

NEW YORK STATE
DEPARTMENT OF ECONOMIC DEVELOPMENT
207 GENESEE STREET
UTICA, NEW YORK 13501

In the Matter

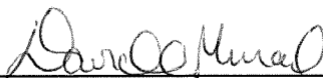
- of -

the Application of County Wide Masonry Corp.
for Certification as a Woman-owned Business Enterprise
pursuant to Executive Law Article 15-A.

NYS DED File ID No. 73324

RECOMMENDED ORDER

-by-



David A. Murad
Administrative Law Judge
January 15, 2026

This matter considers the appeal by County Wide Masonry Corp. (“County Wide” or “applicant”) pursuant to New York State Executive Law Article 15-A and Title 5 of the Official Compilation of Codes, Rules and Regulations of the State of New York (5 NYCRR) parts 140-144, challenging the determination of the Division of Minority and Women’s Business Development (“Division”) of the New York State Department of Economic Development (“DED”) that the business enterprise does not meet the eligibility criteria for certification as a woman-owned business enterprise (“WBE”).

PROCEDURAL HISTORY

1. On July 1, 2025, Ardiana Radonicic, as President, applied on behalf of County Wide for certification as a woman-owned business enterprise (“WBE”). (DED Exhibit 1)
2. On October 6, 2025, the Division denied the application on the following grounds (DED Exhibit 2):
 - (a) Minority group members or women relied upon for certification must possess adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required under 5 NYCRR §144.2(c)(1);
 - (b) Minority group members or women relied upon for certification must make 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
 - (c) The business enterprise must operate independently, as required under 5 NYCRR § 144.2(e).
3. County Wide timely filed a Request to Appeal via a Hearing on October 7, 2025. (DED Exhibit 4)

4. A Notice of Hearing was sent to all parties on October 10, 2025. (DED Exhibit 3)
5. A hearing was held and concluded on December 9, 2025. At the hearing, the Division's counsel, Lisa Berk, advised that the Division was withdrawing its denial under 5 NYCRR §144.2(e). (Hearing Statement of Lisa Berk)

FINDINGS OF FACT

6. County Wide is engaged in the business of masonry contracting and is a licensed General Contractor. (DED Exhibit 1)
7. Ardiana Radoncic is the President and 51% owner of County Wide. Anthony D'Erasmus is the Vice President and 49% owner of County Wide. (DED Exhibit 1)
8. Ardiana Radoncic is solely responsible for negotiating insurance and managing and signing payroll. Anthony D'Erasmus is solely responsible for estimating and negotiating bonding. Ardiana Radoncic and Anthony D'Erasmus are jointly responsible for financial decisions, preparing bids, supervising field operations, marketing and sales, hiring and firing, purchasing equipment/sales, negotiating contracts, and acting as signatories for business accounts. (DED Exhibit 1)
9. Ardiana Radoncic's resume states she is a "Detail-oriented and organized professional with experience in scheduling, administrative tasks, and client coordination. Skilled in managing payroll, handling customer inquiries, and ensuring efficient operations in fast-paced environments." She lists her skills as follows:

"Technical Skills: Microsoft Office Suite (Word, Excel, PowerPoint) scheduling, software, payroll systems.
Soft Skills: Strong organizational skills, excellent communication, customer service, problem-solving, time management.
Other Relevant Skills: Multi-tasking, attention to detail, ability to work in fast-paced environments, team collaboration."

Her duties include:

“Manage scheduling, pay bills, and handle AIA requisitions.
Organize paperwork and answer phone calls.
Conduct payroll operations and occasionally work on-site.
Complete all company-related paperwork and administrative tasks.”
(DED Exhibit 6)

10. Ardiana Radoncic holds a Site Safety Training Certificate. (Hearing Testimony of Ardiana Radoncic; DED Exhibit 12)

11. A Narrative provided with the application describes Ardiana Radoncic’s day-to-day responsibilities to include (DED Exhibit 9):

Plan and schedule job site activities
Visit and inspect active job sites to ensure safety, quality, and progress
Oversee and perform masonry work, including stone, brick, block, and concrete
Coordinate start dates, deliveries, and daily crew assignments
Ensure compliance with NYC DOB regulations and OSHA safety protocols
Manage all administrative functions including:
 Invoicing and billing
 Payroll processing
 Insurance and compliance documentation
 Scheduling and customer communication
Track and manage expenses, budgets, and vendor payments
Handle all purchasing of materials and equipment
Prepare job estimates and meet with clients to discuss project scope
Draft and sign contracts with clients and subcontractors
Maintain all communications with contractors and suppliers
Resolve any job-related issues, delays, or change orders personally

