



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

In the matter of the appeal of

Signs Now of Rochester, Inc.

FINAL ORDER 19-08

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 Signs Now of Rochester, Inc. ("Signs Now") 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 July 3, 2017, to deny Signs Now certification as a Woman owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on August 1, 2017. The Division acknowledged Appellant's request and scheduled a hearing for November 27, 2018. On November 15, 2018, following a pre-hearing conference call between the parties and Administrative Law Judge Richard A. Sherman, the parties agreed to pursue this appeal through written submissions instead of through an in-person hearing. According to Judge Sherman's written appeal schedule, Frank J. Fields, Esq., of The Glennon Law Firm, represented appellant and filed a written appeal in this matter on December 17, 2018. Benson V. Martin, Esq., represented the Division, and filed the Division's reply on January 28, 2019. Mr. Fields then filed a sur-reply on February 11, 2019, upon such time the record was closed on February 13, 2019.

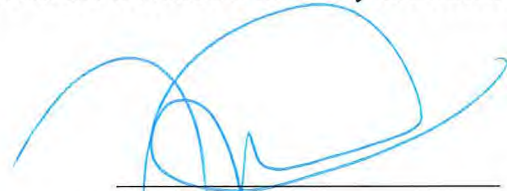
The single issue on appeal was whether Signs Now demonstrated that Ms. Julie St. Germaine and Mr. Jacqueline Ciresi, as the owners relied upon for certification, make decisions without restrictions through business agreements and other documents governing the business enterprise, as required by 5 NYCRR § 144.2(b)(2).

On March 29, 2019, the Division received a Recommended Order from Administrative Law Judge Sherman, that recommended affirmation of the Division's denial of the application to certify Signs Now as a WBE on the grounds set forth in the Division's July 3, 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 July 3, 2017, is affirmed. Accordingly, Sign Now will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

April 23, 2019



Valerie White
Executive Director
Division of Minority and Women's
Business Development