



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

In the matter of the appeal of

Owen Steel Co., Inc.

FINAL ORDER 18-09

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 Owen Steel Co., Inc. ("Owen Steel") 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 October 25, 2016, to deny Owen Steel certification as a Minority and Women-owned Business Enterprise ("MWBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Appellant submitted a written appeal on November 07, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on October 02, 2017. The respective submissions of the parties are contained in the appeal record.

The issue on appeal was whether Owen Steel was a small business.

On February 14, 2018, the Division received from Administrative Law Judge McBride a Recommended Order that recommended affirmation of the Division's denial of the application to certify Owen Steel as an MWBE on the grounds set forth in the Division's October 25, 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 October 25, 2016, is affirmed. Accordingly, Owen Steel will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 20, 2018



Nicole Stent
Acting Executive Director
Division of Minority and Women's
Business Development