



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

In the matter of the appeal of

Steel & Duct Fabrication, Inc.

FINAL ORDER 17-11

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 Steel & Duct Fabrication, Inc. ("Steel & Duct") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Monda Mikhail, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated September 14, 2016, to deny Steel & Duct certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant, represented by Austin Graff, Esq., appeared at a hearing regarding this matter on December 06, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

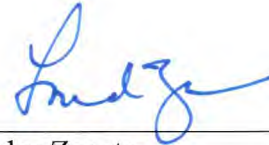
The issue on appeal was whether Steel & Duct was an independent business enterprise.

On March 08, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Steel & Duct as a WBE. The Recommended Order recommended that that the denial should be affirmed on each of the grounds identified in the Division's September 14, 2016 denial 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 14, 2016 is affirmed. Accordingly, Steel & Duct will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 15, 2017



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