



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

**Hertel Steel, Inc.**

FINAL ORDER 17-12

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 Hertel Steel, Inc. ("Hertel Steel") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Heather LaShomb, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated June 14, 2016, to deny Hertel Steel certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant, represented by Mr. Rand Allgaier, Esq., appeared at a hearing regarding this matter on December 20, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

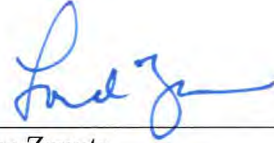
The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to Hertel Steel in proportion to her ownership interest therein; possessed the requisite technical expertise or managerial experience to operate Hertel Steel; and made decisions pertaining to the operation of Hertel Steel.

On March 10, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's June 14, 2016 determination to deny the application by Appellant to certify Hertel Steel 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 June 14, 2016 is affirmed. Accordingly, Hertel Steel will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 15, 2017



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