



**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

Contractor's Layout, Inc.

FINAL ORDER 16-34

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 Contractor's Layout, Inc. ("Contractor's Layout") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Darcy Quappe, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated July 23, 2015, to deny Contractor's Layout certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal in this matter on August 21, 2015, and supplemented that appeal with additional materials on October 24, 2015. The Division, represented by Justin McLaughlin-Williams, J.D., submitted a response on June 7, 2016. The submissions of the parties are contained in the appeal record.

On August 9, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed, on modified grounds, the Division's determination to deny the application by Appellant to certify Contractor's Layout as a WBE.

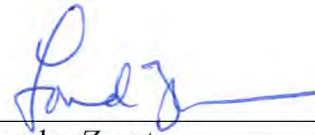
The issues on appeal were whether Appellant: made a capital contribution in proportion to her ownership interest in the business enterprise, shared in the risks and profits of the business enterprise in proportion to her ownership interest therein, made decisions pertaining to the operation of the business enterprise, and possessed the requisite technical competence or managerial experience to operate the business enterprise. Administrative Law Judge Garlick recommended that the Division's determination to deny Contractor's Layout certification as a

WBE be upheld on each of the denial grounds identified by the Division, except for the denial ground related to the sharing of the risks and profits of the business enterprise.

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 Contractor's Layout 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 July 23, 2015, is affirmed. Accordingly, Contractor's Layout will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 12, 2016



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