



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

In the matter of the appeal of

Atlantic Environmental Consulting, LLC

FINAL ORDER 16-38

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 Atlantic Environmental Consulting, LLC ("AEC") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Lynette Weintraub, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 30, 2015, to deny AEC certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal in this matter on May 02, 2016. The Division, represented by Phillip Harmonick, Esq., submitted a response on June 16, 2016. The submissions of the parties are contained in the appeal record.

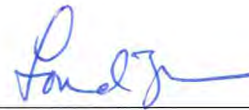
On August 8, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed, on modified grounds, the Division's determination to deny the application by Appellant to certify AEC as a WBE.

The issues on appeal were whether Appellant: made a capital contribution in proportion to her ownership interest in 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 possessed the requisite technical expertise or managerial experience to operate the business enterprise. Administrative Law Judge Garlick recommended that the Division's determination to deny AEC certification as a WBE be upheld on each of the denial grounds identified by the Division, except for the denial ground related to Appellant's technical expertise or managerial experience.

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 AEC 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 November 30, 2015, is affirmed. Accordingly, AEC will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 18, 2016



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