



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

In the matter of the appeal of

MELTEK, INC.

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 Meltek, Inc. (“Meltek” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated March 17, 2023, to deny Meltek’s August 9, 2021, certification application as a Minority-owned Business Enterprise (“MBE”).

Appellant initiated its appeal by sending a Request to Appeal Form dated April 14, 2023, to the Division, requesting to appeal the denial determination via written submission. On April 19, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, Mr. Frank Bruckner, submitted a written appeal on behalf of Meltek dated May 25, 2023. The Division responded to the written appeal submission with its Memorandum of Law dated August 3, 2023, and an Affidavit of Amanda Brennan, Project Director for the Division, with attached Exhibits. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) has made capital contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(b)(2); and (2) shares in the risks and profits of the business enterprise in proportion to their equity interest, as required by 5 NYCRR § 144.2(b)(3).

¹ The Division’s March 17, 2023, denial determination and Appellant’s April 14, 2023, request to appeal post-date the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the amended regulations are referenced throughout this final order.

On November 17, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Meltek, Inc. as a MBE on the grounds set forth in the Division's March 17, 2023, 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 March 17, 2023, is affirmed. Accordingly, Meltek, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

May 29, 2024

A handwritten signature in black ink, appearing to read "Jason M. Clark", written over a horizontal line.

Jason M. Clark
Executive Vice President and Executive Director
Division of Minority and Women's Business Development