



**OFFICE OF CIVIL RIGHTS AND ADJUDICATION**

WASHINGTON, D.C. 20460

May 4, 2026

Joe Ryan, Founder & CEO  
c/o Dave Scott, President  
Oppidan Investment Company  
400 Water Street, Suite 20  
Excelsior, MN 55331  
via email: [dave@oppidan.com](mailto:dave@oppidan.com)

**RE: Rejection of EPA Complaint No. 23-26-R7**

Dear Dave Scott:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against Oppidan Investment Company (Oppidan). The complaint raises allegations of discrimination by Oppidan on the basis of race by failing to facilitate a public participation process for the construction of a data center at 5341 N. Hanley Road, in the majority Black community of Berkeley.

This letter serves to notify you that ECRD is rejecting the complaint.

Pursuant to EPA's nondiscrimination regulation, ECRD must conduct a preliminary jurisdictional review of external civil rights complaints to determine whether to accept, reject, or refer it to an 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 EPA's nondiscrimination regulation.

First, the complainant must submit a complaint in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, the entity that the complainant identifies as allegedly engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. *See* 40 C.F.R. § 7.15.

Third, the complainant must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation. *See* 40 C.F.R. § 7.120(b)(1). An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2).

After careful consideration, ECRD must reject this complaint because Oppidan is not a recipient of EPA financial assistance.

Finally, EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have acted or participated in an action to secure rights protected by the civil rights requirements EPA enforces. See 40 C.F.R. § 7.100. Any individual that opines a recipient has engaged in such misconduct can file a complaint with EPA.

If you have any questions, please contact Case Manager Ashley Acosta-Fox by email at [acostafox.ashley@epa.gov](mailto:acostafox.ashley@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Juan Carlos Hunt". The signature is written in a cursive, flowing style.

JuanCarlos M. Hunt, Director  
U.S. EPA, Office of Civil Rights and Adjudication

cc: David Cozad, Deputy Regional Administrator/Deputy Civil Rights Official  
Leslie Humphrey, Regional Counsel  
U.S. EPA, Region 7