



**Division of Minority
and Women's
Business Development**

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

In the matter of the appeal of

Spur Line Construction Corp.

FINAL ORDER 16-52

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 Spur Line Construction Corp. ("Spur Line") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Eileen Osborn, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated April 12, 2016, to deny Spur Line 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 on July 05, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response to the appeal on September 01, 2016. The respective submissions of the parties are contained in the appeal record.

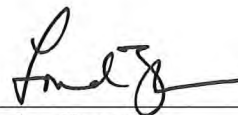
The issues on appeal were whether the Appellant: made a contribution of money, property, equipment, or expertise to Spur Line in proportion to her ownership interest therein; and possessed the requisite technical expertise or managerial experience to operate the business enterprise.

On October 27, 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 Spur Line as a WBE. The Recommended Order recommended that the denial should be affirmed on each of the denial grounds identified in the Division's April 12, 2016 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 April 12, 2016 is affirmed. Accordingly, Spur Line will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 27, 2016



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