



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

In the matter of the appeal of

Husted Concrete Products Co., Inc.

FINAL ORDER 20-13

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 Husted Concrete Products Co., Inc. ("Husted" 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 December 4, 2019, to deny Husted certification as a Woman-owned Business Enterprise ("WBE").

Appellant initiated its appeal by letter dated December 20, 2019. Judith Husted filed a written appeal on behalf of Husted in the form of a letter dated March 10, 2020, along with accounting and bill payment information, a Certificate of Limited Liability with attachments related to J.P. Nolan, LLC, and a copy of a map and survey relating to Husted Concrete Products, Inc. Bella Satra, Esq. filed the Division's Memorandum of Law, dated November 13, 2020, and Affidavit of Glenn Butler, a Senior Certification Analyst with the Division, in support. Administrative Law Judge Helene G. Goldberger presided over the appeal.

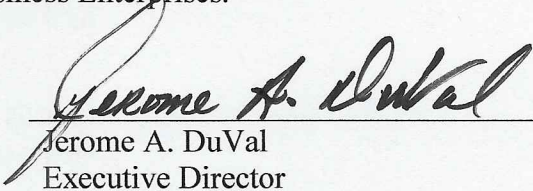
The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner relied upon for certification makes decisions pertaining to the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (2) Husted Concrete Products Co. Inc. is an independent business enterprise, as required by 5 NYCRR § 144.2(a)(2) and 144.2(c)(2).

On December 3, 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 Husted as a WBE on the grounds set forth in the Division's December 4, 2019 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 December 4, 2019, is affirmed. Accordingly, Husted Concrete Products Co., Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

December 23, 2020



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