



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

In the matter of the appeal of

Flemvale Construction, LLC

FINAL ORDER 18-05

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 Flemvale Construction, LLC ("Flemvale") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated January 11, 2017, to deny Flemvale certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant appeared *pro se* at a hearing concerning this matter on October 17, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

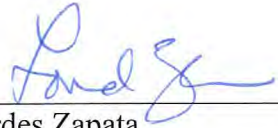
The issues on appeal were whether the woman owner of Flemvale: made decisions pertaining to the operations of the business enterprise; and possessed adequate managerial experience or technical competence to operate the business enterprise.

On December 20, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify Flemvale as a WBE on the grounds set forth in the Division's January 11, 2017 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 January 11, 2017, is affirmed. Accordingly, Flemvale will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

January 08, 2018



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