



**Division of Minority
and Women's
Business Development**

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

In the matter of the appeal of

Hershy Engineering & Consulting, P.C.

FINAL ORDER 17-09

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

This order arises from an administrative appeal brought on behalf of Hershy Engineering & Consulting, P.C. ("Hershy Engineering") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Manisha Patel, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated June 30, 2016, to deny Hershy Engineering certification as a Minority and Women-owned Business Enterprise ("MWBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant, represented by Mr. Michael J. Mattia, Esq. and Mr. Marvin L. Schechter, Esq., appeared at a hearing regarding this matter on December 06, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

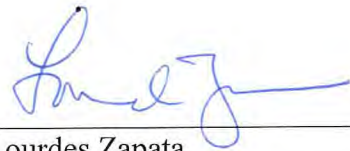
The issues on appeal were whether the Appellant made a contribution of money, property, equipment, or expertise in proportion to her ownership interest in Hershy Engineering, and whether Hershy Engineering was an independent business enterprise.

On March 08, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Hershy Engineering as an MWBE. The Recommended Order recommended that the denial should be affirmed on each of the grounds identified in the Division's June 30, 2016 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 June 30, 2016 is affirmed. Accordingly, Hershey Engineering will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 13, 2017



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