



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

In the matter of the appeal of

Mark Cerrone, Inc.

FINAL ORDER 18-22

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 Mark Cerrone, Inc. ("MCI") 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 January 18, 2017, to deny MCI certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Edward Perlman, Esq. of Magavern Magavern Grimm, LLP submitted a written appeal, dated May 17, 2017, on behalf of Appellant. Phillip Harmonick, Esq. submitted a response to the appeal on behalf of the Division on February 14, 2018. Sean MacKenzie, Esq., also of Magavern Magavern Grimm, LLP, submitted a brief, dated February 26, 2018, in reply to the Division's response. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: women contributed money, property, equipment, or expertise proportionate to their equity interests in MCI; and women made decisions pertaining to the operations of the business enterprise.

On April 02, 2018, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify MCI as a WBE on the grounds set forth in the Division's January 18, 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 January 18, 2017, is affirmed. Accordingly, MCI will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 05, 2018



Nicole Stent
Acting Executive Director
Division of Minority and Women's
Business Development