



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

In the matter of the appeal of

JC Land & Site Development, Inc.

FINAL ORDER 17-53

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 JC Land & Site Development, Inc. ("JC Development") 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 01, 2016, to deny JC Development certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Ms. Rosemarie Caporale submitted a written appeal on behalf of Appellant on October 18, 2016. Mr. Phillip Harmonick, Esq. submitted a response to the appeal on August 04, 2017. The submissions of the parties are contained in the appeal record.

The issues on appeal were whether the woman owner of JC Development: contributed money, property, equipment, or expertise proportionate to her equity interest in JC Development; made decisions pertaining to the operations of the business enterprise; and possessed adequate managerial experience or technical competence to operate the business enterprise.

On August 31, 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 JC Development as a WBE on the grounds set forth in the Division's September 01, 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 01, 2016, is affirmed. Accordingly, JC Development will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 11, 2017



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