



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

In the matter of the appeal of

Target Mechanical, Inc.

FINAL ORDER 23-06

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

This order arises from an administrative appeal brought on behalf of Target Mechanical, Inc. ("Target Mechanical" 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 July 22, 2020, to deny Target Mechanical's November 2, 2017, certification application as a Woman-owned Business Enterprise ("WBE").

Appellant initiated its appeal by sending a notice of appeal letter dated August 4, 2020, to the Division, requesting to appeal the denial determination via written submission. Julie Ballanca thereafter submitted a written appeal on behalf of Target Mechanical dated August 4, 2020. The Division responded to the written appeal submission with its Memorandum of Law dated February 16, 2023, and an Affidavit of Glenn Butler, Associate Certification Director for the Division, with attached Exhibits. Administrative Law Judge ("ALJ") David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) has adequate managerial experience or technical competence to operate the business enterprise, as required by 5 NYCRR §144.2(b)(1)(i); and (2) demonstrates the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii).

¹ The Division's July 22, 2020, denial determination and Appellant's August 4, 2020, request to appeal 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.

On April 14, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Target Mechanical, Inc. as a WBE on the grounds set forth in the Division's July 22, 2020, 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 July 22, 2020, is affirmed. Accordingly, Target Mechanical, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 2023

A handwritten signature in black ink, appearing to read "Jason Myles Clark", with a long horizontal stroke extending to the right.

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