



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

In the matter of the appeal of

George J. Martin & Son, Inc.

FINAL ORDER 18-33

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 George J. Martin & Son, Inc. (“GM&S”) pursuant to section 144.2 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 October 26, 2016, to deny GM&S certification as a Women-owned Business Enterprise (“WBE”).

Appellant’s counsel, Ms. Jennifer Harvey, Esq., of Couch White, LLP, submitted this written appeal on May 2, 2017. On March 28, 2018, the Division submitted its response; and on March 29, 2018, this matter was assigned to Administrative Law Judge P. Nicholas Garlick.

The issues on appeal were whether GM&S demonstrated that Joan Hart, Suzanne Mangold, Kendra Hart, Kelsey Hart, and Roberta Whiteman (collectively “Women Owners”), share in the risks and profits proportionate to their ownership interests in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); whether the Women Owners make decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and whether the Women Owners relied upon for certification have adequate managerial experience or technical competence to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i).

On June 5, 2018, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division’s denial of the application to certify GM&S as a WBE on the grounds set forth in the Division’s October 26, 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 October 26, 2016, is affirmed. Accordingly, GM&S will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 18, 2018



Nicole Stent
Acting Executive Director
Division of Minority and Women's
Business Development