



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

In the matter of the appeal of

Peck Property Maintenance, LLC

FINAL ORDER 18-34

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 Peck Property Maintenance, LLC ("Peck Property") 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 May 10, 2017, to deny Peck Property certification as a Woman-owned Business Enterprise ("WBE").

The Appellant initiated this appeal on May 30, 2017. On May 21, 2018, the Division notified Appellant of a hearing date set for June 19, 2018. The hearing occurred as scheduled before Administrative Law Judge P. Nicholas Garlick. Appellant was represented by Michael D. Callan, Esq., of Saunders Kahler, LLP, and the Division was represented by Benson V. Martin, Esq. The hearing concluded on that date and the record closed on June 22, 2018, upon receipt of the recording of the hearing.

The issues on appeal were whether Peck Property demonstrated that the woman owner, Courtney Peck, made contributions of money, property, equipment or expertise proportionate to her fifty-one percent equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); whether the woman owner makes decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); whether the woman owner relied upon for certification has adequate managerial experience or technical competence to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i); and whether the woman owner devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(iii).

On July 17, 2018, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify Peck Property as a WBE on the grounds set forth in the Division's May 10, 2017 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 May 10, 2017, is affirmed. Accordingly, Peck Property will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 20, 2018



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