



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

**Dan's Snowplowing, LLC**

FINAL ORDER 23-11

From a denial of certification as a Woman-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 Dan's Snowplowing, LLC ("Dan's Snowplowing" 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 November 12, 2021, to deny Dan's Snowplowing's December 31, 2018, application for certification as a Woman-owned Business Enterprise ("WBE").

Appellant issued a request to appeal via written submission to the Division, dated December 22, 2021. Appellant submitted its written appeal by letter dated February 1, 2022, with an Appeal Petition from its attorney, Elise Cassar, Esq.<sup>1</sup> A notice to proceed via written appeal was sent to Dan's Snowplowing on October 3, 2022. Counsel for the Division, Laurel Wedinger-Gyimesi Esq., filed a written response to the Appellant's appeal request including the affidavit of Senior Certification Analyst, Kathleen Slatin, dated July 11, 2023, and a written brief dated July 21, 2023. Administrative Law Judge ("ALJ") David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) has made capital contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(b)(2); (2) shares in the risks and profits of the business enterprise in proportion to her equity interest, as required by 5 NYCRR § 144.2(b)(3); (3) possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by

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<sup>1</sup> On June 27, 2022, Daniel Sarzynski, Esq. was substituted as counsel.

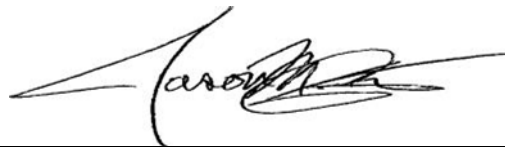
5 NYCRR § 144.2(c)(1); and (4) devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR §144.2(c)(3).

On November 9, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Dan's Snowplowing, LLC as a WBE on the grounds set forth in the Division's November 12, 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 November 12, 2021, is affirmed. Accordingly, Dan's Snowplowing, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

March 8, 2024

A handwritten signature in black ink, appearing to read "Jason M. Clark", written over a horizontal line.

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