



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

In the matter of the appeal of

Ark Digital Imaging, Inc.

FINAL ORDER 18-24

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 Ark Digital Imaging, Inc. ("Ark Digital") 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 March 28, 2017, to deny Ark Digital certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant appeared *pro se* at an appeal hearing concerning this matter on February 20, 2018. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether women: contributed money, property, equipment, or expertise proportionate to their equity interests in Ark Digital; shared in the risks and profits of the business enterprise in proportion to their ownership interests therein; made decisions pertaining to the operations of the business enterprise; and possessed adequate managerial experience or technical competence to operate the business enterprise.

On April 03, 2018, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to

certify Ark Digital as a WBE on the grounds set forth in the Division's March 28, 2017 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 28, 2017, is affirmed. Accordingly, Ark Digital will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 05, 2018



Nicole Stent
Acting Executive Director
Division of Minority and Women's
Business Development