



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

In the matter of the appeal of

Royal Diamond Construction Corporation.

FINAL ORDER 23-10

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

This order arises from an administrative appeal brought on behalf of Royal Diamond Construction Corporation (“RDCC” or “Appellant”) pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated August 31, 2020, to deny RDCC’s March 9, 2017, recertification application as a Woman-owned Business Enterprise (“WBE”).

Applicant submitted a written appeal, dated September 30, 2020. The Division submitted its response to the appeal, dated June 30, 2023, together with the affidavit of Raymond Emanuel, Director of Certification Operations, dated June 26, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal. The issues on appeal were whether the woman owner relied upon for recertification (1) made decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); (2) demonstrated adequate managerial experience or technical competence, and working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i) and 144.2(b)(1)(ii); and (3) participated in relevant business agreements that permit her to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

¹ The Division’s August 31, 2020, denial determination pre-date the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

On October 18, 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 August 31, 2020, 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 recertification, dated August 31, 2020, is affirmed. Accordingly, RDCC will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

November 27, 2023

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

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