



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

In the matter of the appeal of

CERTIFIED HOOD & FIRE CO., INC.

FINAL ORDER 24-01

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 Certified Hood and Fire Co., Inc. (“CHF” 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 10, 2023, to deny CHF’s October 20, 2022, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a request appeal via written appeal dated May 10, 2023, to the Division, requesting to appeal the denial determination via written submission. On May 16, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, CHF submitted an undated written appeal. The Division responded to the written appeal submission with its Memorandum of Law dated October 6, 2023, and an Affidavit of Matthew LeFebvre, Associate Certification Analyst for the Division, with attached Exhibits. Administrative Law Judge (“ALJ”) Deidre A. Chuckrow presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) was not allocated ownership solely for the purpose of securing certification, as required by 5 NYCRR § 144.2(b)(5); (2) possesses adequate, industry-specific competence to make critical business decisions without relying upon others, as required by 5 NYCRR § 144.2(c)(1); (3) makes operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR §144.2(c)(2); and (4) whether the business enterprise operated independently, as required by 5 NYCRR § 144.2(e).

On January 3, 2024, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division's denial of the application to certify Certified Hood and Fire Co., Inc. as a WBE on the grounds set forth in the Division's April 10, 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 April 10, 2023, is affirmed. Accordingly, Certified Hood and Fire Co., Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 22, 2024

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

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