



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

In the matter of the appeal of

Green & Sustainable Services, LLC.

FINAL ORDER 18-32

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 Green & Sustainable Services, LLC ("GSS") 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 GSS certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Robert H. Coughlin, Esq. represented the Appellant at an appeal hearing concerning this matter on January 9, 2018. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether GSS demonstrated that Charlotte Smith, President of the company, made contributions to the company, proportionate to her equity interests as a fifty-five percent owner in the business enterprise, in accordance with 5 NYCRR 144.2(a)(1); and whether she had adequate managerial experience or technical competence to operate the business enterprise as required by 5 NYCRR 144.2(b)(1)(i).

On April 25, 2018, the Division received a Recommended Order from Administrative Law Judge McBride that recommended reversal of the Division's denial of the application to certify GSS as a WBE.

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 reversed. Accordingly, GSS will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

July 5, 2018



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