



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

In the matter of the appeal of

Cooperative Technology Options, LLC

FINAL ORDER 20-09

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 Cooperative Technology Options, LLC (“CTO” or “Appellant”) pursuant to section 144.2 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 May 30, 2019, to deny CTO certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by letter. By notice dated July 22, 2019, the Division acknowledged CTO’s request for an appeal and set September 20, 2019 as the due date for CTO’s written appeal. Janet D. Persons, President and Managing Member of CTO filed a written appeal on behalf of CTO in the form of a letter dated September 16, 2019. Stephen Gawlik, Esq. filed the Division’s Memorandum of Law, dated July 13, 2020, and Affidavit of Raymond Emanuel, Director of Certification Operations for the Division, in support. Administrative Law Judge Helene S. Goldberger presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that (1) the woman owner makes decisions pertaining to the operations of the business, as required by 5 NYCRR § 144.2(b)(1); and (2) the woman owner has adequate managerial experience or technical competence in the business enterprise and demonstrates the working knowledge and ability to operate the business enterprise as required by 5 NYCRR § 144.2(b)(1)(i) and (b)(1)(ii).

On July 31, 2020, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division’s denial of the application to certify CTO as a WBE on the grounds set forth in the Division’s May 30, 2019 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 May 30, 2019, is affirmed. Accordingly, Cooperative Technology Options, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 19, 2020



Nicole Stent
Acting Executive Director
Division of Minority and Women's Business
Development