12. Anthony D’Erasmus’s responsibilities include:

“To estimate and price masonry scope work.
Also to meet with GCs prior to job awarding.
To make sure all work on site is being done in a safe manner, and that contractors are following NYC DOB codes, and OSHA.
Made sure all employees were wearing their PPE in accordance to safety regulations; and disciplined if not in compliance.
To perform walk throughs at job site with NYC DOB, FDNY, and Insurance Companies.”
(DED Exhibit 7)

13. Anthony D’Erasmus lists his “Current Certifications and Licenses” as follows:

OSHA 30HR Safety Certification
Board Certified CHST, and STSC
Construction Site Fire Safety Manager C of F
Certified CRIS (Construction Risk and Insurance Specialist)
Certified in Mobile, Tower Crane, and rigging equipment inspection
NYC DOB Site safety Manager
(DED Exhibit 7)

14. Ardiana Radoncic stated "...he [Anthony D'Erasmus] knows like physically how to do the work whereas me personally I don't sit there and put like the block and the cement or actually physically perform the work, but I understand how the work is done." Her specific education and expertise is "Just seeing it just for myself. I didn't go to like any specific school or something. I feel like it's not that it's common sense if there was something I didn't understand I would watch YouTube videos or I would Google something. Just to kind of understand it a little more." (DED Exhibit 11)
15. Ms. Radoncic does not physically perform any installation work. She has never self-performed masonry work and has no training or experience in performing masonry work. (Hearing Testimony of Ardiana Radoncic).
16. The masons have the skill and knowledge to build brick and block walls. The foremen rely on the plans to direct the masons. The foremen are responsible for supervising the masons on a daily basis. (Hearing Testimony of Ardiana Radoncic)

APPLICABLE LAW

5 NYCRR §144.2(c) states in relevant part as follows:

Operation. Minority group members and women relied upon for certification must make day-to-day decisions concerning the operation of the business enterprise for which certification is sought. The division shall evaluate whether minority group members or women operate a business enterprise for which certification is sought based upon the following criteria:

- (1) Competence in the industry. Minority group members and women relied upon for certification must possess adequate, industry-specific competence to make critical business decisions without relying upon other persons. This requirement cannot be satisfied by expertise or experience in office management or general business administration, among other things. In evaluating whether a minority group member or woman possesses adequate, industry-specific competence, the division shall consider factors, including, but not limited to:
 - (i) Whether individuals employed by the business enterprise for which certification is sought are required to obtain licenses or certifications to provide products or services to the clients of the business enterprise;
 - (ii) The extent to which academic credentials exist for persons employed in the industry; and
 - (iii) The extent to which industry-specific expertise may be obtained via direct work experience.

- (2) Operational decisions. Minority group members and women relied upon for certification must make operational decisions on a day-to-day basis with respect to the functions of the business enterprise for which certification is sought. The critical functions of a business enterprise shall be determined by the division based upon the following factors, but is not limited to:
 - (i) The products or services the business enterprise provides to clients; and
 - (ii) The means by which the business enterprise obtains contracts or orders.

STANDARD OF REVIEW

On this administrative appeal, applicant bears the burden of proof to establish that Division staff's determination to deny the application filed by County Wide for certification as a WBE is not supported by substantial evidence (see State Administrative Procedure Act § 306[1]). The substantial evidence standard "demands only that a given inference is reasonable and plausible, not necessarily the most probable," and applicant must demonstrate that Division staff's conclusions and factual determinations are not supported by "such relevant proof as a reasonable mind may accept as adequate to support a conclusion or ultimate fact." (Matter of Ridge Rd. Fire Dist. v Schiano, 16 NY3d 494, 499 [2011]).

The review is limited to such information that was before the division at the time of the denial determination (5 NYCRR 145.2(b)(1)). Evidence that seeks to clarify and explain previously submitted materials will be considered; however, new evidence will not be considered. See *Scherzi Systems, LLC v. White*, 197 A.D.3d 1466 (3d Dept 2021).

DISCUSSION

Mr. Gerard Marrone, Esq., appeared on behalf of County Wide. The following witness testified on behalf of County Wide: Ardiana Radoncic, President of County Wide. County Wide offered no exhibits.

Ms. Lisa Berk, Counsel, Department of Economic Development, appeared at the hearing on behalf of the Division. The following witness testified on behalf of the Division: Jacqueline Toppin, Senior Certification Analyst, Division of Minority and Women Business Development, The Division offered the following exhibits which were admitted into evidence: DED Exhibits 1 - 19.

