



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

In the matter of the appeal of

Alpha Drilling & Blasting, Inc.

FINAL ORDER 18-23

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 Alpha Drilling & Blasting, Inc. ("Alpha Drilling") 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 24, 2017, to deny Alpha Drilling certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Appellant appeared *pro se* at an appeal hearing concerning this matter on August 15, 2017. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether: women contributed money, property, equipment, or expertise proportionate to their equity interests in Alpha Drilling; and women shared in the risks and profits of the business enterprise in proportion to their ownership interests therein.

On April 02, 2018, the Division received from Administrative Law Judge McBride a Recommended Order that recommended reversal of the Division's denial of the application to certify Alpha Drilling as a WBE.

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 24, 2017, is reversed. Accordingly, Alpha Drilling will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 05, 2018



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