



New York State
Department of Economic Development
Division of Minority and Women's
Business Development

In the matter of the appeal of

Access Computer Floors, LLC

FINAL ORDER 19-21

From a denial of certification as a Minority-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of Access Computer Floors, LLC (“Access Computer”) pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated November 21, 2016, to deny Access Computer certification as a Minority-owned Business Enterprise (“MBE”).

Appellant initiated this written appeal and submitted its pleading on February 13, 2017. The Division responded to the Appellant’s appeal on August 13, 2019. Subsequent to that date, this matter was assigned to Administrative Law Judge P. Nicholas Garlick for review and drafting of a Recommended Order.

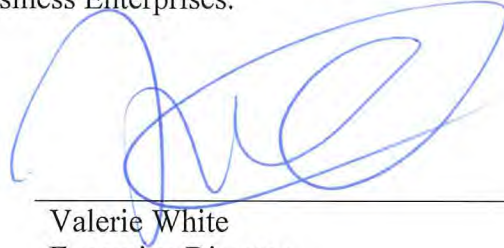
The issues on appeal were whether Access Computer sufficiently demonstrated that Mr. Manuel Lopez, as the minority owner relied upon for certification, owns at least 51% of the business enterprise, as required by 5 NYCRR 144.1(aa)(1); whether the minority owner shares in the risks and profits in proportion to his equity interest, as required by 5 NYCRR 144.2(c)(2); and whether the corporate bylaws and other governing documents of the business permit the minority owner to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On September 24, 2019, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division’s denial of the application to certify Access Computer as a MBE on the ground set forth in the Division’s November 21, 2016 denial letter.

After considering the appeal record, I accept the recommendation of the Administrative Law Judge as it pertains to the facts of this case. Incorporation by reference is hereby made with respect to the findings and conclusions of the Recommended Order.

It is hereby **ORDERED** that the decision to deny certification, dated November 21, 2016, is affirmed. Accordingly, Access Computer Floors, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 7, 2019

A handwritten signature in blue ink, appearing to be 'V. White', is written over a horizontal line.

Valerie White
Executive Director
Division of Minority and Women's Business
Development