specialist, FHWA North Dakota Division Office
Lisa MacPhee, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division**

Patrick, Juanita (FHWA)

From: Jackson, Glenn E. <gjackson@nd.gov>
Sent: Thursday, December 15, 2016 1:04 PM
To: Bernard, Ramona M.; FHWA, NorthDakota (FHWA); Zimmer, Sandy (FHWA); Todd, Pamela (FHWA)
Cc: Nelson, Mark A.; Swenson, Wayde L.; Henke, Ron J.
Subject: RE: Discrimination Complaint

This is a repeat of a previous issue. Per statute and policy, we do not accept an identification card from any jurisdiction, whether state, tribal, or national, as evidence of identification. We require primary documents in ALL cases for ALL individuals, regardless of any circumstance, before we issue a permit, license, or identification card. These primary documents support the Federal Real ID Act of 2005, and include:

- Valid, unexpired U.S. Passport
- Certified copy of birth certificate
- Consular report of birth abroad
- Valid, unexpired permanent resident card
- Unexpired employment authorization card
- Unexpired foreign passport with a valid, unexpired U. S. Visa affixed and accompanied by an approved I94 form
- Certificate of naturalization
- Certificate of citizenship

Absent one of these primary documents, we are unable to proceed with the process.

Glenn Jackson

Director, Driver's License Division
ND Dept. of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
W: (701) 328-4792
F: (701) 328-2435
gjackson@nd.gov

From: Bernard, Ramona M.
Sent: Thursday, December 15, 2016 9:42 AM
To: hdand@dot.gov; Zimmer, Sandy (FHWA); Todd, Pamela (FHWA)
Cc: Nelson, Mark A.; Jackson, Glenn E.; Swenson, Wayde L.; Henke, Ron J.
Subject: FW: Discrimination Complaint

Attached is an External Complaint of Discrimination based on Race. Per FHWA guidelines for processing complaints, I am forwarding this complaint to await further investigation instructions.

Please contact me with any questions.

Ramona Bernard, Director



North Dakota
Department of Transportation

Civil Rights Division
608 East Boulevard Avenue
Bismarck, ND 58505-0700
Office: 701-328-2576
Fax: 701-328-0343
rbernard@nd.gov

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Professionalism – Respect – Integrity – Dedication – Excellence*

From: Messmer, Paula A.
Sent: Thursday, December 15, 2016 8:45 AM
To: Bernard, Ramona M. <rbernard@nd.gov>
Subject: FW: Discrimination Complaint

Ramona,
I received this complaint regarding Drivers License not accepting a Tribal ID as identification for Drivers License testing this morning.

Paula Messmer
Civil Rights Program Administrator
328-2978
pmessmer@nd.gov

From: (b) (6)
Sent: Wednesday, December 14, 2016 9:00 PM
To: Messmer, Paula A. <pmessmer@nd.gov>
Subject: Discrimination Complaint

CAUTION: This email is not from a State ND.GOV source. Only click links or open attachments you know are safe.

EXTERNAL COMPLAINTS OF DISCRIMINATION

North Dakota Department of Transportation, Civil Rights
SFN 51795 (9-2016)

PART I - COMPLAINANT INFORMATION (Print all items legibly)

(b) (6)

PART II - CAUSE OF DISCRIMINATION BASED ON

Check appropriate box(es)

Title VI of the Civil Rights Act of 1964

Race National Origin
 Color

Other Nondiscrimination Statutes/Executive Orders

Sex Disability Limited English Proficiency
 Age Income Status

PART III - THE PARTICULARS ARE

Include names, dates, places, and incidents involved in the complaint.

I am submitting this complaint on behalf of my niece, (b) (6) for whom I have a Custody Order issued by the Standing Rock Sioux Tribal Court.

On October 21, 2016 at approximately 1:30 pm my niece presented her Standing Rock Sioux Tribal Identification card to take a Learners Permit test. She returned to where I was waiting for her visibly upset and said that she was told she could not take the test because they would not accept her Tribal ID as identification. I then approached the counter and was told the same by the gentleman at the counter and that they would accept a North Dakota State ID or Birth Certificate. I stated that her ID is from a North Dakota Tribe and he repeated to me that he could not accept her Tribal ID. He also explained that we could go next door and get a copy of her Birth Certificate and come back with it if we would like to do that. I thanked him for the information and we left the building. After we left the building my niece expressed to me that it made her feel angry that her ID is not considered "good enough" because it's Tribal.

Tribal enrollment and ID Cards require a birth certificate and are thoroughly vetted by the Bureau Of Indian Affairs/U.S. Department of the Interior. They contain all of the same information as a N.D. state drivers license/ID and more. Tribal ID cards are issued by a Federal Agency to enrolled members of a Federally Recognized Tribe.

PART IV - REMEDY SOUGHT

State the specific remedy sought to resolve the issue(s).

Tribal ID cards should be considered a valid and acceptable form of identification in all departments of state and federal government.

PART V - VERIFICATION

Comp (b) (6) Date 12-14-16

NDDOT Instructions

General

1. Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external complaints of discrimination are responsible for all procedural requirements contained in NDDOT's External Complaints of Discrimination process.
2. Under Title VI of the Civil Rights Act of 1964 or the related statutes and regulations, no person or group(s) of persons shall, on the grounds of race, color, national origin; or sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities