



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

In the matter of the appeal of

AEBI New England, LLC

FINAL ORDER 16-23

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

This order arises from an administrative appeal brought on behalf of AEBI New England, LLC ("AEBI") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Regina Beach, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated October 05, 2015, to deny AEBI certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant, represented by Michelle Merola, Esq., appeared at an appeal hearing on this matter on March 24, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.


On June 21, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed, on modified grounds, the Division's determination to deny the application by Appellant to certify AEBI Imaging as a WBE.

The issues on appeal were whether Appellant: shared in the risks and profits of the business enterprise in proportion to her ownership interest therein; possessed the requisite experience or technical competence to operate the business enterprise; and was empowered by relevant business agreements to control the business without restriction. Administrative Law Judge Sherman recommended that the Division's determination to deny AEBI certification as a WBE be upheld on the denial grounds relating to the allocation of the risks and profits of the business and the Appellant's experience and technical competence, but not on the denial ground pertaining to Appellant's control of the business enterprise.

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; namely, that AEBI does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated October 05, 2015, is affirmed. Accordingly, AEBI will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 21, 2016



Lourdes Zapata
Executive Director
Division of Minority and Women's
Business Development