



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

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In the matter of the appeal of

**Specialty Floors, LLC.**

FINAL ORDER 23-10

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

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This order arises from an administrative appeal brought on behalf of Specialty Floors, LLC (“Specialty Floors” 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 April 5, 2022, to deny Specialty Floors, LLC certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by notice dated May 7, 2022. A notice to proceed by written appeal was sent to Specialty Floors by the Division on October 5, 2022. Appellant then submitted no further papers. Anequa Pond, Esq. filed the Division’s Brief, dated May 22, 2023, Affidavit of Raymond Emanuel Director of Certification with the Division, and Exhibits 1-8 further described in the Exhibit List appended to the Recommended Order, in support. Administrative Law Judge David Murad presided over the appeal.

The issue on appeal was whether Appellant sufficiently demonstrated that: (1) Women owner being relied upon for certification made a capital contribution to the business enterprise for which certification is sought proportionate to their equity interest therein pursuant to 5 NYCRR R § 144.2(b)(2); (2) Women owner being relied upon for certification possess adequate, industry-specific competence to make critical business decisions without relying upon other persons pursuant to 5 NYCRR §144.2(c)(1); (3) Women being relied upon for certification makes operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required under 5 NYCRR §144.2(c)(2); and (4) Women owner being relied upon for certification devotes time on an ongoing basis to the daily operation of the business enterprise, as required under 5 NYCRR §144.2(c)(3).

On August 24, 2023, the Division received a Recommended Order from Administrative Law Judge Murad that recommended affirmation of the Division's denial of the application to certify Specialty Floors as a WBE on the grounds set forth in the Division's April 5, 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 April 5, 2022, is affirmed. Accordingly, Specialty Floors, LLC. 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 stroke extending to the right.

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