



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

In the matter of the appeal of

Cimtech, Inc.

FINAL ORDER 18-13

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 Cimtech, Inc. ("Cimtech") 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 19, 2016, to deny Cimtech certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Ms. Anne Pfeiffer submitted a written appeal on behalf of Appellant on November 21, 2016. Phillip Harmonick, Esq. submitted a response on behalf of the Division on December 26, 2017. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: the women owners of Cimtech made contributions of money, property, equipment, or expertise proportionate to their equity interests in the business enterprise; women made decisions pertaining to the operations of the business enterprise; and the corporate bylaws of Cimtech permitted women to make decisions without restrictions.

On February 08, 2018, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended modification of the Division's denial of the application to certify Cimtech as a WBE so as to omit the grounds set forth in the Division's August 19, 2016 denial letter concerning the contributions of women to the business. As so modified, the Recommended Order recommended affirmation of the denial of the application to certify Cimtech 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 August 19, 2016, is modified pursuant to the recommendations set forth in the Recommended Order, and, as so modified, affirmed. Accordingly, Cimtech 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