



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

In the matter of the appeal of

INSULATION SPECIALTY, INC.

FINAL ORDER 23-11

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

This order arises from an administrative appeal brought on behalf of Insulation Specialty, Inc. (“ISI” 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 20, 2020, to deny ISI’s February 20, 2018, recertification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter dated May 20, 2020, to the Division, requesting to appeal the denial determination via written submission. On June 26, 2020, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, attorney, Ryan Finn, submitted a written appeal on behalf of ISI dated August 27, 2020. The Division responded to the written appeal submission with its Memorandum of Law dated July 13, 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 the woman owner relied upon for certification (1) has made capital contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(a)(1); (2) makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); (3) has adequate managerial experience or technical competence to

¹ The Division’s April 20, 2020, denial determination and Appellant’s August 27, 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.

operate the business enterprise, as required by 5 NYCRR §144.2(b)(1)(i); and (4) is permitted through relevant business agreements to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On November 15, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to recertify Insulation Specialty, Inc. as a WBE on the grounds set forth in the Division's April 20, 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 recertification, dated April 20, 2020, is affirmed. Accordingly, Insulation Specialty, Inc. will no longer be listed in the Division's directory for Minority and Women-owned Business Enterprises.

December 27, 2023



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