



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

In the matter of the appeal of

Guthrie Heli-Arc, Inc.

FINAL ORDER 17-37

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 Guthrie Heli-Arc, Inc. ("Guthrie Heli-Arc") 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 September 14, 2016, to deny Guthrie Heli-Arc certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Guthrie Heli-Arc, represented by Mr. Michael A. DelPlato, Esq., appeared at a hearing concerning this matter on April 25, 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 Guthrie Heli-Arc: contributed money, property, equipment, or expertise in proportion to her equity interest in Guthrie Heli-Arc; and shared in the risks and profits of the business in proportion to her ownership interest therein.

On June 13, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to certify Guthrie Heli-Arc as a WBE on each of the grounds set forth in the Division's September 14, 2016 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 September 14, 2016, is affirmed. Accordingly, Guthrie Heli-Arc will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 14, 2017



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