



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

In the matter of the appeal of

Keicher Metal Arts, Inc.

FINAL ORDER 21-06

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 Keicher Metal Arts, Inc. (“Keicher” 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 April 5, 2019, to deny Keicher certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by letter dated April 12, 2019. Margaret Keicher submitted a written appeal on behalf of Keicher, dated June 18, 2019, along with Appendices APP A-D further described in the Exhibit List appended to the Recommended Order. Fawziyyah W. Slavov, Esq. filed the Division’s Memorandum of Law, dated March 2, 2021, Affidavit of Raymond Emmanuel, a Certification Director with the Division, and Exhibits DED 1-10 further described in the Exhibit List appended to the Recommended Order, in support. Administrative Law Judge Helene G. Goldberger presided over the appeal.

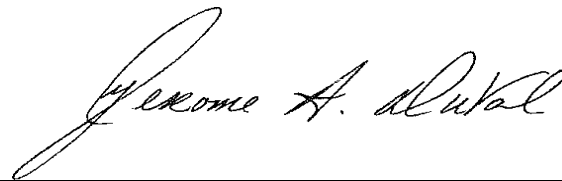
The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner relied upon for certification makes decisions pertaining to the business enterprise, as required by 5 NYCRR § 144.2(b)(a); (2) the woman owner relied upon for certification does not possess the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii); and (3) relevant business agreements do not permit the woman owner relied upon for certification to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On March 25, 2021, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division's denial of the application to certify Keicher as a WBE on the grounds set forth in the Division's April 5, 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 April 5, 2019, is affirmed. Accordingly, Keicher Metal Arts, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 17, 2021

A handwritten signature in black ink that reads "Jerome A. DuVal". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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