



**Division of Minority
and Women's
Business Development**

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

In the matter of the appeal of

Artisan Gardens, LLC

FINAL ORDER 16-25

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 Artisan Gardens, LLC (“Artisan Gardens”) pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Linda Tauscher, seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated December 28, 2015, to deny Artisan Gardens certification as a Women-owned Business Enterprise (“WBE”).

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant, represented by Mark Ruffalo, Esq., appeared at an appeal hearing on this matter on May 17, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

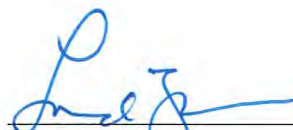
On June 22, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division’s determination to deny the application by Appellant to certify Artisan Gardens as a WBE.

The issues on appeal were whether Appellant: made a capital contribution to Artisan Gardens in proportion to her ownership interest therein; possessed the requisite technical expertise or managerial experience to operate the business enterprise; made decisions pertaining to the operation of the business enterprise; devoted time on an ongoing basis to the daily operation of the business enterprise; and was empowered by relevant business agreements to control the business without restriction. Administrative Law Judge Garlick recommended that the Division’s determination to deny Artisan Gardens certification as a WBE be upheld on each of the denial grounds identified by the Division.

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 Artisan Gardens 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 December 28, 2015, is affirmed. Accordingly, Artisan Gardens will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 23, 2016



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