



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

**Diehlux, LLC**

FINAL ORDER 16-50

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 Diehlux, LLC ("Diehlux") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Alicia Diehl, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated April 05, 2016, to deny Diehlux certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. The Appellant submitted a written appeal in this matter on June 29, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on August 24, 2016. The respective submissions of the parties are contained in the appeal record.

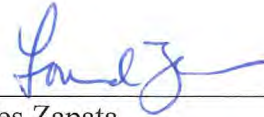
The issues on appeal were whether the Appellant: made a contribution of money, property, equipment, or expertise in proportion to her ownership interest in Diehlux; possessed the requisite technical expertise or managerial experience to operate the business enterprise; made decisions pertaining to the operation of the business enterprise; and was empowered by relevant business agreements to control Diehlux without restrictions.

On October 03, 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 Diehlux as a WBE for each of the reasons stated in the Division's April 05, 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 05, 2016, is affirmed. Accordingly, Diehlux will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 20, 2016



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