



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

In the matter of the appeal of

BCD Consultants, LLC

FINAL ORDER 18-11

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 BCD Consultants, LLC ("BCD") 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 August 05, 2016, to deny BCD certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Ms. Maya Phipps submitted a written appeal on behalf of Appellant on October 31, 2016. Phillip Harmonick, Esq. submitted a response on behalf of the Division on October 25, 2017. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: the women owner of BCD contributed money, property, equipment, or expertise proportionate to her equity interest in the business enterprise; and BCD was an independent business enterprise.

On February 08, 2018, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended modification of the Division's denial of the application to certify BCD as a WBE so as to omit the independence grounds set forth in the Division's August 05, 2016 denial letter. As so modified, the Recommended Order recommended affirmation of the denial of the application to certify BCD as a WBE

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 October 03, 2016, is modified pursuant to the recommendations set forth in the Recommended Order, and, as so modified, affirmed. Accordingly, BCD will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 26, 2018



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