



## Ohio Administrative Code Rule 123:2-14-07 Revocation.

Effective: October 9, 2020

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(A) The coordinator may revoke an MBE, EDGE, or WBE certification if the coordinator determines that a certified business and/or its at least fifty-one per cent eligible owner(s) do not meet the criteria set forth in this chapter. The revocation may be the result of a finding by the coordinator that includes, but is not limited to, any of the following:

- (1) The at least fifty-one per cent eligible owner(s) of the certified business intentionally misrepresented or omitted material facts on its application including documents and interview statements;
- (2) The certified business is determined by the coordinator to no longer be owned by individual(s) meeting program eligibility requirements;
- (3) The at least fifty-one per cent eligible owner(s) of the certified business no longer control, operate, or participate in the certified business;
- (4) The at least fifty-one per cent eligible owner(s) of the certified business is no longer a United States of America citizen(s), or full-time resident(s) of the state of Ohio or the reciprocal state for the WBE program only;
- (5) The certified business is no longer a for-profit entity;
- (6) Continued certification of the certified business is not in the best interest of the state of Ohio. Such reasons include (but are not limited to) the following:
  - (a) Debarment of the certified business and/or owner(s) by the federal government, state of Ohio, local government, political subdivision, or any other governmental entity;
  - (b) A determination that the certified business inappropriately transferred, assigned, or subcontracted



work to a non-certified business; or

(c) The actions of the certified business or any of its owner(s) results in a judgement against the business or any of its owner(s).

(7) The coordinator determines that the at least fifty-one per cent eligible owner(s) or the certified business does not perform a commercially useful function;

(8) The certified business and/or owner(s) do not remain in compliance with all criteria set forth in this chapter during the entire certification period;

(9) The EDGE business enterprise or its fifty-one per cent eligible owner(s) is determined to no longer be economically and/or socially disadvantaged;

(10) The at least fifty-one per cent eligible owner(s) of the certified business did not notify the Ohio department of administrative services, equal opportunity division (DAS/EOD) in writing (letter or email) of a change in the circumstances affecting the at least fifty-one per cent eligible owner(s) or the certified business's ability to meet ownership, independence, control, or economic size (for an EDGE-certified business) requirements, or a change in the information provided in its application for certification into the program;

(11) The at least fifty-one per cent eligible owner(s) of the certified business did not notify DAS/EOD in writing (letter or email) when a material change occurs in the business structure. Examples include the following (but not limited to) limited liability company changes to corporation; change from for profit to non-profit; state residency changes of the at least fifty-one per cent eligible business owner(s); change in contributions of capital; change in control or ownership; change in articles, by-laws, partnership agreement; or change in joint venture agreement; or

(12) The at least fifty-one per cent eligible owner(s) of the certified business did not produce information or documents required by laws, rules, regulations, or documents or information requested by DAS/EOD.

(B) When an MBE, EDGE, or WBE-certified business's certification is revoked, the business and



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the owner(s) are not eligible to apply for certification for a period of up to two years, the actual term of which will be determined by the coordinator and will take effect as of the date of the adjudication order. A certified business that has been both revoked and debarred is not eligible to apply for certification until the completion of the period of debarment.