



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

In the matter of the appeal of

Acme Lightning Rod, LLC

FINAL ORDER 20-02

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 Acme Lightning Rod, LLC (“Acme” 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 January 30, 2017, to deny Acme certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by letter dated February 27, 2017 and filed its appeal and related exhibits on or about May 26, 2017. The Division submitted a Memorandum of Law in Response to the Appeal on or about January 28, 2020 and affidavit of Glenn Butler, the Certification Analyst who personally reviewed Acme’s application, in support. Administrative Law Judge Helene G. Goldberger presided over the appeal.

The issues on appeal were whether Acme sufficiently demonstrated that the woman owner relied upon for certification made contributions to Acme in proportion to her equity interest as required by 5 NYCRR § 144.2(a)(1) and whether Acme is an independent business enterprise as required by 5 NYCRR § 144.2(a)(2) and 5 NYCRR § 144.2(c)(2).

On February 27, 2020, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division’s denial of the application to certify Acme as a WBE on the grounds set forth in the Division’s January 30, 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 January 30, 2017, is affirmed. Accordingly, Acme Lightning Rod, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

April 21, 2020



Nicole Stent
Acting Executive Director
Division of Minority and Women's Business
Development