



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

**OTONE Mechanical Construction, Inc.**

FINAL ORDER 17-28

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 OTONE Mechanical Construction, Inc. ("OTONE") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Toni A. Deranleau, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated August 31, 2016, to deny OTONE certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Appellant appeared *pro se* at a hearing regarding this matter on February 14, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to OTONE in proportion to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; and possessed the requisite technical expertise or managerial experience to operate the business enterprise.

On May 02, 2017, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended modification of the Division's August 31, 2016 denial letter. Administrative Law Judge Wilkinson recommended affirmation of the denial with respect to Appellant's contributions to OTONE, and modification of the denial so as to omit denial grounds related to Appellant's operational decision-making and possession of technical expertise or managerial experience.

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 August 31, 2016, is modified and, as so modified, affirmed. Accordingly, OTONE will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 08, 2017



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