



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

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In the matter of the appeal of

**Mahopac Auto Paint & Body Supply Corp.**

FINAL ORDER 19-13

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

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This order arises from an administrative appeal brought on behalf of Mahopac Auto Paint & Body Supply Corp. ("Mahopac") 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 July 17, 2017, to deny Mahopac certification as a Women-owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on July 28, 2017. On September 17, 2018, the Division acknowledged Appellant's request and scheduled a hearing for October 2, 2018, for this matter to be heard. That hearing date was adjourned and a new date of November 6, 2018, was set.

The hearing occurred as scheduled on November 6, 2018, before Administrative Law Judge Lisa A. Wilkinson. Ms. Dawn Oddo and Ms. Janette Gentile Talbot testified on behalf of Appellant, and Gretchen Robinson, Esq., represented the Division. The hearing concluded on that date and the record closed on or about October 29, 2018, upon receipt of the recording of the hearing.

The issues on appeal were whether Mahopac demonstrated that Ms. Oddo, as the woman- and minority owner relied upon for certification, shares in the risks and profits in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); and whether she demonstrated control of negotiations through the production of signed contracts, as required by § 144.2(b)(2).

On January 30, 2019, the Division received a Recommended Order from Administrative Law Judge Wilkinson that recommended affirmation of the Division's denial of the application to certify Mahopac as a WBE on the grounds set forth in the Division's July 17, 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 July 17, 2017, is affirmed. Accordingly, Mahopac will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 26, 2019



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