



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

In the matter of the appeal of

Grammy Enterprises, LLC

FINAL ORDER 16-47

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 Grammy Enterprises, LLC (“Grammy”) pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Rose Mary Curtin, seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated December 22, 2015, to deny Grammy certification as a Women-owned Business Enterprise (“WBE”).

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Mr. Charles E. Williams, III, Esq., counsel to the Appellant, submitted a written appeal in this matter on June 24, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on July 20, 2016. Mr. Williams submitted a reply to the Division’s response on August 12, 2016. Mr. Harmonick submitted a surresponse to Grammy’s reply on August 22, 2016. The respective submissions of the parties are contained in the appeal record.

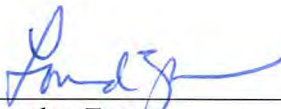
On October 03, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division’s determination to deny the application by Appellant to certify Grammy as a WBE.

The issues on appeal were whether Appellant made a capital contribution to Grammy in proportion to her ownership interest in the business enterprise and whether Grammy was an independent business enterprise. Administrative Law Judge Garlick recommended that the Division’s determination to deny Grammy certification as a WBE be upheld on each of the denial grounds identified by the Division.

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; namely, that Grammy does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated December 22, 2015, is affirmed. Accordingly, Grammy will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 03, 2016



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