



**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

Conxx NE, Inc.

FINAL ORDER 17-64

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 Conxx NE, Inc. ("Conxx NE") 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 January 22, 2016, to deny Conxx NE certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Ms. Nicole D'Atri submitted a written appeal on behalf of Conxx NE on June 15, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on July 26, 2017. The respective submissions of the parties are contained in the appeal record.

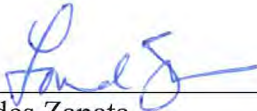
The issues on appeal were whether: the woman owner made contributions of money, property, equipment, or expertise proportionate to her equity interest in the business enterprise; the woman owner made decisions pertaining to the operation of the business; and Conxx NE was an independent business enterprise.

On November 08, 2017, the Division received from Administrative Law Judge O'Connell a Recommended Order that recommended affirmation of the Division's denial of the application to certify Conxx NE as a WBE on the grounds set forth in the Division's January 22, 2016 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 January 22, 2016, is affirmed. Accordingly, Conxx NE will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

November 09, 2017



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