



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

In the matter of the appeal of

FIS Blue, Inc.

FINAL ORDER 24-02

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 FIS Blue, Inc. (“FIS” 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 FIS’s September 16, 2022, dated application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant filed a request to appeal via written submission to the Division, dated April 28, 2023. A notice to proceed via written appeal was sent to FIS on May 6, 2023. Appellant filed its written appeal on June 19, 2023. In response, the Division filed an Affidavit of Eugenio Alcantara, Certification Director, dated November 9, 2023, and a brief of Candace Williamson Esq., counsel for the Division, dated November 10, 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) is not encumbered in their ability to realize the benefits of ownership of the business enterprise for which certification is sought, or subject to undue restrictions against alienating such ownership interests, as required under 5 NYCRR §144.2(b)(4); (2) 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); and (3) that the business enterprise operates independently, as required under 5 NYCRR § 144.2(e).

On February 1, 2024, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of FIS Blue, 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, FIS Blue, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

May 7, 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