



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

In the matter of the appeal of

**BLACKSTONE ADVANCED
TECHNOLOGIES, LLC**

FINAL ORDER 23-07

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 Blackstone Advanced Technologies, LLC (“Blackstone” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated October 26, 2020, to deny Blackstone’s December 19, 2018, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter dated November 16, 2020, to the Division, requesting to appeal the denial determination via written submission. On March 15, 2021, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, Ms. Heather Turner, submitted a written appeal on behalf of Blackstone dated April 21, 2021. The Division responded to the written appeal submission with its Memorandum of Law dated May 10, 2023, and an Affidavit of Glenn Butler, Associate Certification 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 contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(a)(1); (2) makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR

¹ The Division’s October 26, 2020, denial determination and Appellant’s November 16, 2020, request to 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.

§ 144.2(b)(1); (3) has adequate managerial experience or technical competence to operate the business enterprise, as required by 5 NYCRR §144.2(b)(1)(i); and (4) has working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii).

On July 7, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Blackstone Advances Technologies, LLC as a WBE on the grounds set forth in the Division's October 26, 2020, 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 October 26, 2020, is affirmed. Accordingly, Blackstone Advances Technologies, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

August 11, 2023

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