



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

In the matter of the appeal of

Personal Educational Trainers, Inc.

FINAL ORDER 17-34

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 Personal Educational Trainers, Inc. ("PET") 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 November 25, 2015, to deny PET certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Lisa A. Wilkinson. Ms. Carol Steron submitted an appeal on behalf of PET on March 22, 2016. Mr. Phillip Harmonick, Esq., submitted a response on behalf of the Division on May 19, 2017. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether: the woman owner of PET shared in the risks and profits of the business in proportion to her ownership interest therein; and the license agreement between PET and Sylvan Learning Systems, Inc. permitted the woman owner of the business to make decisions without restrictions.

On June 13, 2017, the Division received from Administrative Law Judge Wilkinson a Recommended Order that recommended affirmation of the Division's denial of the application to certify PET as a WBE on each of the grounds set forth in the Division's November 25, 2015 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 November 25, 2015, is affirmed. Accordingly, PET will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 14, 2017



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