



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

In the matter of the appeal of

Green Mechanical Corp.

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 Green Mechanical Corp. (“GMC” 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 21, 2023, to deny GMC’s December 7, 2022, application for certification as a Minority-owned Business Enterprise (“MBE”).

Appellant submitted a request to appeal via written submission to the Division, dated May 11, 2023. A notice to proceed via written appeal was sent to GMC on May 16, 2023. Appellant submitted its written appeal with exhibits dated June 20, 2023. In response to the Appellant’s appeal request, the affidavit of Project Director, Amanda Brennan, dated August 24, 2023, was filed along with a response brief written by Counsel for the Division, Karen Bernstein, Esq., dated August 25, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal.

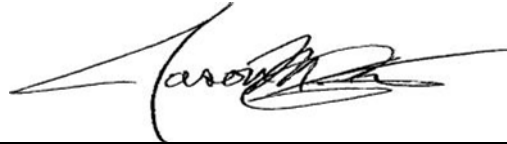
The issues on appeal were whether Appellant sufficiently demonstrated that the Woman owner relied upon for certification (1) has demonstrated having made a capital contribution to the business enterprise proportionate to their equity interest therein, as demonstrated by, but not limited to, contributions of money, property, equipment, or expertise, as required under 5 NYCRR § 144.2(b)(2); and (2) possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required under 5 NYCRR §144.2(c)(1).

On December 19, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Green Mechanical Corp. as an MBE on the grounds set forth in the Division's April 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 April 21, 2023, is affirmed. Accordingly, Green Mechanical Corp. 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