



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

---

In the matter of the appeal of

**PSI Plumbing, Inc.**

FINAL ORDER 16-37

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 PSI Plumbing, Inc. ("PSI") pursuant to 5 NYCRR Section 144.4. Appellant, Mr. Javier Torres, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated August 20, 2015, to deny PSI certification as a Minority-owned Business Enterprise ("MBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant appeared *pro se* at a hearing in this matter on July 5, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

On August 8, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify PSI as an MBE.

The issues on appeal were whether Appellant made a capital contribution in proportion to his ownership interest in the business enterprise and was empowered to control the business without restriction by the corporate bylaws and other relevant business agreements of PSI. Administrative Law Judge Garlick recommended that the Division's determination to deny PSI certification as an MBE be upheld on each of the denial grounds identified by the Division.

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; namely, that PSI does not

meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated August 20, 2015, is affirmed. Accordingly, PSI will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

August 18, 2016



---

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