



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

In the matter of the appeal of

Atlantic Granite & Marble, Inc.

FINAL ORDER 18-25

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 Atlantic Granite & Marble, Inc. ("Atlantic Granite") 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 February 28, 2017, to deny Atlantic Granite certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at an appeal hearing concerning this matter on February 06, 2018. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether women: owned at least fifty-one percent of the outstanding stock of Atlantic Granite; contributed money, property, equipment, or expertise proportionate to their equity interests in Atlantic Granite; and shared in the risks and profits of the business enterprise in proportion to their ownership interests therein.

On April 05, 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 Atlantic Granite as a WBE on the grounds set forth in the Division's February 28, 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 February 28, 2017, is affirmed. Accordingly, Atlantic Granite will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 11, 2018



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