



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

In the matter of the appeal of

Reliance Floor, Inc.

FINAL ORDER 23-07

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 Reliance Floor, Inc. ("Reliance Floor" 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 June 4, 2021, to deny Reliance Floor's June 14, 2019 certification application as a Minority-owned Business Enterprise ("MBE").

Applicant submitted a written appeal, dated November 28, 2022. The Division submitted its response to the appeal, dated April 7, 2023, together with the affidavit of Robyn Clarke, Associate Certification Director, dated March 7, 2023. Administrative Law Judge ("ALJ") Adrienne R. Lotson presided over the appeal. The issues on appeal were (1) whether Appellant sufficiently demonstrated that the minority owner relied upon for certification negotiated business contracts and represented himself to clients as the principal of the business enterprise, as demonstrated by full executed business agreements, as required by 5 NYCRR § 144.2(d)(2); and (2) whether Appellant operates the business enterprise independently, as required by 5 NYCRR 144.2(e).

On June 7, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division's denial of the application to certify Appellant as an MBE on the ground set forth in the Division's June 4, 2021 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, Reliance Floor, Inc. 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