



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

In the matter of the appeal of

Long Island Service & Vending Co., Inc.

FINAL ORDER 17-61

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 Long Island Service & Vending Co., Inc. ("Long Island Vending") 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 December 22, 2016, to deny Long Island Vending certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at an appeal hearing concerning this matter on September 05, 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: women made decisions pertaining to the operation of the business, the corporate bylaws of Long Island Vending permitted women to make decisions without restrictions, and women demonstrated control of business negotiations through the production of signed contracts.

On October 17, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that recommended affirmation of the Division's denial of the application to certify Long Island Vending as a WBE on the grounds set forth in the Division's December 22, 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 December 22, 2016, is affirmed. Accordingly, Long Island Vending will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 19, 2017



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