



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

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In the matter of the appeal of

**Twist Management, LLC**

FINAL ORDER 19-25

From a denial of certification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

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This order arises from an administrative appeal brought on behalf of Twist Management, LLC ("Twist Management") 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 December 8, 2016, to deny Twist Management certification as a Women-owned Business Enterprise ("WBE").

Appellant initiated this written appeal on December 28, 2016 and submitted its appeal papers on or about April 14, 2017. The Division, through counsel Donald J. Tobias, Esq., responded to appellant's appeal on April 5, 2019. This appeal was then assigned to Administrative Law Judge Helene G. Goldberger for review and drafting of a Recommended Order.

The issues on appeal were whether Twist Management demonstrated that Ms. Whitney Twist, as the woman owner relied upon for certification, made capital contributions in the form of money, property, equipment, or expertise in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); and whether the business enterprise was in fact an independent business as required by 5 NYCRR §§ 144.2(a)(2) and 144.2(c)(2).

On May 14, 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 Twist Management as a WBE on the grounds set forth in the Division's December 8, 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 December 8, 2016, is affirmed. Accordingly, Twist Management, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 9, 2019



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