



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

In the matter of the appeal of

New York Communications Co., Inc.

FINAL ORDER 17-15

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 New York Communications Co., Inc. ("NYCCI") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Lee Ann Lacoutte, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated April 12, 2016, to deny NYCCI certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant, represented by Mr. Stephen Diamond, Esq., appeared at an appeal hearing on October 25, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

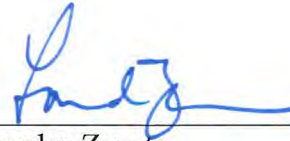
The issues on appeal were whether the women owners of NYCCI: owned at least fifty-one percent of the outstanding common stock of NYCCI; contributed money, property, equipment, or expertise to NYCCI in proportion to their ownership interest therein; shared in the risks and profits of NYCCI in proportion to their ownership interest therein; and were empowered to control NYCCI without restrictions.

On March 09, 2017, the Division received from Administrative Law Judge O'Connell a Recommended Order that recommended affirmation of the Division's April 12, 2016 denial on modified grounds. Specifically, the Recommended Order recommended modification of the Division's denial so as to omit the denial grounds related to the ownership of at least fifty-one percent of the outstanding common stock of NYCCI by women.

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 April 12, 2016 is modified, and as so modified is affirmed. Accordingly, NYCCI will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 20, 2017



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