



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

**Imperatives, Inc.**

FINAL ORDER 17-42

From a denial of certification as a Women-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 Imperatives, Inc. ("Imperatives") 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 July 14, 2016, to deny Imperatives certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Ms. Jane Metzger submitted a written appeal on behalf of Imperatives dated September 08, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on June 12, 2017. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: Ms. Metzger contributed money, property, equipment, or expertise to Imperatives in proportion to her equity interest therein; Ms. Metzger made decisions pertaining to the operations of Imperatives; Ms. Metzger possessed adequate managerial experience or technical competence to operate the business; and the corporate bylaws of Imperatives permitted Ms. Metzger make decisions without restrictions.

On July 05, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify Imperatives as a WBE on the grounds set forth in the Division's July 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 July 14, 2016, is affirmed. Accordingly, Imperatives will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

July 10, 2017



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