



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

In the matter of the appeal of

E-Skylight, Inc.

FINAL ORDER 23-08

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 E-Skylight, Inc. (“E-Skylight” 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 October 31, 2022, to deny E-Skylight’s August 11, 2022 certification application as a Women-owned Business Enterprise (“WBE”).


Applicant submitted a written appeal following the Division’s denial determination and the Division submitted its response to the appeal, dated May 17, 2023, together with the affidavit of Robyn Clarke, Associate Certification Director, dated May 10, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal. The issues on appeal were whether the Appellant sufficiently demonstrated that (1) the woman owner relied upon for certification makes a capital contribution to the business enterprise in proportion to her equity interest demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR 144.2(b)(2); (2) the woman owner relied upon for certification possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR 144.2(c)(1); and (3) the woman owner relied upon for certification makes operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise for which certification is sought, as required by 5 NYCRR 144.2(c)(2).

On August 7, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division’s denial of the application to certify Appellant as an WBE on the ground set forth in the Division’s October 31, 2022 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 31, 2022, is affirmed. Accordingly, E-Skylight, Inc. will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

August 17, 2023

A handwritten signature in black ink, appearing to read "Jason Clark", written over a horizontal line.

Jason Clark, EVP and Executive Director
Division of Minority and Women's Business Development