



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

In the matter of the appeal of

RR Resource Recovery, LLC

FINAL ORDER 23-07

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

This order arises from an administrative appeal brought on behalf of RR Resource Recovery, LLC ("RR Resource" or "Appellant") 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 September 13, 2022, to deny RR Resource's October 27, 2020 certification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal, dated December 28, 2022. The Division submitted its response to the appeal, dated May 15, 2023, together with the affidavit of Glenn Butler, Associate Certification Director, dated May 12, 2023. Administrative Law Judge ("ALJ") Adrienne R. Lotson presided over the appeal. The issue on appeal was whether Appellant sufficiently demonstrated that the woman owner relied upon for certification makes a capital contribution to the business enterprise in proportion to her equity interest demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR 144.2(b)(2).

On May 31, 2023, the Division received a Recommended Order from Judge Lotson that recommended affirmation of the Division's denial of the application to certify Appellant as an WBE on the ground set forth in the Division's September 13, 2022 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 September 13, 2022, is affirmed. Accordingly, RR Resource Recovery, LLC will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 2023

A handwritten signature in black ink, appearing to read "Jason Myles Clark", with a long horizontal flourish extending to the right.

Jason Myles Clark,
Executive Vice President and Executive Director
Division of Minority and Women's Business Development