



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

**BRT Planning International, LLC**

FINAL ORDER 17-26

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 BRT Planning International, LLC (“BRT Planning”) pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Johanna Weinstock, seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated August 16, 2016, to deny BRT Planning certification as a Women-owned Business Enterprise (“WBE”).

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at a hearing regarding this matter on March 21, 2017. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal records.

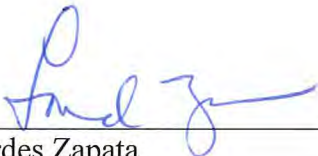
The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to BRT Planning in proportion to her ownership interest therein; and shared in the risks and profits of BRT Planning in proportion to her ownership interest therein.

On April 11, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that recommended modification of the Division’s August 16, 2016 denial letter so as to omit the grounds related to Appellant’s contributions to BRT Planning.

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 August 16, 2016, is modified and, as so modified, affirmed. Accordingly, BRT Planning will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

April 12, 2017

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