



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

In the matter of the appeal of

Greenstar Environmental Solutions, LLC

FINAL ORDER 23-07

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 Greenstar Environmental Solutions, LLC (“Greenstar” 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 May 8, 2020, to deny Greenstar’s May 6, 2017, recertification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter dated June 15, 2020, to the Division, requesting to appeal the denial determination via written submission. On August 3, 2020, the Division sent a notice to proceed by written appeal to the Appellant. Ms. Suzanne M. McLeod thereafter submitted a written appeal on behalf of Greenstar dated October 1, 2020. The Division responded to the written appeal submission with its Memorandum of Law dated April 5, 2023, and an Affidavit of Raymond Emanuel, Certification 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 (1) the woman owner relied upon for certification makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); (2) the woman owner relied upon for certification has adequate managerial experience or technical competence to operate the business

¹ The Division’s May 8, 2020, denial determination and Appellant’s June 15, 2020, request to appeal pre-date 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.

enterprise, as required by 5 NYCRR §144.2(b)(1)(i); (3) the woman owner relied upon for certification has the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii); and (4) the relevant business agreements governing the business enterprise permits the woman owner relied upon to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On June 8, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Greenstar Environmental Solutions, LLC as a WBE on the grounds set forth in the Division's May 8, 2020, 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 May 8, 2020, is affirmed. Accordingly, Greenstar Environmental Solutions, LLC will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

July 17, 2023



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