



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

In the matter of the appeal of

HAMBURG OVERHEAD DOOR, 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 Hamburg Overhead Door, Inc. (“Hamburg” 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 Hamburg’s May 30, 2021, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a request for appeal via written dated May 4, 2023, to the Division, requesting to appeal the denial determination via written submission. On May 31, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, attorney, Margot Knab, Esq. of Colligan Law, submitted a written appeal on behalf of Hamburg dated June 20, 2023. The Division responded to the written appeal submission with its Memorandum of Law dated October 13, 2023, and an Affidavit of Raymond Emanuel, Associate 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 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 under 5 NYCRR § 144.2(b)(2); (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); (3) makes operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required under 5 NYCRR §144.2(c)(2); and (4) is the highest-ranking officer of the business

enterprise for which certification is sought, and, where applicable, controls the board of directors, as required under 5 NYCRR §144.2(d)(1).

On January 9, 2024, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Hamburg Overhead Door, Inc. as a WBE 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, Hamburg Overhead Door, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 22, 2024



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