



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

In the matter of the appeal of

Technically Creative, Inc.

FINAL ORDER 19-30

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 Technically Creative, Inc. ("TCI" or "Appellant") 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 March 20, 2017, to deny TCI certification as a Woman-owned Business Enterprise ("WBE").

Appellant submitted a written appeal on or about April 12, 2017. On behalf of the Division, Donald J. Tobias, Esq. submitted a Memorandum of Law and Affidavit of Certification Director Raymond Emanuel, both dated September 24, 2019. Administrative Law Judge Helene G. Goldberger presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that (1) the contribution of the woman owner is proportionate to her equity interest as required by 5 NYCRR §144.2(a)(1); (2) the woman owner shares in the risks and profits in proportion to her equity interests, as required by 5 NYCRR § 144.2(c)(2); (3) the woman owner makes decisions pertaining to the operation of the business enterprise as required by 5 NYCRR §144.2(b)(1); (4) the woman owner has adequate managerial experience or technical competence to operate the business as required by 5 NYCRR §144.2(b)(1)(i); and (5) the corporate bylaws and other documents permit the woman owner to make decisions without restrictions as required by 5 NYCRR §144.2(b)(2).

On or about October 29, 2019, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division's denial of

the application to certify TCI as a WBE on the grounds set forth in the Division's March 20, 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 March 20, 2017, is affirmed. Accordingly, Technically Creative, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

December 9, 2019



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