



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

**NCS Home, Inc.**

FINAL ORDER 16-29

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 NCS Home, Inc. ("NCS Home") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Andrea Corona, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated January 12, 2016, to deny NCS certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant appeared *pro se* at an appeal hearing on this matter on June 7, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

On August 4, 2016, the Division received from Administrative Law Judge Villa a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify NCS as a WBE.

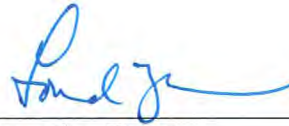
The issues on appeal were whether Appellant: made a capital contribution in proportion to her ownership interest in the business enterprise, shared in the risks and profits of the business enterprise in proportion to her ownership interest therein, made decisions pertaining to the operation of the business enterprise, possessed the requisite technical competence or managerial experience to operate the business enterprise, devoted time on an ongoing basis to the daily operation of the business enterprise, and negotiated contracts on behalf of the business enterprise. Administrative Law Judge Villa recommended that the Division's determination to

deny NCS certification as a WBE be upheld on each of the denial grounds identified by the Division.

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; namely, that NCS does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated January 12, 2016, is affirmed. Accordingly, NCS will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 4, 2016



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