



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

In the matter of the appeal of

Ethany Corporation

FINAL ORDER 21-01

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 Ethany Corporation (“Ethany” 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 20, 2018, to deny Ethany certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by letter dated April 16, 2018. Carole L. Dakin submitted a written appeal on behalf of Ethany in the form of a letter dated April 16, 2018, along with Exhibits A-E further described in the Exhibit List appended to the Recommended Order. Bella Satra, Esq. filed the Division’s Memorandum of Law, dated December 23, 2020, Affidavit of Raymond Emmanuel, a Certification Director with the Division, and Exhibits 1-7 further described in the Exhibit List appended to the Recommended Order, in support. Administrative Law Judge Helene G. Goldberger presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner relied upon for certification makes decisions pertaining to the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (2) relevant business agreements permit the woman owner relied upon for certification to make decisions without restrictions as required by 5 NYCRR § 144.2(b)(2).

On January 21, 2021, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division’s denial of the application to certify Ethany as a WBE on the grounds set forth in the Division’s March 20, 2018 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 20, 2018, is affirmed. Accordingly, Ethany Corporation will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 21, 2021

A handwritten signature in cursive script that reads "Jerome A. DuVal". The signature is written in black ink and is positioned above a horizontal line.

Jerome A. DuVal
Executive Director
Division of Minority and Women's Business Development