



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

In the matter of the appeal of

Staroba Plastics, Inc.

FINAL ORDER 16-48

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 Staroba Plastics, Inc. ("Staroba Plastics") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Barbara Staroba, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 11, 2016, to deny Staroba Plastics certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Mr. Michael Schiavone, Esq., Mr. Matthew B. Morey, Esq., and Mr. Jeffrey B. Novak, Esq., counsel to the Appellant, submitted a written appeal in this matter on July 01, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on August 16, 2016. The respective submissions of the parties are contained in the appeal record.

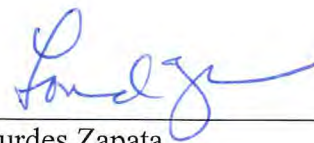
On October 03, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Staroba Plastics as a WBE.

The issues on appeal were whether Appellant made a capital contribution to Staroba Plastics in proportion to her ownership interest in the business enterprise and whether Appellant shared in the risks and profits of Staroba Plastics in proportion to her ownership interest therein. Administrative Law Judge Garlick recommended that the Division's determination to deny Staroba Plastics certification as a WBE be upheld on each of the denial 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 Staroba Plastics 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 February 11, 2016, is affirmed. Accordingly, Staroba Plastics will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 03, 2016



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