



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

In the matter of the appeal of

Brandt Equipment, LLC

FINAL ORDER 20-06

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

This order arises from an administrative appeal brought on behalf of Brandt Equipment, LLC (“Brandt” 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 March 22, 2019, to deny Brandt certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated and filed its appeal and requested a hearing on or about April 24, 2019. A hearing was subsequently scheduled for January 29, 2020. Ester Reich testified on behalf of Brandt. Simon Wynn, Esq. and Fawziyyah Slavov, Esq. appeared on behalf of the Division and Carllita Bell, Senior Certification Analyst, testified on behalf of the Division. Administrative Law Judge Daniel P. O’Connell presided over the appeal.

The issues on appeal were whether Brandt sufficiently demonstrated that the woman owner relied upon for certification made contributions proportionate to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); that the woman owner relied upon for certification shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); that the women owner relied upon for certification makes decisions as it pertains to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and whether the woman owner relied upon for certification devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(iii).

On April 29, 2020, the Division received a Recommended Order from Administrative Law Judge O'Connell that recommended affirmation of the Division's denial of the application to certify Brandt as a WBE on the grounds set forth in the Division's March 22, 2019 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 March 22, 2019, is affirmed. Accordingly, Brandt Equipment, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 2, 2020



Nicole Stent
Acting Executive Director
Division of Minority and Women's Business
Development