



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

In the matter of the appeal of

Diana Builders

FINAL ORDER 17-02

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 Diana Builders pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Lisa J. Hartle, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated April 06, 2016, to deny Diana Builders certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Appellant submitted a written appeal regarding this matter dated April 27, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on November 29, 2016. The respective submissions of the parties are contained in the appeal record.

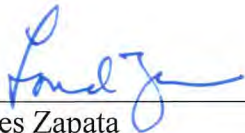
The issues on appeal were whether the Appellant shared in the risks and profits of the business in proportion to her ownership interest therein and devoted time on an ongoing basis to the daily operation of the business.

On January 09, 2017, the Division received from Administrative Law Judge Wilkinson a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Diana Builders as a WBE. The Recommended Order recommended that the denial should be affirmed on each of the grounds identified in the Division's April 06, 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 April 06, 2016 is affirmed. Accordingly, Diana Builders will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

January 10, 2017



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