



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

In the matter of the appeal of

G-ROCK SAFETY, INC.

FINAL ORDER 23-12

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

This order arises from an administrative appeal brought on behalf of G-Rock Safety, Inc. (“G-Rock” 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 April 6, 2022, to deny G-Rock Safety, Inc.’s June 21, 2019, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter received May 4, 2022, to the Division, requesting to appeal the denial determination via written submission. On October 5, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, G-Rock, submitted is a written appeal dated December 5, 2022. The Division responded to the written appeal submission with its Memorandum of Law dated August 23, 2023, and an Affidavit of Raymond Emmanuel, Associate Director for the Division, with attached Exhibits. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) has made capital contribution to the business enterprise in proportion to their equity interest therein as demonstrated by, but not limited to, contributions of money, property, equipment, or expertise, as required by 5 NYCRR § 144.2(b)(2); (2) shares in the risks and profits of the business enterprise in proportion to their equity interest therein, as

¹ The Division’s April 6, 2022, denial determination post-dates the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the amended regulations are referenced throughout this final order.

required by 5 NYCRR § 144.2(b)(3); (3) possesses adequate, industry-specific competence to make critical business decisions without relying on other persons, as required by 5 NYCRR §144.2(c)(1); (4) makes operational decisions on a day-today basis with respect to the critical functions of the business, as required by 5 NYCRR § 144.2(c)(2); (5) negotiates business contracts and represent herself to clients as the principal of the business enterprise, as demonstrated by fully executed business agreements, as required by 5 NYCRR § 144.2(d)(2); and (6) whether the business enterprise operates independently, as required by 5 NYCRR § 144.2(e).

On December 7, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division’s denial of the application to certify G-Rock Safety, Inc. as a WBE on the grounds set forth in the Division’s April 6, 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 April 22, 2022, is affirmed. Accordingly, G-Rock Safety, Inc. will not be listed in the Division’s directory for Minority and Women-owned Business Enterprises.

January 8, 2024



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