



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

**SBR SERVICES, LLC**

FINAL ORDER 23-12

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 SBR Services, LLC (“SBR” or “Appellant”) pursuant to section 144.2 of Title 5 of the New York Codes, Rules and Regulations.<sup>1</sup> Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated March 20, 2023, to deny SBR’s February 5, 2023, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending a Request to Appeal form dated April 20, 2023, to the Division, requesting to appeal the denial determination via written submission. On December 15, 2023, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, Brielle T. Cookinham, submitted a written appeal on behalf of SBR dated May 12, 2023. The Division responded to the written appeal submission with its Memorandum of Law dated August 3, 2023, and an Affidavit of Robyn Clarke, Associate Certification Director for the Division, with attached Exhibits. 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 made capital contributions proportionate to her equity interest, as demonstrated by, but not limited to, contributions of property, equipment, or expertise, as required by 5 NYCRR § 144.2(b)(2); and (2) possesses adequate industry-specific competence

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<sup>1</sup> The Division’s March 20, 2023, denial determination and Appellant’s April 20, 2023, request to appeal post-date the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the amended regulations are referenced throughout this final order.

to make critical business decisions without relying upon other persons, as required by 5 NYCRR §144.2(c)(1).

On December 5, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify SBR Services, LLC as a WBE on the grounds set forth in the Division's March 20, 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 March 20, 2023, is affirmed. Accordingly, SBR Services, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 8, 2024



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