



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

In the matter of the appeal of

CDP Excavating Services, LLC

FINAL ORDER 16-23

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 CDP Excavating Services, LLC ("CDP") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Cathie Perry, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated September 22, 2015, to deny CDP certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal on November 17, 2015. The Division, represented by Ms. Julene Beckford, Esq., submitted a response on May 10, 2016. The submissions of the parties are contained in the appeal record.

On May 25, 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 CDP as a WBE.

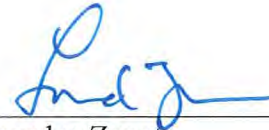
The issues on appeal were whether Appellant devoted time on an ongoing basis to the operation of the business enterprise and possessed the requisite technical expertise or managerial experience to operate the business enterprise. Administrative Law Judge Garlick recommended that the Division's determination to deny CDP 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 CDP 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 September 22, 2015, is affirmed. Accordingly, CDP will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 31, 2016



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