



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

In the matter of the appeal of

Lasting Images Corp.

FINAL ORDER 18-42

From a denial of certification as a Woman-Owned Business Enterprise pursuant to Executive Law Article 15-A

This order arises from an administrative action brought by Lasting Images Corp. ("LIC") pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Judy Kandel, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division") dated December 9, 2016 to deny LIC certification as a Woman-Owned Business Enterprise ("WBE").

Ms. Kandel submitted a written appeal on February 27, 2017. The Division responded to Ms. Kandel's appeal on November 15, 2018. This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. On December 4, 2018, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirming the Division's determination to deny the application by Ms. Kandel to certify LIC as a WBE.

The issues on appeal were whether Ms. Kandel demonstrated that she, as the woman owner, (1) made capital contributions in the form of money, property, equipment or expertise, proportionate to her equity interests in the business enterprise as required by 5 NYCRR § 144.2(a)(1); and (2) whether she makes business decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1).

On December 4, 2018, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify LIC as a WBE on the grounds set forth in the Division's December 9, 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.



**Division of Minority
and Women's
Business Development**

It is hereby **ORDERED** that the decision to deny certification to LIC as a WBE, dated December 9, 2016, is affirmed. Accordingly, LIC will not be listed in the Division's directory of certified Minority and Women-Owned Business Enterprises.

December 17, 2018

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