



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

In the matter of the appeal of

Teaching & Learning Consultants, Inc.

FINAL ORDER 23-07

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 Teaching & Learning Consultants, Inc. (“TLC” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated July 31, 2020, to deny TLC’s May 26, 2017, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a notice of appeal letter dated August 26, 2020, to the Division, requesting to appeal the denial determination via written submission. On September 14, 2020, the Division sent a notice to proceed by written appeal to the Appellant. Bernadette Cleland, Ed.D thereafter submitted a written appeal on behalf of TLC dated October 6, 2020. The Division responded to the written appeal submission with its Memorandum of Law dated February 2, 2023, and an Affidavit of Amanda Brennan, Project Director for the Division, dated January 27, 2023, with attached Exhibits. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the business enterprise is an independent business enterprise as required by 5 NYCRR § 144.2(a)(2) and 5 NYCRR § 144.2(c)(2).

¹ The Division’s July 31, 2020, denial determination and Appellant’s August 26, 2020, request to appeal pre-date the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

On May 18, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify Teaching & Learning Consultants, Inc. as a WBE on the grounds set forth in the Division's July 31, 2020, 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 July 31, 2020, is affirmed. Accordingly, Teaching and Learning Consultants, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 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