



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

**Business Environments, LLC**

FINAL ORDER 18-46

From a denial of certification as a Women-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 Business Environments, LLC ("Business Environments") 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 19, 2017, to deny Business Environments certification as a Minority and Women-owned Business Enterprise ("MWBE").

Appellant initiated this appeal and requested a hearing on August 2, 2017. On September 10, 2018, the Division acknowledged Appellant's request and scheduled a hearing for September 27, 2018, for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge Jeffrey M. Bernbach. Craig R. Wiess, Esq., appeared on behalf of Appellant, and Mariel Cohn, Esq., represented the Division. The hearing concluded on that date and the record closed on or about October 29, 2018, upon receipt of the recording of the hearing.

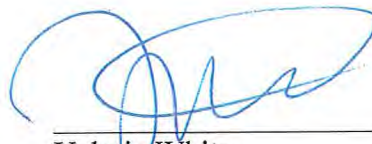
The single issue on appeal was whether Business Environments demonstrated that Ms. Kyra Faison-Gardner, as the woman-and minority owner relied upon for certification, makes decisions as it pertains to the daily operation of the business enterprise as required by 5 NYCRR § 144.2(b)(1).

On November 28, 2018, the Division received a Recommended Order from Administrative Law Judge Bernbach that recommended affirmation of the Division's denial of the application to certify Business Environments as a MWBE on the grounds set forth in the Division's July 19, 2017 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 19, 2017, is affirmed. Accordingly, Business Environments will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 8, 2019



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Valerie White  
Executive Director  
Division of Minority and Women's  
Business Development