



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

In the matter of the appeal of

Sustainable Structures, LLC

FINAL ORDER 20-05

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 Sustainable Structures, LLC (“Sustainable Structures” 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 May 9, 2018, to deny Sustainable Structures certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated and filed its appeal and requested a hearing on or about June 22, 2018. A hearing was subsequently scheduled for March 10, 2020. Corryn Carey, president of Sustainable Structures, testified on behalf of the business enterprise. Fawziyyah Slavov, Esq. appeared on behalf of the Division and Matthew LeFebvre, Senior Certification Analyst, testified on behalf of the Division. Administrative Law Judge Michelle M. Stefanucci presided over the appeal.

The issues on appeal were whether Sustainable Structures sufficiently demonstrated that the women owner relied upon for certification makes decisions as it pertains to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1), and whether the woman owner relied upon for certification devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(iii).

On April 29, 2020, the Division received a Recommended Order from Administrative Law Judge Stefanucci that recommended affirmation of the Division’s denial of the application to certify Sustainable Structures as a WBE on the grounds set forth in the Division’s May 9, 2018 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 May 9, 2018, is affirmed. Accordingly, Sustainable Structures, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 2, 2020



Nicole Stent
Acting Executive Director
Division of Minority and Women's Business
Development