



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

**Frank Scobbo Contractors, Inc.**

FINAL ORDER 23-08

From a denial of recertification as a Woman-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 Frank Scobbo Contractors, Inc. ("FSC" or "Appellant") pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.<sup>1</sup> Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated January 18, 2017 to deny FSC's June 13, 2014 recertification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal by letter, dated May 24, 2017. The Division submitted its response to the appeal, dated December 20, 2022, together with an Affidavit of Raymond Emanuel, Certification Director, dated December 1, 2022. Administrative Law Judge ("ALJ") David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); (2) makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (3) participates in relevant business agreements that permit her to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On August 16, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division's denial of the application to recertify Appellant as an WBE on the ground set forth in the Division's January 18, 2017 denial letter.

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<sup>1</sup> The Division's January 18, 2017 denial determination pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

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 recertification, dated January 18, 2017, is affirmed. Accordingly, Frank Scobbo Contractors, Inc. will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

September 8, 2023

A handwritten signature in black ink, appearing to read "Jason Clark", with a long horizontal flourish extending to the right.

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Jason Clark, EVP and Executive Director  
Division of Minority and Women's Business Development