



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

In the matter of the appeal of

Park Sales & Service, Inc.

FINAL ORDER 23-10

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 Park Sales & Service, Inc. (“Park Sales” 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 August 1, 2022, to deny Park Sales’ October 29, 2020, application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter dated September 14, 2022, to the Division, requesting to appeal the denial determination via hearing. On August 18, 2023, the Division sent a notice of hearing to the Appellant. The virtual hearing was held on September 19, 2023, Nancy Rossi and Lawrence Rossi appeared and testified at the hearing on behalf of the applicant, and Ms. Amy O’Connor, Esq. appeared on behalf of the Division with one witness, Associate Certification Director, Glenn Butler. 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(b)(2); (2) shares in the risks and profits of the business enterprise in proportion to her equity interest therein, as required by 5 NYCRR 144.2(b)(3); (3) was not allocated ownership solely for the purpose of securing certifications, as required by 5 NYCRR § 144.2(b)(5); (4) possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR § 144.2(c)(1); and (5) makes operational decisions on a

day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR § 144.2(c)(2).

On September 25, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Park Sales & Service, Inc. as a WBE on the grounds set forth in the Division's August 1, 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 August 1, 2022, is affirmed. Accordingly, Park Sales & Service, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 13, 2023

A handwritten signature in black ink, appearing to read "Jason M. Clark", with a long horizontal flourish extending to the right.

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