In the matter of the appeal of

MDS Associates, Inc.

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 MDS Associates, Inc. (“MDS” 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 May 17, 2018, to deny MDS certification as a Woman-owned Business Enterprise (“WBE”).


The issues on appeal were whether Appellant sufficiently demonstrated that (1) the contribution of the woman owner is proportionate to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); (2) the woman owner shares in the risks and profits in proportion to her equity interest, as required by 5 NYCRR § 144.2(c)(2); and (3) the woman owner controls negotiations through the production of signed contracts, as required by 5 NYCRR § 144.2(b)(3).
On December 18, 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 MDS as a WBE on the grounds set forth in the Division’s May 17, 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 May 17, 2018, is affirmed. Accordingly, MDS Associates, Inc. will not be listed in the Division’s directory for Minority and Women-owned Business Enterprises.

January 20, 2021

[Signature]

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