



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

In the matter of the appeal of

Artisan AD Inc.

FINAL ORDER 24-01

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 Artisan AD Inc. (“Artisan” 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 21, 2023, to deny Artisan’s January 24, 2020, dated application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant filed a request to appeal via written submission to the Division, dated April 25, 2023. A notice to proceed via written appeal was sent to Artisan on May 5, 2023. Appellant filed its written appeal on May 16, 2023. In response, the Division filed Affidavit of Amanda Brennan, Project Director, dated November 17, 2023, and a brief of Laurel Wedinger-Gyimesi Esq., counsel for the Division, dated November 22, 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 a capital contribution to the business enterprise proportionate to their equity interest therein, as demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required under 5 NYCRR § 144.2(b)(2); (2) possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required under 5 NYCRR §144.2(c)(1); (3) 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) devotes time on an ongoing basis to the daily operation of the business enterprise, as required under 5 NYCRR §144.2(c)(3).

On January 12, 2024, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Artisan AD Inc. as a WBE on the grounds set forth in the Division's April 21, 2023, 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 21, 2023, is affirmed. Accordingly, Artisan AD Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 22, 2024

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