



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

---

In the matter of the appeal of

**KTR Trucking, LLC**

FINAL ORDER 16-54

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 KTR Trucking, LLC ("KTR") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Kari Royce, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 18, 2016, to deny KTR certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant appeared *pro se* at an appeal hearing on this matter on March 24, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether the Appellant: made a contribution of money, property, equipment, or expertise to KTR in proportion to her ownership interest therein; shared in risks and profits of KTR in proportion to her ownership interest therein; possessed the requisite technical expertise or managerial experience to operate the business enterprise; made decisions pertaining to the operation of the business enterprise; and devoted time on an ongoing basis to the daily operation of the business enterprise.


On October 27, 2016, the Division received from Administrative Law Judge O'Connell a Recommended Order that modified in part and affirmed the Division's determination to deny the application by Appellant to certify KTR as a WBE. The Recommended Order recommended that that the denial grounds related to Appellant's devotion of time on an ongoing basis to the

daily operation of KTR, decisionmaking as to the operations of KTR, and sharing in the risks and profits of KTR should be withdrawn, and that so modified the denial should be affirmed.

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 24, 2016 is modified, and so modified affirmed. Accordingly, KTR will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 28, 2016

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