



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

In the matter of the appeal of

Gothic MBE Corporation.

FINAL ORDER 23-12

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 Gothic MBE Corporation (“Gothic MBE” 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 May 27, 2022, to deny Gothic MBE’s October 8, 2018, certification application as a Minority-owned Business Enterprise (“MBE”).

Applicant submitted a request to appeal and a letter on July 15, 2022. A notice to proceed by written appeal was sent to Gothic MBE on October 5, 2022. No further documentation was received from Gothic MBE. The Division submitted its appeal brief, dated August 14, 2023, together with the affidavit of Glenn Butler, Certification Director, dated August 4, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal. The issues on appeal were whether the minority owner relied upon for certification (1) made a capital contribution to the business enterprise proportionate to his equity interest, demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR § 144.2(b)(2); (2) is the highest-ranking officer of the business and controls the Board of Directors, as required under 5 NYCRR § 144.2(d)(1); and (3) operates the business enterprise independently, as required under 5 NYCRR § 144.2(e).

On November 28, 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 grounds set forth in the Division’s May 27, 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 May 27, 2022, is affirmed. Accordingly, Gothic MBE will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

January 8, 2024

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

Jason Clark, EVP and Executive Director
Division of Minority and Women's Business Development