



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

In the matter of the appeal of

MONTGOMERY SERVICE, INC.

FINAL ORDER 24-01

From a denial of recertification as a Woman-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of Montgomery Services, Inc. (“MSI” 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 July 20, 2023, to deny MSI’s October 10, 2022, recertification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a Request to Appeal form dated July 20, 2023, to the Division, requesting to appeal the denial determination via written submission. On July 27, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, MSI submitted a written appeal dated August 28, 2023. The Division responded to the written appeal submission with its Memorandum of Law dated November 10, 2023, and an Affidavit of Eugenio Alcantara, Director of Certification for the Division, with attached Exhibits. Administrative Law Judge (“ALJ”) Deidre A. Chuckrow presided over the appeal.

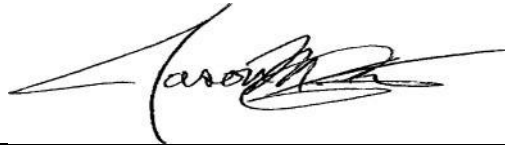
The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons as required under 5 NYCRR § 144.2(c)(1); and (2) makes operational 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).

On January 29, 2024, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division’s denial of the application to recertify Montgomery Services, Inc. as a WBE on the grounds set forth in the Division’s July 20, 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 July 20, 2023, is affirmed. Accordingly, Montgomery Services, Inc. will no longer 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