



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

**Steele Truss and Panel, LLC**

FINAL ORDER 24-01

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 Steele Truss and Panel, LLC (“STP” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations.<sup>1</sup> Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated November 18, 2020, to deny STP’s June 20, 2018, dated application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant filed a request to appeal via written submission to the Division, dated December 18, 2020. A notice to proceed via written appeal was sent to STP on July 7, 2023. An appeal brief, with submissions, was filed by David G. Burch, Jr., Esq. and Kyra E. Ganswith, Esq., of Barclay Damon LLP on September 19, 2023. In response, the Division filed Affidavit of Mathew Lefebvre, Associate Certification Director, dated September 29, 2023, and a brief of William Chen, Esq., counsel for the Division, dated October 13, 2023. 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) made contributions proportionate to her equity interest in the business enterprise, as demonstrated by, but not limited to, contributions of money, property, equipment or expertise as required by 5 NYCRR former § 144.2(a)(1); (2) shares in the risks and profits in proportion with her ownership interest in the business enterprise as required under 5

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<sup>1</sup> The Division’s November 18, 2020 denial determination and Appellant’s December 18, 2020 appeal pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

NYCRR former § 144.2(c)(2); (3) makes decisions pertaining to the operation of the business enterprise, as required under 5 NYCRR former § 144.2(b)(1); (4) demonstrates adequate managerial experience or technical competence to operate the business enterprise as required under 5 NYCRR former § 144.2(b)(1)(i); (5) demonstrates the working knowledge and ability needed to operate the business enterprise as required by 5 NYCRR former § 144.2(b)(1)(ii); and (6) that the applicant business is an independent business enterprise as required by 5 NYCRR former § 144.2(c)(2).

On January 10, 2024, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division's denial of the application to certify of Steele Truss and Panel, LLC 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 November 18, 2020, is affirmed. Accordingly, Steele Truss and Panel, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 22, 2024



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