



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

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In the matter of the appeal of

**Keith Titus Corporation, Inc.**

FINAL ORDER 19-29

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

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This order arises from an administrative appeal brought on behalf of Keith Titus Corporation, Inc. ("KTC" 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 25, 2017, to deny KTC certification as a Woman-owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on or about October 17, 2017. A hearing was subsequently scheduled for May 14, 2019. The hearing was held as scheduled and was continued and concluded on June 5, 2019. Kathleen Centolella, Esq. represented the Appellant and Piper Titus and Daniel F. Griffin, CPA, CVA testified on behalf of KTC. Gretchen Robinson, Esq. represented the Division and Clenice Mincey, Senior Certification Analyst, testified on behalf of the Division. The parties also submitted post-hearing briefs by June 21, 2019.

The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner shares in the risks and profits in proportion to her equity interests, as required by 5 NYCRR § 144.2(c)(2); (2) KTC is an independent business enterprise as required by 5 NYCRR § 144.2(a)(2) and (c)(2); and (3) the adjusted personal net worth of the woman owner relied upon for certification falls below the \$3.5 million threshold set in as required by 5 NYCRR § 140.1(tt)(1)(v).

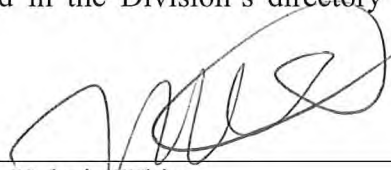
On October 9, 2019, the Division received a Recommended Order from Administrative Law Judge O'Connell that recommended modifying the Division's denial of the application to

certify KTC as a WBE on the grounds set forth in the Division's September 25, 2017 and affirming the denial.

After considering the appeal record, I accept the recommendation to strike the ground for denial concerning 5 NYCRR § 144.2(a)(2) and (c)(2) concerning independence as the Administrative Law Judge did not reach the issue of independence. I further accept the recommendation of the Administrative Law Judge to affirm the denial with respect to 5 NYCRR § 144.2(c)(2) and 5 NYCRR § 140.1(tt)(1)(v), 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 with respect to 5 NYCRR § 144.2(c)(2) and 5 NYCRR § 140.1(tt)(1)(v).

It is hereby **ORDERED** that the decision to deny certification, dated September 25, 2017, is affirmed with respect to 5 NYCRR § 144.2(c)(2) and 5 NYCRR § 140.1(tt)(1)(v). Accordingly, Keith Titus Corporation, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 16, 2020



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Valerie White  
Executive Director  
Division of Minority and Women's Business  
Development