



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

In the matter of the appeal of

Occupational Safety & Environmental Associates, Inc.

FINAL ORDER 17-27

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 Occupational Safety & Environmental Associates, Inc. ("OSEA") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Gina Coniglio, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 25, 2016, to deny OSEA certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal on July 19, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on February 01, 2017. Ms. Patricia Gillen, Esq., counsel to Appellant, submitted a reply to the Division's response on March 22, 2017. The respective submissions of the parties are contained in the appeal record.


The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to OSEA in proportion to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; and was permitted by the corporate bylaws of OSEA to make decisions without restrictions.

On April 12, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the denial of the application to certify OSEA as a WBE on each of the grounds identified in the Division's February 25, 2016 denial 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 February 25, 2016, is affirmed. Accordingly, OSEA will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 17, 2017



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