



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

In the matter of the appeal of

Beach Erectors, Inc.

FINAL ORDER 17-38

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 Beach Erectors, Inc. ("Beach Erectors") 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 September 02, 2016, to deny Beach Erectors certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Beach Erectors, represented by Mr. Henry Chan, Esq., appeared at a hearing concerning this matter on April 11, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceeding is contained in the appeal record.

The issues on appeal were whether the woman owner of Beach Erectors: made decisions pertaining to the operations of Beach Erectors; and possessed the requisite managerial experience or technical competence to operate the business enterprise.

On June 14, 2017, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended reversal of the Division's denial of the application to certify Beach Erectors 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 September 02, 2016, is reversed. Accordingly, Beach Erectors will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 20, 2017



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