



**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

Casters, Wheels and Industrial Handling, Inc.

FINAL ORDER 17-20

From a denial of certification as a Minority and Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of Casters, Wheels and Industrial Handling, Inc. ("Casters") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Lissa Wong-Mayberger, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated August 31, 2016, to deny Casters certification as a Minority and Women-owned Business Enterprise ("MWBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant, represented by Mr. Paul Williams, Esq., appeared at a hearing regarding this matter on February 21, 2017. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether the Appellant: contributed money, property, equipment, or expertise to Casters in proportion to her ownership interest therein; shared in the risks and profits of the business in proportion to her ownership interest therein; and was permitted by the corporate bylaws of Casters to make decisions without restrictions.

On March 16, 2017, the Division received from Administrative Law Judge O'Connell a Recommended Order that recommended affirmation of the Division's August 31, 2016 denial on each of the denial grounds identified in the denial letter.

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 August 31, 2016 is affirmed. Accordingly, Casters will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 27, 2017



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