



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

**BIB SERVICES, CORP.**

FINAL ORDER 24-01

From a denial of certification as a Minority-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 BIB Services, Corp. ("BIB" 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 March 21, 2023, to deny BIB's July 9, 2022, certification application as a Woman-owned Business Enterprise ("MBE").

Appellant initiated its appeal by sending a notice of appeal letter dated March 21, 2023, to the Division, requesting to appeal the denial determination via written submission. On March 22, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, BIB submitted a written appeal dated May 6, 2023. The Division responded to the written appeal submission with its Memorandum of Law dated August 9, 2023, and an Affidavit of Glenn Butler, 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 minority owner relied upon for certification (1) devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(c)(3); (2) is the highest-ranking officers of the business, and controls the board of directors, as required by 5 NYCRR § 144.2(d)(1); and (3) negotiates business contracts and represents themselves to clients as the principal of the business enterprise, as demonstrated by fully executed business agreements, as required by 5 NYCRR §144.2(d)(2).

On December 12, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify BIB Services Corp. as a MBE on the grounds set forth in the Division's March 21, 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 certification, dated March 21, 2023, is affirmed. Accordingly, BIB Services Corp. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 7, 2024

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

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