



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

In the matter of the appeal of

SK Enterprises I, Inc.

FINAL ORDER 16-51

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 SK Enterprises I, Inc. ("SK Enterprises") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Stephanie Fiacco, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated October 16, 2015, to deny SK Enterprises certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. The Appellant appeared, *pro se*, at a hearing in this matter on April 12, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is included in the appeal record.

The issues on appeal were whether the Appellant: shared in the risks and profits of SK Enterprises in proportion to her ownership interest therein; possessed the requisite technical expertise or managerial experience to operate the business enterprise; made decisions pertaining to the operation of the business enterprise; devoted time on an ongoing basis to the daily operation of the business enterprise; and negotiated contracts on behalf of the business enterprise.

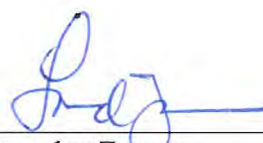
On October 24, 2016, the Division received from Administrative Law Judge McBride a Recommended Order that affirmed, on modified grounds, the Division's determination to deny the application by Appellant to certify SK Enterprises as a WBE. The Recommended Order recommended that the denial should be modified to strike the denial ground relating to the

allocation of the risks and profits of SK Enterprises, and affirmed on the other denial grounds identified in the Division's October 16, 2015 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 October 16, 2015 is affirmed. Accordingly, SK Enterprises will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 24, 2016



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