



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

**NYCO ENVIRONMENTAL &  
DEWATERING CORP.**

FINAL ORDER 25-09

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

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The attached Recommended Order is incorporated with modification, as set forth below.

This order arises from an administrative appeal brought on behalf of NYCO Environmental & Dewatering Corp. ("NYCO" or "Appellant") pursuant to parts 140-147 of title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the determination of the Division of Minority and Women's Business Development (the "Division"), dated January 7, 2025, to deny NYCO certification as a Woman-owned Business Enterprise ("WBE").

The Division received a Recommended Order, dated July 22, 2025, which recommended the Director modify the Division's determination to deny NYCO's application for certification, and as modified, affirm the denial determination. Specifically, the Administrative Law Judge found that NYCO had met its burden to demonstrate that the Division's determination to deny its application for certification with respect to the eligibility criteria at 5 NYCRR §144.2(c)(1) was not based on substantial evidence. The Administrative Law Judge found that NYCO had not met its burden to demonstrate that the Division's determination to deny its application for certification with respect to the eligibility criteria at 5 NYCRR §144.2(c)(2), was not based on substantial evidence.

After considering the appeal record, I respectfully decline to accept the findings as they pertain to 5 NYCRR §144.2(c)(1) set forth in the July 22, 2025, Recommended Order. Based on the Division's interpretation of the regulations, Appellant failed to demonstrate that Barbara Miltakis, the woman owner relied upon for certification, possessed adequate industry-specific competence to make critical business decisions without relying upon other persons, as required by 5 NYCRR §144.2(c)(1). That said, I accept the findings as they pertain to 5 NYCRR §144.2(c)(2), as set forth in the July 22, 2025, Recommended Order.

Under 5 NYCRR §144.2(c)(1), the Division considers the following factors when evaluating competence in the industry: (i) Whether individuals employed by the business enterprise for which certification is sought are required to obtain licenses or certifications to provide products or services to the clients of the business enterprise; (ii) The extent to which academic credentials exist for persons employed in the industry; and (iii) The extent to which industry-specific expertise may be obtained via direct work experience.

NYCO is engaged in the business of providing environmental contracting and consulting services, remediation services, soil sampling, dewatering and geotechnical services. Although Ms. Miltakis holds some industry-relevant licenses and/or certifications, she has not obtained the licenses and/or certifications required to provide the primary services performed by NYCO. To provide these services, Ms. Miltakis relies upon non-qualifying employees and their licenses and/or certifications. Further, Ms. Miltakis' educational background does not reflect the academic credentials typically held by persons employed in the industry.

Lastly, the record does not show that Ms. Miltakis has obtained industry-specific expertise through direct work experience. While Ms. Miltakis' resume did include some project management certifications and construction-related training, Ms. Miltakis' work experience prior to her employment at the applicant business is not directly related to the specific industry at hand. Notwithstanding the fact that Ms. Miltakis started the applicant business in 2008 and has been president since its inception, at no point does she elaborate on the industry-specific expertise she has obtained from this experience. The responsibilities for which Ms. Miltakis is responsible at NYCO, while valuable to business operations, do not inherently demonstrate industry-specific competency. Moreover, the technical work and supervisory duties are performed by non-qualifying employees at NYCO. Despite claiming that she "personally performed field tasks, including sampling, site visits, and project oversight" at NYCO's inception, Ms. Miltakis did not present any evidence demonstrating that she has ever performed or supervised, nor is able to perform or supervise, the services NYCO specifically provides. Thus, it cannot be determined that Ms. Miltakis has obtained industry-specific expertise via direct work experience, nor, accordingly, that she possesses adequate industry-specific competence to make critical business decisions without relying upon other persons.

**ORDERED:** The recommendation to modify the Division's denial determination, based on the findings pertaining to 5 NYCRR §144.2(c)(1), as set forth in the attached Recommended Order, is hereby rejected. The recommendation to affirm the Division's denial determination, based on the findings pertaining to 5 NYCRR §144.2(c)(2), as set forth in the attached Recommended Order, is hereby accepted.

**ORDERED:** The Division's determination to deny the certification of NYCO based on the eligibility criteria at 5 NYCRR §§144.2(c)(1), and 144.2(c)(2), is hereby affirmed.

**ORDERED:** The Division's Directory for Minority and Women-owned Business Enterprises will reflect the determination herein; NYCO will not be listed.

This decision is Ordered by Jason M. Clark, the Executive Vice President and Executive Director of the Division of Minority and Women's Business Development.

September 2, 2025

A handwritten signature in black ink, appearing to read "Jason M. Clark", written over a horizontal line.

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Jason M. Clark  
Executive Vice President and Executive Director  
Division of Minority and Women's Business Development