



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

In the matter of the appeal of

Solar Energy Haus, Inc.

FINAL ORDER 23-06

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

This order arises from an administrative appeal brought on behalf of Solar Energy Haus, Inc. ("Solar Energy" or "Appellant") pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 25, 2019 to deny Solar Energy's July 8, 2016 recertification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal, dated March 11, 2020. The Division submitted its response to the appeal, dated December 6, 2022. Administrative Law Judge ("ALJ") Marshall H. Day presided over the appeal. The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR 144.2(c)(2); and (2) demonstrates adequate managerial experience or technical competence needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i).

On April 5, 2023, the Division received a Recommended Order from Judge Day that recommended affirmation of the Division's denial of the application to certify Appellant as an WBE on the ground set forth in the Division's November 25, 2019 denial letter.

¹ The Division's November 25, 2019 denial determination and Appellant's written appeal submission, dated March 11, 2020, pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

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 recertification, dated November 25, 2019, is affirmed. Accordingly, Solar Energy Haus, Inc. will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 2023



Jason Myles Clark
Executive Vice President and Executive Director
Division of Minority and Women's Business Development