



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

In the matter of the appeal of

Watson Farms, LLC

FINAL ORDER 18-49

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 Watson Farms, LLC ("Watson Farms") 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 April 10, 2017, to deny Watson Farms certification as a Women-owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on April 29, 2017. The Division acknowledged Appellant's request on March 9, 2018 and scheduled a hearing for April 3, 2018, for this matter to be heard. On March 26, 2018, at the Division's request and appellant's consent, the scheduled hearing was adjourned to April 9, 2018.

On April 9, 2018, the hearing occurred as scheduled before Administrative Law Judge Daniel P. O'Connell. David G. Burch, Jr., Esq., appeared on behalf of appellant, and Phillip Harmonick, Esq., represented the Division. The hearing concluded on that date and the record closed on May 3, 2018, upon receipt of the recording of the hearing.

The issues on appeal were whether Watson Farms demonstrated that Ms. Mary Lou Watson shares in the risks and profits in proportion to her ownership interests in the business enterprise as required by 5 NYCRR § 144.2(c)(2); whether the applicant business sufficiently demonstrated that she, as the woman owner relied upon for certification, makes decisions pertaining to the operation of the business enterprise as required by 5 NYCRR § 144.2(b)(1); whether she had adequate managerial or technical competence to operate the business enterprise as required by 5 NYCRR §

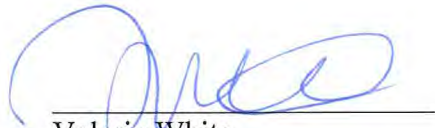
144.2(b)(1)(i); and whether she devotes time on an ongoing basis to the daily operation of the business enterprise as required by 5 NYCRR § 144.2(b)(1)(iii).

On July 19, 2018, the Division received a Recommended Order from Administrative Law Judge O'Connell that recommended affirmation of the Division's denial of the application to certify Watson Farms as a WBE on the grounds set forth in the Division's April 10, 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 April 10, 2017, is affirmed. Accordingly, Watson Farms will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

January 30, 2019



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