



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

In the matter of the appeal of

SoHo Imaging, Inc.

FINAL ORDER 16-22

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 SoHo Imaging, Inc. ("SoHo Imaging") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Joanne Gosert, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated December 16, 2015, to deny SoHo Imaging certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant submitted a written appeal on February 09, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on April 11, 2016. The submissions of the parties are contained in the appeal record.


On May 12, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify SoHo Imaging as a WBE.

The issues on appeal were whether Appellant: shared in the risks and profits of the business enterprise in proportion to her ownership interest therein; made a capital contribution to the business enterprise that was proportionate to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; devoted time on an ongoing basis to the operation of the business enterprise; and was empowered by corporate documents to control the business without restriction. Administrative Law Judge Garlick recommended that the Division's determination to deny SoHo Imaging certification as a WBE be upheld on each of the grounds identified by the Division.

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; namely, that SoHo Imaging does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated December 16, 2015, is affirmed. Accordingly, SoHo Imaging will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 27, 2016



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