



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

In the matter of the appeal of

Mischler Financial Group, 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 Mischler Financial Group, Inc. ("MFG" 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 February 24, 2023, to deny MFG's September 28, 2021, certification application as a Minority-owned Business Enterprise ("MBE").

Applicant submitted a written appeal, dated April 21, 2023. The Division submitted its response to the appeal, dated September 1, 2023, together with the affidavit of Glenn Butler, Associate Certification Director, dated August 30, 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 their equity interest, demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR § 144.2(b)(2); and (2) negotiated business contracts and represented themselves to clients as the principals of the business enterprise, as demonstrated by fully executed business agreements, as required under 5 NYCRR § 144.2(d)(2).

On December 15, 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 February 24, 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 February 24, 2023, is affirmed. Accordingly, MFG will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

January 30, 2024

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

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