



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

In the matter of the appeal of

Penn Fabricators, Inc.

FINAL ORDER 16-42

From a denial of certification as a Woman-Owned Business Enterprise pursuant to Executive Law Article 15-A

This order arises from an administrative action brought by Penn Fabricators, Inc. ("PFI") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Teresa Penn, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division") dated January 22, 2016 to deny PFI certification as a Woman-Owned Business Enterprise ("WBE").

Ms. Penn submitted a written appeal on July 1, 2016. The Division responded to Ms. Penn's appeal on August 10, 2016. This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. On September 8, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirming the Division's determination to deny the application by Ms. Penn to certify PFI as a WBE.

The issues on appeal were whether Ms. Penn demonstrated that she (1) made capital contributions to the business in proportion to her ownership interest in the business; (2) has the experience or technical competence, working knowledge or ability needed to operate the business; and (3) makes business decisions pertaining to the operations of the business.

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 to PFI as a WBE, dated January 22, 2016, is affirmed. Accordingly, PFI will not be listed in the Division's directory of certified Minority and Women-Owned Business Enterprises.

September 8, 2016

A handwritten signature in blue ink, appearing to read "Lourdes Zapata".

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