



**Division of Minority  
and Women's  
Business Development**

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In the matter of the appeal of

**Fiddlehead Creek, LLC**

FINAL ORDER 17-24

From a denial of certification as a Woman-Owned Business Enterprise pursuant to Executive Law Article 15-A

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This order arises from an administrative action brought by Fiddlehead Creek, LLC ("Fiddlehead Creek") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Emily DeBolt, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division") dated August 30, 2016 to deny Fiddlehead Creek certification as a Woman-Owned Business Enterprise ("WBE").


Ms. DeBolt filed an appeal from the denial. This appeal was assigned to Administrative Law Judge Molly T. McBride. A hearing was held on March 7, 2017. On April 11, 2017, the Division received from Administrative Law Judge McBride a Recommended Order that recommended affirming the Division's determination to deny the application by Ms. DeBolt to certify Fiddlehead Creek as a WBE.

The issues on appeal were whether Ms. DeBolt demonstrated that (1) she made capital contributions to the business in proportion to her ownership interest in the business and (2) the agreements governing the business permit her to make decisions without restrictions.

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 to Fiddlehead Creek as a WBE, dated August 30, 2016, is affirmed. Accordingly, Fiddlehead Creek will not be listed in the Division's directory of certified Minority and Women-Owned Business Enterprises.

October 12, 2017

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