



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

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In the matter of the appeal of

**Drilling Technologies, Inc.**

FINAL ORDER 17-35

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

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This order arises from an administrative appeal brought on behalf of Drilling Technologies, Inc. ("Drilling Technologies") 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 August 08, 2016, to deny Drilling Technologies certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Ms. Jennifer Harvey, Esq. submitted an appeal on behalf of Drilling Technologies dated December 19, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on May 26, 2017. The respective submissions of the parties are contained in the appeal record.

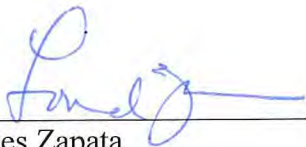
The issues on appeal were whether the woman owner of Drilling Technologies: shared in the risks and profits of the business in proportion to her ownership interest therein; and demonstrated control of negotiations through the production of signed contracts.

On June 13, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's denial of the application to certify Drilling Technologies as a WBE on each of the grounds set forth in the Division's August 08, 2016 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 08, 2016, is affirmed. Accordingly, Drilling Technologies will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 14, 2017

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