



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

In the matter of the appeal of

O'Rourke Groundwater Developing, LLC

FINAL ORDER 17-36

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 O'Rourke Groundwater Developing, LLC ("O'Rourke Groundwater") 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 June 28, 2016, to deny O'Rourke Groundwater certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Ms. Maryann O'Rourke submitted an appeal on behalf of O'Rourke Groundwater dated August 29, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on May 17, 2017. The respective submissions of the parties are contained in the appeal record.


The issues on appeal were whether the woman owner of O'Rourke Groundwater: contributed money, property, equipment, or expertise in proportion to her equity interest in O'Rourke Groundwater; possessed the requisite managerial experience or technical competence to operate the business enterprise; and made decisions pertaining to the operations of the business enterprise.

On June 13, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify O'Rourke Groundwater as a WBE on each of the grounds set forth in the Division's June 28, 2016 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 June 28, 2016, is affirmed. Accordingly, O'Rourke Groundwater will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 14, 2017



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