



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

---

In the matter of the appeal of

**North Fork Boutique Gardens, Inc.**

FINAL ORDER 17-14

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 North Fork Boutique Gardens, Inc. ("North Fork") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Deborah Rodgers, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated May 03, 2016, to deny North Fork certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant submitted a written appeal letter on July 14, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on January 10, 2017. The respective submissions of the parties are contained in the appeal record.

The issue on appeal was whether Appellant contributed money, property, equipment, or expertise to North Fork in proportion to her ownership interest therein, and whether North Fork was an independent business enterprise.

On March 09, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's May 03, 2016 denial on modified grounds. Specifically, the Recommended Order recommended modification of the Division's May 03, 2016 denial letter so as to omit the denial grounds related to Appellant's contributions to North Fork.

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 May 03, 2016 is modified, and as so modified is affirmed. Accordingly, North Fork will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 16, 2017



---

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