



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

In the matter of the appeal of

Enterprise Solution Providers, Inc.

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 Enterprise Solution Providers, Inc. ("ESP" 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 May 17, 2022, to deny ESP's May 19, 2020, certification application as a Woman-owned Business Enterprise ("WBE").

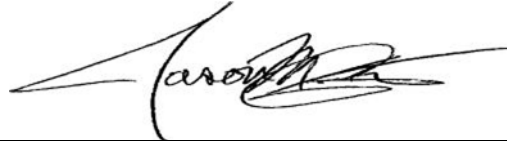
Applicant submitted a written appeal, dated November 30, 2022. The Division submitted its response to the appeal, dated June 15, 2023, together with the affidavit of Glenn Butler, Associate Certification Director, dated June 14, 2023. Administrative Law Judge ("ALJ") David A. Murad presided over the 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 their 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) was transferred ownership in exchange for reasonable consideration and not solely for the purpose of securing certification, as required under 5 NYCRR §144.2(b)(5); and (3) negotiates business contracts and represents themselves to clients as the principals of the business enterprise, as demonstrated by fully executed business agreements, as required under 5 NYCRR §144.2(d)(2).

On September 27, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division's denial of the application to certify Appellant as a WBE on the grounds set forth in the Division's May 17, 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 May 17, 2022, is affirmed. Accordingly, ESP will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

March 27, 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