



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

In the matter of the appeal of

Island School & Art Supply, Inc.

FINAL ORDER 16-56

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 Island School & Art Supply, Inc. ("Island School") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Linda Thompson, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated March 31, 2016, to deny Island School certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant, represented by Ms. Kimberly Malerba, Esq. submitted a written appeal on July 13, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on September 06, 2016. Ms. Malerba submitted a reply brief on September 13, 2016. The submissions of the parties are contained in the appeal record.

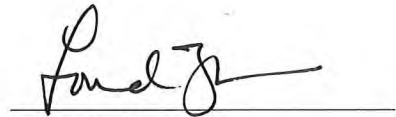
The issues on appeal were whether the Appellant: shared in risks and profits of Island School in proportion to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; and was permitted by the corporate bylaws and other relevant business agreements of Island School to control the business enterprise without restrictions.

On November 01, 2016, the Division received from Administrative Law Judge Villa a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Island School as a WBE. The Recommended Order recommended that that the denial should be affirmed on each of the grounds identified in the Division's March 31, 2016 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 March 31, 2016 is affirmed. Accordingly, Island School will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

November 03, 2016

A handwritten signature in black ink, appearing to read "Lourdes Zapata", written over a horizontal line.

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