



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

In the matter of the appeal of

A.J. Nesti Materials, LLC.

FINAL ORDER 24-02

From a denial of re-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 A.J. Nesti Materials LLC ("AJ Nesti" 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 April 27, 2023, to deny AJ Nesti's August 3, 2020, re-certification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal, dated June 26, 2023. The Division submitted its response to the appeal, dated November 2, 2023, together with the affidavit of Amanda Brennan, Project Director, dated November 1, 2023. Administrative Law Judge ("ALJ") Deidre Chuckrow presided over the appeal. The issue on appeal was whether the business enterprise for which certification is sought operates independently, as required under 5 NYCRR § 144.2(e).

On January 12, 2024, the Division received a Recommended Order from Judge Chuckrow that recommended affirmation of the Division's denial of the application to certify Appellant as a WBE on the grounds set forth in the Division's April 27, 2023, 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 re-certification, dated April 27, 2023, is affirmed. Accordingly, AJ Nesti will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

February 22, 2024



Jason Clark, EVP and Executive Director
Division of Minority and Women’s Business Development