



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

In the matter of the appeal of

Advanced Builders & Land Development, Inc.

FINAL ORDER 17-59

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 Advanced Builders & Land Development, Inc. ("Advanced Builders") pursuant to section 144.4 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 December 12, 2016, to deny Advanced Builders certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Mr. Fredrick P. Stern, Esq. submitted a written appeal on behalf of Appellant on January 12, 2017. Mr. Phillip Harmonick, Esq. submitted a response to the appeal on July 06, 2017. Mr. Stern submitted a reply to the Division's response on August 14, 2017. The submissions of the parties are contained in the appeal record.

The issues on appeal were whether the woman owner of Advanced Builders: contributed money, property, equipment, or expertise proportionate to her equity interest in Advanced Builders; shared in the risks and profits of the business enterprise in proportion to her ownership interest therein; made decisions pertaining to the operations of the business enterprise; and was permitted by corporate bylaws and other business agreements to make decisions without restrictions.

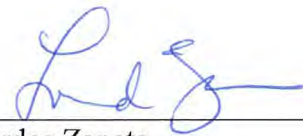
On September 28, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to

certify Advanced Builders as a WBE on the grounds set forth in the Division's December 12, 2016 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 December 12, 2016, is affirmed. Accordingly, Advanced Builders will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 28, 2017



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