



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

In the matter of the appeal of

RocSpaces, Inc.

FINAL ORDER 17-63

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 RocSpaces, Inc. ("RocSpaces") pursuant to section 144.4 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 February 17, 2017, to deny RocSpaces certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at an appeal hearing concerning this matter on September 05, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

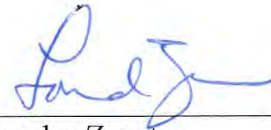
The issues on appeal were whether: women made decisions pertaining to the operation of the business; and the woman owner relied upon for certification possessed adequate technical expertise or managerial experience to operate the business enterprise.

On October 23, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that recommended affirmation of the Division's denial of the application to certify RocSpaces as a WBE on the grounds set forth in the Division's February 17, 2017 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 17, 2017, is affirmed. Accordingly, RocSpaces will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 26, 2017



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