



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

**Wolf Road Plaza II, LLC**

FINAL ORDER 18-10

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 Wolf Road Plaza II, LLC ("WRP II") pursuant to section 144.4 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 October 03, 2016, to deny WRP II certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Timothy E. Casserly, Esq., submitted a written appeal on behalf of Appellant on March 03, 2017. Phillip Harmonick, Esq. submitted a response on behalf of the Division on January 19, 2018. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: the women owners of WRP II contributed money, property, equipment, or expertise proportionate to their equity interests in the business enterprise; and the operating agreement of WRP II permitted its women owners to make decisions without restrictions.

On February 08, 2018, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended affirmation of the Division's denial of the application to certify WRP II as a WBE on the grounds set forth in the Division's October 03, 2016 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 October 03, 2016, is affirmed. Accordingly, WRP II will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 20, 2018



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Nicole Stent  
Acting Executive Director  
Division of Minority and Women's  
Business Development