Operation

The Division found that the woman-owner does not possess adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR §144.2(c)(1). In *C.W. Brown, Inc. v. Canton*, 216 A.D.2d 841 (3d Dept 1995), the Court affirmed the denial where the woman-owner had no training or experience in the industry, nor could she specify the “working knowledge” necessary to review the estimates made by or evaluate the work of more experienced employees. 5 NYCRR §144.2(c)(1) states that “this requirement cannot be satisfied by expertise or experience in office management or general business administration, among other things”.

Ardiana Radonic's resume states she is a "Detail-oriented and organized professional with experience in scheduling, administrative tasks, and client coordination. Skilled in managing payroll, handling customer inquiries, and ensuring efficient operations in fast-paced environments." Her duties include:

"Manage scheduling, pay bills, and handle AIA requisitions.
Organize paperwork and answer phone calls.
Conduct payroll operations and occasionally work on-site.
Complete all company-related paperwork and administrative tasks."
(DED Exhibit 6)

Ms. Radonic admitted that she does not physically perform any installation work. She testified that she has never self-performed masonry work and has no training or experience in performing masonry work. The masons have the skill and knowledge to build brick and block walls. The foremen rely on the plans to direct the masons. The foremen are responsible for supervising the masons on a daily basis. (Hearing Testimony of Ardiana Radonic).

Ardiana Radonic stated "...he [Anthony D'Erasmus] knows like physically how to do the work whereas me personally I don't sit there and put like the block and the cement or actually physically perform the work, but I understand how the work is done." Her specific education and expertise is "Just seeing it just for myself. I didn't go to like any specific school or something. I feel like it's not that it's common sense if there was something I didn't understand I would watch YouTube videos or I would Google something. Just to kind of understand it a little more." (DED Exhibit 11)

Anthony D'Erasmus lists his "Current Certifications and Licenses" as follows:

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Certified CRIS (Construction Risk and Insurance Specialist)
Certified in Mobile, Tower Crane, and rigging equipment inspection
NYC DOB Site safety Manager

(DED Exhibit 7)

Jacqueline Toppin testified that Ms. Radoncic does not have any industry specific expertise; her skills are related to general business or office management. The critical functions of the business are masonry work. She testified that Ms. Radoncic relies on the masons and foremen to do the work and is unable to self-perform the work. Jacqueline Toppin testified that Ardiana Radoncic's resume and applicant's submission listing her roles and responsibilities shows that she handles the administrative and financial functions of the business, including working on payroll, reviewing bids, hiring and firing staff, negotiating contracts, and working with key employees. She stated that Ms. Radoncic's resume reflects that she is primarily responsible for the administrative and financial functions of the business, relying on other employees to perform the revenue generating functions of the business. She does not have the education, training, or experience to oversee the critical functions of the business (Hearing Testimony of Jacqueline Toppin).

Ms. Radoncic testified that she makes all decisions and signs all contracts. She hires all personnel, manages all projects, does site visits at least once per week, and discusses the status of the projects with the foremen. (Hearing Testimony of Ardiana Radoncic)

Ms. Radoncic does not have the necessary training or expertise to perform the critical functions of the business, despite her testimony that she performs site visits and discusses the status of the projects with the foremen. She does not have any industry masonry experience and has never self-performed any of the critical functions of the business. She has no training or experience in the industry to make her qualified to supervise the work of her employees and would have to rely on the other employees who have the masonry work experience to solve any problems (Hearing

Testimony of Ardiana Radoncic; Hearing Testimony of Jacqueline Toppin; DED Exhibits 1, 6, 7, 9 and 11).

The Division's determination to deny the application on the basis that County Wide failed to demonstrate that Ardiana Radoncic possesses adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required under 5 NYCRR §144.2(c)(1), is supported by substantial evidence.

The Division also found that the woman-owner did not make operational decisions on a day-to-day basis with respect to critical functions of the business, as required by 5 NYCRR §144.2(c)(2). The regulation states that "The critical functions of a business enterprise shall be determined by the division based upon the following factors, but is not limited to: (i) the products or services the business enterprise provides to clients; and (ii) the means by which the business enterprise obtains contracts or orders".

The eligibility criteria for WBE certification requires that the woman owner "exercises the authority to control independently the day-to-day business decisions of the enterprise". See *In the Matter of Upstate Electrical, LLC v. New York State Department of Economic Development*, 179 A.D. 3d 1343 (3rd Dept. 2020). The woman-owner "must exercise independent operational control over the core functions of the business in order to establish the requisite control for WBE certification..." *J.C. Smith, Inc. v. New York State Department of Economic Development*, 163 A.D.3d 1517 (4th Dept. 2018).

