



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

In the matter of the appeal of

Visage Construction Corp.

FINAL ORDER 17-04

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 Visage Construction Corp. ("Visage") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Carol Lent, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated March 30, 2016, to deny Visage certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant, represented by Mr. Jeffrey Rothschild, Esq., appeared at a hearing regarding this matter on November 08, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.


The issues on appeal were whether the Appellant made a contribution of money, property, equipment, or expertise in proportion to her ownership interest in Visage and whether the corporate bylaws of Visage permitted Appellant to make decisions without restrictions.

On January 13, 2017, 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 Visage as a WBE. The Recommended Order recommended that that the denial should be affirmed on each of the grounds identified in the Division's March 30, 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 March 30, 2016 is affirmed. Accordingly, Visage will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

January 13, 2017



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