



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

In the matter of the appeal of

Pequa Insulation Mechanical, Inc.

FINAL ORDER 17-43

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 Pequa Insulation Mechanical, Inc. ("Pequa") 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 June 15, 2016, to deny Pequa certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Ms. Christine Nelson submitted a written appeal on behalf of Pequa dated September 19, 2016. Mr. Phillip Harmonick, Esq. submitted a response on behalf of the Division on June 22, 2017. The respective submissions of the parties are contained in the appeal record.

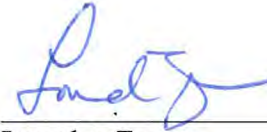
The issues on appeal were whether Ms. Nelson made decisions pertaining to the operations of Pequa, possessed adequate managerial experience or technical competence to operate the business, and devoted time on an ongoing basis to the daily operation of Pequa.

On July 17, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to certify Pequa as a WBE on the grounds set forth in the Division's June 15, 2016 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 June 15, 2016, is affirmed. Accordingly, Pequa will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

July 18, 2017



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