



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

In the matter of the appeal of

Krieg Construction Co., Inc.

FINAL ORDER 17-32

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 Krieg Construction Co., Inc. ("Krieg Construction") 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 10, 2015, to deny Krieg Construction certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Ms. Mindy Zoghlin, Esq. submitted an appeal on behalf of Krieg Construction dated August 12, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on April 24, 2017. The respective submissions of the parties are contained in the appeal record.

The issue on appeal was whether the corporate bylaws of Krieg Construction permitted the woman owner of the business to make decisions without restrictions.

On May 25, 2017, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended affirmation of the Division's denial of the application to certify Krieg Construction as a WBE on each of the grounds set forth in the Division's September 10, 2015 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 September 10, 2015, is affirmed. Accordingly, Krieg Construction will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 05, 2017



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