



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

In the matter of the appeal of

B & B Premier Contracting, LLC.

FINAL ORDER 23-10

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 B & B Premier Contracting, LLC (“B & B Premier” 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 February 14, 2022, to deny B & B Premier’s September 26, 2018, certification application as a Woman-owned Business Enterprise (“WBE”).

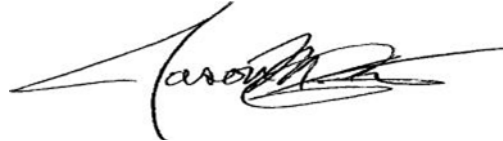
Applicant submitted a request to appeal, dated March 18, 2022. A Notice of Hearing was sent to all parties on July 20, 2023. The hearing was held on August 22, 2023. Administrative Law Judge (“ALJ”) Adrienne R. Lotson presided over the appeal. The issues on appeal were whether the woman owner relied upon for certification (1) made a capital contribution to the business enterprise in proportion to her equity interest demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR § 144.2(b)(2); (2) shared in the risks and profits in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(b)(3); (3) possessed adequate, industry-specific competence to make critical business decisions without relying upon another person, as required under 5 NYCRR §144.2(c)(1); and (4) made 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).

On October 6, 2023, the Division received a Recommended Order from Judge Lotson that recommended affirmation of the Division’s denial of the application to certify Appellant as a WBE on the ground set forth in the Division’s February 14, 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 February 14, 2022, is affirmed. Accordingly, B & B Premier will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

March 8, 2024

A handwritten signature in black ink, appearing to read "Jason Clark", with a long horizontal flourish extending to the right.

Jason Clark, EVP and Executive Director
Division of Minority and Women's Business Development