



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

**Total Maintenance Solution, LLC**

FINAL ORDER 19-12

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 Total Maintenance Solution, LLC ("Total Maintenance") 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 November 25, 2016, to deny Total Maintenance certification as a Women-owned Business Enterprise ("WBE").

Appellant appealed via written submission on March 3, 2017 and attached four exhibits thereto. The Division submitted its written response on May 10, 2019, along with an Affidavit from Senior Certification Analyst, Francisco Guzman, and nine exhibits. Appellant's appeal and the Division's response, along with all respective exhibits, were then assigned to Administrative Law Judge P. Nicholas Garlick on that same date.


The issues on appeal were whether Total Maintenance demonstrated that Rivka Weber, as the woman owner relied upon for certification, made capital contributions in proportion to their collective majority equity interests in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); and whether the applicant business sufficiently demonstrated that Ms. Weber shares in the risks and profits, in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2).

On June 5, 2019, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify Total Maintenance as a WBE on the grounds set forth in the Division's November 25, 2016 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 November 25, 2016, is affirmed. Accordingly, Total Maintenance will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 26, 2019



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