



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

**Innovative WindoWear, Inc.**

FINAL ORDER 19-22

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 Innovative WindoWear, Inc. ("Innovative WindoWear") 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 January 16, 2018, to deny Innovative WindoWear certification as a Woman-owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on February 16, 2018. On August 6, 2019, the Division notified Appellant that a hearing had been scheduled for August 27, 2019 for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge P. Nicholas Garlick. Ms. Patricia Côté and Mr. Carl Côté testified on behalf of the Appellant. Bella Satra Esq. represented the Division and Ms. Clenice Mincey testified on behalf of the Division. The hearing concluded on that date and after receipt of the recording of the hearing on or about September 9, 2019, the record closed.

The issues on appeal were whether Innovative WindoWear sufficiently demonstrated that the contribution of the woman owner relied upon for certification, Patricia Côté, was proportionate to her equity interest in the business enterprise, as demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR 144.2(a)(1); whether the woman owner, Ms. Côté, shares in the risks and profits in proportion to her equity interest, as required by 5 NYCRR 144.2(c)(2); whether the woman owner, Ms. Côté, has demonstrated adequate managerial experience or technical competence to operate the business enterprise, as required by 5 NYCRR 144.2(b)(1)(i) and whether the woman owner, Ms. Côté, has

demonstrated the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR 144.2(b)(1)(ii).

On September 24, 2019, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify Innovative WindoWear as a WBE on the ground set forth in the Division's January 16, 2018 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 January 16, 2018, is affirmed. Accordingly, Innovative WindoWear, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 7, 2019



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Valerie White  
Executive Director  
Division of Minority and Women's Business  
Development