



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

In the matter of the appeal of

Besroi Construction Corp.

FINAL ORDER 23-12

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 Besroi Construction Corp. (“Besroi” 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 28, 2023, to deny Besroi’s July 7, 2020, application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant issued a request to appeal via written submission to the Division, dated March 21, 2023. A notice to proceed via written appeal was sent to Besroi on May 23, 2023. Counsel for Appellant, Daniel E. Sarzynski, Esq., filed a written appeal, with exhibits, on June 26, 2023. Counsel for the Division, Karen L. Bernstein, Esq., filed the affidavit of Amanda Brennan, Project Director, dated September 21, 2023, together with a written response to the Appellant’s appeal request dated September 22, 2023. Administrative Law Judge (“ALJ”) Deidre A. Chuckrow presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the women owners relied upon for certification (1) have made capital contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(b)(2); (2) possess adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR § 144.2(c)(1); and (3) make operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR § 144.2(c)(2).

On December 5, 2023, the Division received a Recommended Order from ALJ Chuckrow that recommended affirmation of the Division's denial of the application to certify Besroi Construction Corp. as a WBE on the grounds set forth in the Division's April 28, 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 28, 2023, is affirmed. Accordingly, Besroi Construction Corp. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 30, 2024

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

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