Ardiana Radoncic is solely responsible for negotiating insurance and managing and signing payroll. Anthony D'Erasmus is solely responsible for estimating and negotiating bonding. Ardiana Radoncic and Anthony D'Erasmus are jointly responsible for financial decisions, preparing bids,

supervising field operations, marketing and sales, hiring and firing, purchasing equipment/sales, negotiating contracts, and acting as signatories for business accounts. (DED Exhibit 1)

A Narrative provided with the application describes Ardiana Radoncic's day-to-day responsibilities to include (DED Exhibit 9):

- Plan and schedule job site activities
- Visit and inspect active job sites to ensure safety, quality, and progress
- Oversee and perform masonry work, including stone, brick, block, and concrete
- Coordinate start dates, deliveries, and daily crew assignments
- Ensure compliance with NYC DOB regulations and OSHA safety protocols
- Manage all administrative functions including:
 - Invoicing and billing
 - Payroll processing
 - Insurance and compliance documentation
 - Scheduling and customer communication
- Track and manage expenses, budgets, and vendor payments
- Handle all purchasing of materials and equipment
- Prepare job estimates and meet with clients to discuss project scope
- Draft and sign contracts with clients and subcontractors
- Maintain all communications with contractors and suppliers
- Resolve any job-related issues, delays, or change orders personally

Ms. Radoncic testified that "Oversee and perform masonry work" must have been a typo since she does not and has not performed masonry work. (Hearing Testimony of Adriana Radoncic)

Ms. Toppin testified that Ms. Radoncic relies on and shares control of operational decisions with Anthony D'Erasmus. She stated that Ardiana Radoncic does not have the education, training or experience to supervise the workers or make decisions without relying on others. (Hearing Testimony of Jacqueline Toppin).

Ms. Radoncic did not dispute that she does not have the education, training or experience in masonry work. She stated that she can read and understand the plans and knows where the walls start and end and where the windows and doors are on the plans. She testified that she makes all decisions and signs all contracts. She conducts weekly site visits and is briefed by the foremen. (Hearing Testimony of Ardiana Radoncic) Her testimony, together with the documents submitted, reveals that she relies on the masons and the foremen for her to ultimately make the operational decisions; and that she lacks the training or experience to perform the work; and therefore she is unable to competently supervise field operations and make day-to-day operational decisions with respect to the critical functions of the business (Hearing Testimony of Ardiana Radoncic; DED Exhibits 1, 6, 7, 9 and 11).

Accordingly, Ardiana Radoncic does not maintain independent operational control over the core functions of the business. See *Panko Elec. & Maintenance Corp. v. Zapata*, 172 A.D.3d 1682 (2019)

The Division's determination to deny the application on the basis that County Wide failed to demonstrate that Ardiana Radoncic makes operational decisions on a day-to-day basis with respect to the critical functions of the business, as required under 5 NYCRR §144.2(c)(2), is supported by substantial evidence.

CONCLUSION

County Wide did not meet its burden to demonstrate that the Division's determination to deny its application for certification as a woman-owned business enterprise with respect to the eligibility criteria at 5 NYCRR §§144.2(c)(1) and 144.2(c)(2), was not based on substantial evidence.

RECOMMENDATION

For the reasons set forth above, I recommend that the Director affirm the Division's determination to deny County Wide's application for certification as a woman-owned business enterprise.

In the Matter of County Wide Masonry Corp.
DED File ID No. 73324
Exhibit Chart

Exhibit #	Description of the Exhibits	Offered (Yes/No)	Admitted (Yes/No)
DED 1	Application for Certification	Y	Y
DED 2	Denial Letter	Y	Y
DED 3	Notice of Hearing	Y	Y
DED 4	Appeal Form	Y	Y
DED 5	Certification Affidavit	Y	Y
DED 6	Ardiana Radoncic Resume	Y	Y
DED 7	Anthony Derasmo Resume	Y	Y
DED 8	Certification cards for Anthony Derasmo	Y	Y
DED 9	Day to day responsibilities narrative for Ardiana Radoncic	Y	Y
DED 10	Narrative regarding NAICS code 238140	Y	Y
DED 11	Recorded Zoom Interview	Y	Y
DED 12	Site Safety Card for Ardiana Radoncic	Y	Y
DED 13	General Contractor's License	Y	Y
DED 14	Contract Pelham House project	Y	Y
DED 15	Narrative on Pelham Job location	Y	Y
DED 16	RMS Contract	Y	Y
DED 17	Narrative on CW Materials, LLC	Y	Y

DED 18	Shared Resources Grid	Y	Y
DED 19	2024 Income Tax Return for Ardiana Radoncic	Y	Y