



**Division of Minority  
and Women's  
Business Development**

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

**Outer-County Construction, Corp.**

FINAL ORDER 18-26

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 Outer-County Construction, Corp. ("Outer-County Construction") pursuant to section 144.2 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 August 5, 2016, to deny Outer-County Construction certification as a Women-owned Business Enterprise ("WBE").

The Appellant initiated this appeal by means of a two-page letter, on November 22, 2016. The Division responded in a six-page letter to that appeal on November 15, 2017. The instant appeal was initially assigned to Administrative Law Judge Teneka Frost-Amusa, who was subsequently appointed to the Schenectady City Court. Upon Judge Frost-Amusa's promotion, the instant appeal was re-assigned to Administrative Law Judge Aiesha L. Hudson.

The issues on appeal were whether Outer-County Construction demonstrated through corporate by-laws and other business agreements that the woman owner relied upon for certification, Christine Plante, made decisions without restrictions on behalf of the business enterprise, as required by 5 NYCRR § 144.2(b)(2); whether the woman owner relied upon for certification, controls business negotiations, as required by 5 NYCRR § 144.2(b)(3); and whether the woman owner relied upon for certification makes decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1).

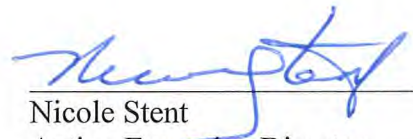
On April 20, 2018, the Division received a Recommended Order from Administrative Law Judge Hudson that recommended affirmation of the Division's denial of the application to

certify Outer-County Construction as a WBE on the grounds set forth in the Division's August 5, 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 August 5, 2016, is affirmed. Accordingly, Outer-County Construction will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 2018



Nicole Stent  
Acting Executive Director  
Division of Minority and Women's  
Business Development