



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

In the matter of the appeal of

Material Maven, LLC

FINAL ORDER 17-51

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 Material Maven, LLC ("Material Maven") pursuant to section 144.4 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 November 17, 2016, to deny Material Maven certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant, represented by Mr. David P. Berson, Esq., appeared at an appeal hearing concerning this matter on May 16, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.


The issues on appeal were whether the woman owner of Material Maven contributed money, property, equipment, or expertise in proportion to her equity interest in the business enterprise and whether Material Maven was an independent business enterprise.

On August 30, 2017, the Division received from Administrative Law Judge O'Connell a Recommended Order that recommended modification of the Division's November 17, 2016 denial letter so as to omit denial grounds concerning the independence of Material Maven. As so modified, Judge O'Connell recommended affirmation of the Division's denial determination.

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 November 17, 2016, is modified, and as so modified is affirmed. Accordingly, Material Maven will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 11, 2017



Lourdes Zapata
Executive Director
Division of Minority and Women's
Business Development