



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

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

In the matter of the appeal of

P.W.R., LLC

FINAL ORDER 16-18

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 P.W.R., LLC ("PWR") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Amy Roberts, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated December 04, 2015, to deny PWR certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. The Appellant submitted a written appeal in this matter dated January 04, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response in this matter on March 07, 2016. The respective submissions of the parties are contained in the appeal record.

On May 12, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify PWR as a WBE.

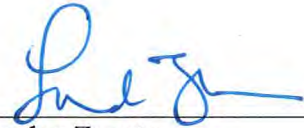
The issues on appeal were whether: Appellant made a capital contribution to PWR in proportion to her ownership interest therein, Appellant possessed the requisite technical expertise and managerial experience to operate PWR, and PWR was an independent business enterprise. Administrative Law Judge Garlick recommended that the Division's determination to deny PWR certification as a WBE be upheld on each of the grounds identified by the Division.

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; namely, that PWR does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated December 04, 2015, is affirmed. Accordingly, PWR will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 20, 2016



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