



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

In the matter of the appeal of

Essentialcom, LLC

FINAL ORDER 17-07

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 Essentialcom, LLC ("Essentialcom") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Claude Setton, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 17, 2016, to deny Essentialcom certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal on July 08, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on December 12, 2016. The 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 Essentialcom; possessed adequate managerial experience or technical competence to operate the business enterprise; made decisions pertaining to the operations of the business enterprise; and devoted time on an ongoing basis to the daily operation of the business enterprise.

On February 23, 2017, 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 Essentialcom as a WBE. The Recommended Order recommended that the denial should be affirmed on each of the grounds identified in the Division's February 17, 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 February 17, 2016 is affirmed. Accordingly, Essentialcom will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 23, 2017



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