



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

In the matter of the appeal of

Empire Scale Corp.

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 Empire Scale Corp. (“Empire Scale” 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 February 17, 2017, to deny Empire Scale certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by notice dated February 21, 2017. A notice to proceed by written appeal was sent to Empire Scale by the Division on March 29, 2017. Appellant submitted its written appeal by letter dated June 12, 2017. Candace C. Williamson, Esq. filed the Division’s Brief, dated April 6, 2023, Affidavit of Raymond Emanuel an Associate Director with the Division, and Exhibits 1-8 further described in the Exhibit List appended to the Recommended Order, in support. Administrative Law Judge David Murad presided over the appeal.

The issue on appeal was whether Appellant sufficiently demonstrated that (1) Decisions pertaining to the operations of the business enterprise are made by the woman claiming ownership of the business enterprise pursuant to 5 NYCRR R § 144.2(b)(1).

¹ The Division’s February 17, 2017 denial determination pre-dates 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.

On June 16, 2023, the Division received a Recommended Order from Administrative Law Judge Murad that recommended affirmation of the Division's denial of the application to recertify Empire Scale as a WBE on the grounds set forth in the Division's February 21, 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 February 21 2017, is affirmed. Accordingly, Empire Scale Corp. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

September 8, 2023

A handwritten signature in black ink, appearing to read "Jason M. Clark", with a long horizontal stroke extending to the right.

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