



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

In the matter of the appeal of

Coqui Creations Corp.

FINAL ORDER 16-20

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 Coqui Creations Corp. ("Coqui") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Mary Anne Rivera, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated September 29, 2015, to deny Coqui certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Mr. Michael J. McDermott, Esq., counsel to the Appellant, submitted a written appeal on February 18, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on March 16, 2016. Mr. McDermott submitted a reply to the Division's response on March 31, 2016. The submissions of the parties are contained in the appeal record.

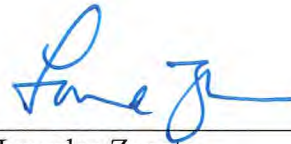
On May 19, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Coqui as a WBE.

The issues on appeal were whether Appellant shared in the risks and profits of the business enterprise in proportion to her ownership interest therein and made decisions pertaining to the operation of the business enterprise. Administrative Law Judge Garlick recommended that the Division's determination to deny Coqui certification as a WBE be upheld on each of the grounds identified by the Division.

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 Coqui 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 September 29, 2015, is affirmed. Accordingly, Coqui will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 23, 2016



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