



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

In the matter of the appeal of

MLB Trucking, LLC

FINAL ORDER 17-30

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 MLB Trucking, LLC ("MLB Trucking") 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 May 20, 2016, to deny MLB Trucking certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Mr. J.K. Hage III, Esq. submitted an appeal on behalf of MLB Trucking dated March 17, 2017. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on April 12, 2017. Mr. Hage submitted a reply to the Division's response on April 28, 2017. The respective submissions of the parties are contained in the appeal record.

The issue on appeal was whether MLB Trucking was an independent business enterprise.

On May 25, 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 MLB Trucking as a WBE on each of the grounds set forth in the Division's May 20, 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 May 20, 2016, is affirmed. Accordingly, MLB Trucking 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