



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

In the matter of the appeal of

AAA Contracting Services Corp.

FINAL ORDER 18-08

From a denial of certification as a Minority-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of AAA Contracting Services Corp. ("AAA Contracting") 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 January 13, 2017, to deny AAA Contracting certification as a Minority-owned Business Enterprise ("MBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at a hearing concerning this matter on November 07, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

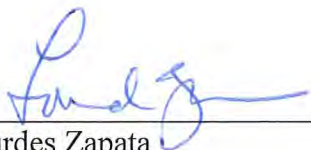
The issues on appeal were whether the minority owner of AAA Contracting: made decisions pertaining to the operations of the business enterprise; possessed adequate managerial experience or technical competence to operate the business enterprise; and demonstrated control of negotiations through the production of signed contracts.

On February 06, 2018, the Division received from Administrative Law Judge Sherman a Recommended Order that recommended affirmation of the Division's denial of the application to certify AAA Contracting as an MBE on the grounds set forth in the Division's January 13, 2017 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 January 13, 2017, is affirmed. Accordingly, AAA Contracting will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 08, 2018



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