



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

In the matter of the appeal of

R & R Metal Fabrication & Welding, LLC

FINAL ORDER 17-60

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

This order arises from an administrative appeal brought on behalf of R & R Metal Fabrication & Welding, LLC ("R & R Metal") 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 14, 2016, to deny R & R Metal certification as a Minority-owned Business Enterprise ("MBE").

This appeal was assigned to Administrative Law Judge Molly T. McBride. Appellant appeared *pro se* at an appeal hearing concerning this matter on May 09, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

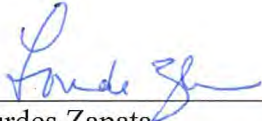
The issue on appeal was whether R & R Metal was an independent business enterprise.

On September 29, 2017, the Division received from Administrative Law Judge McBride a Recommended Order that recommended affirmation of the Division's denial of the application to certify R & R Metal as an MBE on the grounds set forth in the Division's October 14, 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 14, 2016, is affirmed. Accordingly, R & R Metal will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

October 10, 2017



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