



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

In the matter of the appeal of

Diversified Industries of WNY, Ltd.

FINAL ORDER 16-49

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

This order arises from an administrative appeal brought on behalf of Diversified Industries of WNY, Ltd. ("Diversified Industries") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Allison Hernandez, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated October 29, 2015, to deny Diversified Industries certification as a Minority and Women-owned Business Enterprise ("MWBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. The Appellant submitted a written appeal in this matter dated February 4, 2016. The Division, represented by Ms. Julene Beckford, Esq., submitted a response on July 20, 2016. The respective submissions of the parties are contained in the appeal record.


The issues on appeal were whether Appellant possessed the requisite technical expertise or managerial experience to operate the business enterprise, and whether Diversified Industries was an independent business enterprise.

On September 29, 2016, the Division received from Administrative Law Judge Sherman a Recommended Order that reversed the Division's determination to deny the application by Appellant to certify Diversified Industries as an MWBE.

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 October 29, 2015, is reversed. Accordingly, Diversified Industries will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 20, 2016



Lourdes Zapata
Executive Director
Division of Minority and Women's
Business Development