



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

In the matter of the appeal of

Bentley Bros, Inc.

FINAL ORDER 16-16

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 Bentley Bros, Inc. ("Bentley Bros") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Laura Bentley, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 02, 2015, to deny Bentley Bros certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Ms. Megan B. Harris-Pero, Esq., counsel to the Appellant, submitted an appeal in this matter dated March 25, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response in this matter on April 19, 2016. The respective submissions of the parties are contained in the appeal record.

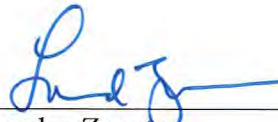
On May 11, 2016, the Division received from Administrative Law Judge Villa a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Bentley Bros as a WBE.

The issues on appeal were whether the Appellant: demonstrated a capital contribution to Bentley Bros in proportion to her ownership interest therein; was permitted to make decisions pertaining to the control of Bentley Bros without restrictions; possessed the experience or technical competence, working knowledge or ability needed to operate Bentley Bros; and made decisions pertaining to the operation of Bentley Bros. Administrative Law Judge Villa recommended that the Division's determination to deny Bentley Bros certification as a WBE be upheld on each of the 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 Bentley Bros 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 02, 2015, is affirmed. Accordingly, Bentley Bros will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 18, 2016



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