



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

In the matter of the appeal of

MLJ Painting Corporation

FINAL ORDER 19-09

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 MLJ Painting Corporation ("MLJ Painting") pursuant to section 144.2 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 August 30, 2017, to deny MLJ Painting certification as a Women-owned Business Enterprise ("WBE").

Appellant initiated this appeal on September 11, 2017 and requested a hearing. On January 22, 2019, the Division acknowledged Appellant's request and scheduled a hearing for February 5, 2019, for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge Daniel P. O'Connell. Horace Flowers, Esq., appeared on behalf of Appellant, and Simon Wynn, Esq., represented the Division. The hearing concluded on that date and the record closed on or about April 9, 2019, upon receipt of the recording of the hearing.

The issues on appeal were whether MLJ Painting demonstrated that Ms. Lorianne Picataggi, made capital contributions in the form of money, property, equipment or expertise, in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); whether Ms. Picataggi made decisions pertaining to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and whether Ms. Picataggi, as the woman owner relied upon for certification, demonstrated that she has the adequate managerial experience or technical competence needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i).

On May 2, 2019, the Division received a Recommended Order from Administrative Law Judge O'Connell that recommended affirmation of the Division's denial of the application to

certify MLJ Painting as a WBE on the grounds set forth in the Division's August 30, 2017 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.

It is hereby **ORDERED** that the decision to deny certification, dated August 30, 2017, is affirmed. Accordingly, MLJ Painting will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

May 6, 2019



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