



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

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In the matter of the appeal of

**Dove Creative Landscapes, Inc.**

FINAL ORDER 24-01

From a denial of certification as a Woman-owned Business Enterprise pursuant to Executive Law Article 15-A.

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This order arises from an administrative appeal brought on behalf of Dove Creative Landscapes, Inc. (“Dove” 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 14, 2023, to deny Dove’s February 5, 2020, application for certification as a Woman-owned Business Enterprise (“WBE”).

Appellant filed a request to appeal via written submission to the Division, dated April 10, 2023. A notice to proceed via written appeal was sent to Dove on May 16, 2023. Appellant submitted its written appeal dated June 12, 2023. In response to the Appellant’s appeal request, the affidavit of Amanda Brennan, Project Director, dated September 21, 2023, was filed along with a response brief written by Counsel for the Division, Karen Bernstein, Esq., dated September 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 demonstrated having 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) is not encumbered in their ability to realize the benefits of ownership of the business enterprise for which certification is sought, or subject to undue restrictions against alienating such ownership interests, as required under 5 NYCRR §144.2(b)(4); (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) that the woman relied upon for certification is the highest-ranking officer of the business enterprise for which certification is

sought, and, where applicable, controls the board of directors, as required under 5 NYCRR §144.2(d)(1).

On December 27, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify of Dove Creative Landscapes, Inc. as a WBE on the grounds set forth in the Division's April 14, 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 14, 2023, is affirmed. Accordingly, Dove Creative Landscapes, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 7, 2024



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