



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

In the matter of the appeal of

Doriguzzi Excavating, Inc.

FINAL ORDER 17-29

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 Doriguzzi Excavating, Inc. ("Doriguzzi Excavating") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Josephine Doriguzzi, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated April 14, 2016, to deny Doriguzzi Excavating certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Denise A. Sullivan, Esq. submitted an appeal on behalf of Doriguzzi Excavating dated August 03, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on March 31, 2017. The respective submissions of the parties are contained in the appeal record.


The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to Doriguzzi Excavating in proportion to her ownership interest therein; shared in the risks and profits of the business in proportion to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; and possessed the requisite technical expertise or managerial experience to operate the business enterprise.

On May 24, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to certify Doriguzzi Excavating as a WBE on each of the grounds set forth in the Division's April 14, 2016 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 14, 2016, is affirmed. Accordingly, Doriguzzi Excavating will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 25, 2017



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