



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

In the matter of the appeal of

**Your Way Custom Cabinets, Inc.,
d/b/a Fina Cabinets**

FINAL ORDER 18-35

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 Your Way Custom Cabinets, Inc., d/b/a Fina Cabinets ("Your Way") 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 August 21, 2017, to deny Your Way certification as a Woman-owned Business Enterprise ("WBE").

The Appellant initiated this appeal on September 7, 2017. On March 1, 2018, the Division notified Appellant of a hearing date set for March 29, 2018. The hearing occurred as scheduled before Administrative Law Judge Jeffrey M. Bernbach. Appellant proceeded *pro se*, and Phillip Harmonick, Esq. represented the Division. The hearing concluded on that date and the record closed on April 7, 2018, upon receipt of the recording of the hearing.

The two issues on appeal were whether Your Way demonstrated that the woman owner, Annette Alberti, shares in the risks and profits proportionate to her one hundred percent ownership interests in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); and whether the woman owner makes decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1).

On July 12, 2018, the Division received a Recommended Order from Administrative Law Judge Bernbach that recommended affirmation of the Division's denial of the application to certify Your Way as a WBE on the grounds set forth in the Division's August 21, 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 August 21, 2017, is affirmed. Accordingly, Your Way will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 20, 2018



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