



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

In the matter of the appeal of

**Progressive Construction of Long Island,
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 Progressive Construction of Long Island, Inc. (“Progressive” 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 January 28, 2022, to deny Progressive’s December 26, 2019, application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant issued a request to appeal via written submission to the Division, dated February 24, 2022. A notice to proceed via written appeal was sent to Progressive on October 4, 2022, providing instructions for submission with a deadline of December 15, 2022. However no further materials or submissions were received from the Appellant by the Division. Counsel for the Division, Candace Williamson, Esq., filed a written response to the Appellant’s appeal request dated June 29, 2023, together with the affidavit of Senior Certification Analyst, Rasheda Edwards, dated June 28, 2023. 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) 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 (3) 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 October 11, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Progressive Construction of Long Island, Inc. as a WBE on the grounds set forth in the Division's January 28, 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 January 28, 2022, is affirmed. Accordingly, Progressive Construction of Long Island, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 30, 2023



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