



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

In the matter of the appeal of

LB Transportation Consulting, Inc.

FINAL ORDER 17-46

From a denial of certification as a Minority and Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of LB Transportation Consulting, Inc. ("LBTC") 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 April 12, 2017, to deny LBTC certification as a Minority and Women-owned Business Enterprise ("MWBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Ms. Lena Bansal appeared *pro se* on behalf of LBTC at an appeal hearing concerning this matter on July 25, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether Ms. Bansal: contributed money, property, equipment, or expertise to LBTC in proportion to her equity interest therein; shared in the risks and profits of the business in proportion to her ownership interest; made decisions pertaining to the operations of the business; and possessed adequate managerial experience or technical competence to operate the business enterprise.

On August 09, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to certify LBTC as an MWBE on the grounds set forth in the Division's April 12, 2017 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 April 12, 2017, is affirmed. Accordingly, LBTC will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 10, 2017



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