



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

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In the matter of the appeal of

**David J. Hummel Enterprises, Inc.**

FINAL ORDER 18-20

From a denial of certification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

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This order arises from an administrative appeal brought on behalf of David J. Hummel Enterprises, Inc. ("DJH") 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 October 18, 2016, to deny DJH 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 by letter dated April 10, 2017. Phillip Harmonick, Esq. submitted a response to the appeal on behalf of the Division on February 21, 2018. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: women contributed money, property, equipment, or expertise proportionate to their equity interests in DJH; women shared in the risks and profits of DJH in proportion with their ownership interests therein; and women possessed adequate managerial experience or technical competence to operate the business enterprise.

On March 12, 2018, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify DJH as a WBE on the grounds set forth in the Division's October 18, 2016 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 October 18, 2016, is affirmed. Accordingly, DJH will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 22, 2018



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