



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

In the matter of the appeal of

**HUDSON RIVER MECHANICAL
GROUP, INC.**

FINAL ORDER 20-08

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

This order arises from an administrative appeal brought on behalf of Hudson River Mechanical Group, Inc. (“Hudson” 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 September 24, 2018, to deny Hudson certification as a Minority-owned Business Enterprise (“MBE”).

Appellant initiated and filed its appeal and requested a hearing on or about October 5, 2018. A hearing was subsequently scheduled for March 10, 2020. Roberto Velazquez, president of Hudson and Tonya Dennis testified on behalf of Hudson. Attorney Meaghan Caltabiano appeared on behalf of the Division and Iliana Farias, Director of Certification, testified on behalf of the Division. Administrative Law Judge Michele M. Stefanucci presided over the appeal.

The issues on appeal were whether Hudson sufficiently demonstrated that the minority group member relied upon for certification made contributions proportionate to his equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); whether the minority group member relied upon for certification devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(iii); and whether Appellant is an independent business enterprise as required by 5 NYCRR § 144.2(a)(2) and 144.2(c)(2).

On May 12, 2020, the Division received a Recommended Order from Administrative Law Judge Stefanucci that recommended affirmation of the Division’s denial of the application to certify Hudson as an MBE on the grounds set forth in the Division’s September 24, 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 September 24, 2018, is affirmed. Accordingly, Hudson River Mechanical Group, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 24, 2020



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