



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

In the matter of the appeal of

A.A.C. Contracting, Inc.

FINAL ORDER 19-23

From a denial of certification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of A.A.C. Contracting, Inc. ("AAC Contracting") 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 August 17, 2017, to deny AAC Contracting certification as a Minority-owned Business Enterprise ("MBE").

Appellant initiated this appeal and requested a hearing, which was held on April 2, 2019 before Administrative Law Judge Molly T. McBride. Jennifer Harvey, Esq. of Couch White, LLP represented the Appellant and Kevin Cannan testified on behalf of the Appellant. Simon Wynn, Esq. represented the Division and Raymond Emanuel, Director of Certification Operations testified on behalf of the Division. The hearing concluded on that date, the parties submitted post-hearing closing briefs and the record closed on or about April 23, 2019.

The issues on appeal were whether AAC Contracting sufficiently demonstrated that Mr. Kevin Cannan, as the minority owner relied upon for certification, owns at least 51% of the business enterprise, as required by 5 NYCRR 140.1(aa) and whether the contribution of the minority owner relied upon for certification, Kevin Cannan, was proportionate to his equity interest in the business enterprise, as demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR 144.2(a)(1).

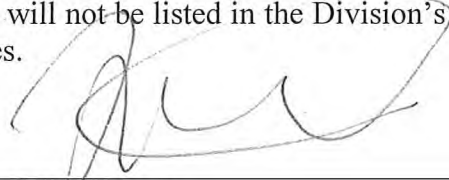
On or about September 24, 2019, the Division received a Recommended Order from Administrative Law Judge McBride that recommended affirmation of the Division's denial of the

application to certify AAC Contracting as an MBE on the ground set forth in the Division's August 17, 2017 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 August 17, 2017, is affirmed. Accordingly, A.A.C. Contracting, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 22, 2019



Valerie White
Executive Director
Division of Minority and Women's Business
Development