



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

**Robert Busse & Co., Inc.**

FINAL ORDER 18-14

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 Robert Busse & Co., Inc. ("Robert Busse") 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 March 20, 2017, to deny Robert Busse certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant appeared, *pro se*, at a hearing concerning this matter on December 12, 2017. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issue on appeal was whether Robert Busse was a small business enterprise.

On February 08, 2018, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended reversal of the Division's denial of the application to certify Robert Busse 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 March 20, 2017, is reversed. Accordingly, Robert Busse will be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

February 26, 2018



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