



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

In the matter of the appeal of

Whitman Engineering

FINAL ORDER 17-23

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 Whitman Engineering pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Kate Whitman, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 12, 2016, to deny Whitman Engineering certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Appellant, represented by Mr. John Jay Bove, Esq., appeared at a hearing regarding this matter on January 24, 2017. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

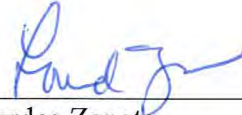
The issues on appeal were whether Appellant contributed money, property, equipment, or expertise to Whitman Engineering in proportion to her ownership interest therein.

On March 20, 2017, the Division received from Administrative Law Judge McBride a Recommended Order that recommended reversal of the Division's February 12, 2016 denial.

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 February 12, 2016 is reversed. Accordingly, Whitman Engineering will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 27, 2017



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