



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

In the matter of the appeal of

SMJ Development, LLC

FINAL ORDER 18-48

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 SMJ Development, LLC ("SMJ Development") 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 April 14, 2017, to deny SMJ Development certification as a Minority owned Business Enterprise ("MBE").

Appellant initiated this appeal and requested a hearing on May 7, 2017. The Division acknowledged Appellant's request and scheduled a hearing for May 1, 2018, for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge Molly T. McBride. Appellant appeared *pro se*, and Benson V. Martin Esq., represented the Division. The hearing concluded on that date and the record closed upon receipt of the recording of the hearing.

The single issue on appeal was whether SMJ Development demonstrated that it is an independent enterprise as required by 5 NYCRR §§ 144.2(a)(2) and 144.2(c)(2).

On November 6, 2018, the Division received a Recommended Order from Administrative Law Judge McBride that recommended affirmation of the Division's denial of the application to certify SMJ Development as a MBE on the grounds set forth in the Division's April 14, 2017 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 April 14, 2017, is affirmed. Accordingly, SMJ Development will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 30, 2019



Valerie White
Executive Director
Division of Minority and Women's
Business Development