



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

In the matter of the appeal of

Special Testing Laboratories, Inc.

FINAL ORDER 16-17

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 Special Testing Laboratories, Inc. ("Special Testing") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Virginia Speciale, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 06, 2015, to deny Special Testing certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. The Appellant submitted a written appeal in this matter dated February 10, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response in this matter on March 09, 2016. The respective submissions of the parties are contained in the appeal record.

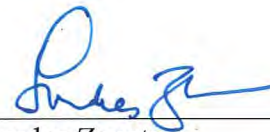
On May 12, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Special Testing as a WBE.

The issues on appeal were whether the Appellant: shared in the risks and profits of Special Testing in proportion to her ownership interest therein; demonstrated a capital contribution to Bentley Bros in proportion to her ownership interest therein; and was permitted to make decisions pertaining to the control of Special Testing without restrictions. Administrative Law Judge Garlick recommended that the Division's determination to deny Special Testing 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 Special Testing 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 November 06, 2015, is affirmed. Accordingly, Special Testing will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 18, 2016



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