



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

In the matter of the appeal of

**CITY RESTORATION AND
MAINTENANCE, INC.**

FINAL ORDER 24-01

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

This order arises from an administrative appeal brought on behalf of City Restoration and Maintenance, Inc. (“CR&M” 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 June 8, 2021, to deny CR&M’s February 28, 2018, certification application as a Minority and Woman-owned Business Enterprise (“MWBE”).

Appellant initiated its appeal by sending a request to appeal dated August 4, 2021, to the Division, requesting to appeal the denial determination via written submission. On October 3, 2022, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, a pre-hearing conference was conducted on June 20, 2023. The Appellant failed to submit any additional materials or information to be considered as part of their written appeal. The Division submitted its Memorandum of Law dated October 11, 2023, and an Affidavit of Abdul Karim Bah, Associate Director of Certification 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 minority woman owner relied upon for certification (1) has made capital contributions to the business enterprise proportionate to her equity interest therein as demonstrated by, but not limited to, contributions of money, property, equipment, or expertise, as required by 5 NYCRR § 144.2(b)(2); (2) possesses the adequate industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR §144.2(c)(1); and (3) makes

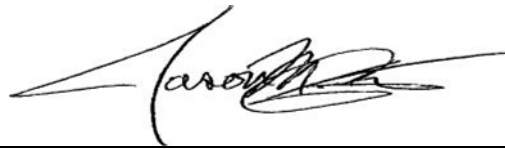
operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR § 144.2(c)(2).

On December 26, 2023, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division's denial of the application to certify City Restoration and Maintenance, Inc. as a MWBE on the grounds set forth in the Division's June 8, 2021, 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 June 8, 2021, is affirmed. Accordingly, City Restoration and Maintenance, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

April 1, 2024



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