



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

In the matter of the appeal of

ThinkersDesign

FINAL ORDER 19-27

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 ThinkersDesign (“ThinkersDesign” 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 16, 2017, to deny ThinkersDesign certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated and filed its appeal on or about March 31, 2016. The Division submitted a Memorandum of Law in Response to the Appeal, dated September 18, 2019 and Affidavit of Glenn Butler, Senior Certification Analyst, in support.

The issues on appeal were whether ThinkersDesign sufficiently demonstrated that the woman owners relied upon for certification, owns at least fifty-one percent interest in the business enterprise as required by 5 NYCRR § 144.2(a)(3-4) and whether the woman owners shares in the risks and profits in proportion to her equity interests, as required by 5 NYCRR § 144.2(c)(2).

On October 15, 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 ThinkersDesign as a WBE on the grounds set forth in the Division’s March 16, 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 16, 2017, is affirmed. Accordingly, ThinkersDesign will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

November 4, 2019

A handwritten signature in black ink, appearing to read 'V. White', is written over a horizontal line.

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