



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

In the matter of the appeal of

Efficient Technologies Inc.

FINAL ORDER 20-11

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 Efficient Technologies Inc. ("ETI" 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 February 13, 2018, to deny ETI certification as a Woman-owned Business Enterprise ("WBE").

Appellant initiated its appeal by letter dated March 12, 2018. Mathew Van Ryn, Esq. of Melvin & Melvin, PLLC filed a written appeal on behalf of ETI in the form of a letter dated June 28, 2018. Fawziyyah Slavov, Esq. filed the Division's Memorandum of Law, dated August 5, 2020, and Affidavit of Abdul Bah, Senior Certification Analyst in support. Administrative Law Judge Helene G. Goldberger presided over the appeal.

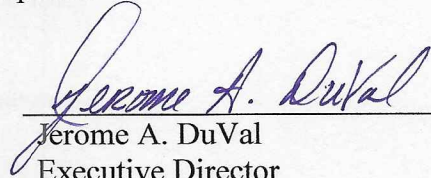
The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner makes decisions pertaining to the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (2) the governing documents of the company permit the woman owner to make decisions without restrictions, as required by 5 NYCRR §144.2(b)(2).

On September 28, 2020, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended modification of the Division's denial of the application to certify ETI as a WBE on the grounds set forth in the Division's February 13, 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 certification, dated February 13, 2018, is affirmed. Accordingly, Efficient Technologies Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

December 21, 2020



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