



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

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In the matter of the appeal of

**Annandale Construction Corporation**

FINAL ORDER 22-04

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

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This order arises from an administrative appeal brought on behalf of Annandale Construction Corporation (“Annandale” or “Appellant”) pursuant to parts 140-145 of title 5 of the New York Codes, Rules and Regulations.<sup>1</sup> Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated October 1, 2018, to deny Annandale re-certification as a Woman-owned Business Enterprise (“WBE”).

Appellant requested an administrative appeal and hearing by letter dated October 19, 2018. In response, the Division issued a notice of appeal, dated February 17, 2021, which advised the Appellant that an administrative hearing would be held virtually on March 23, 2021, using the Webex videoconferencing platform. Prior to the hearing, a pre-hearing conference was held on March 17, 2021. At the Appellant’s request, and with the consent of the Division, the March 23, 2021 hearing was adjourned to April 8, 2021. Annandale was represented by Elizabeth L. Callahan, Esq. of Couch White, LLP, and Ms. Amy Schmidt, President of Annandale, appeared and testified on behalf of the Appellant. The Division was represented by Bella Satra, Esq. and Senior Certification Analyst, Natia Simon, testified on behalf of the Division. Administrative Law Judge (“ALJ”) Daniel P. O’Connell presided over the hearing.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) made decisions pertaining to the operation of the business

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<sup>1</sup> The Division’s October 1, 2018 denial determination and Appellant’s October 19, 2018 appeal pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

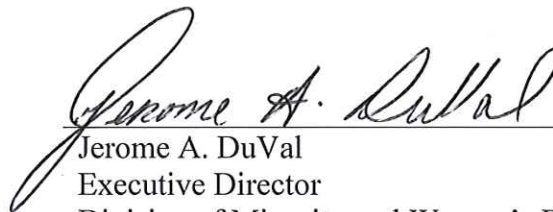
enterprise, as required by 5 NYCRR § 144.2(b)(1), and (2) has the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii).

The Division received a Recommended Order from Administrative Law Judge O'Connell, dated July 20, 2021, that recommended affirmation of the Division's denial of the application to recertify Annandale as a WBE on the grounds set forth in the Division's October 1, 2018 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 re-certification, dated October 1, 2018, is affirmed. Accordingly, Annandale Construction Corporation will no longer be listed in the Division's directory for Minority and Women-owned Business Enterprises.

March 31, 2022

A handwritten signature in cursive script, reading "Jerome A. DuVal", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

Jerome A. DuVal  
Executive Director  
Division of Minority and Women's Business Development