



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

**Primae Engineering, P.C.**

FINAL ORDER 16-26

From a denial of certification as a Minority-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 Primae Engineering, P.C. ("Primae") pursuant to 5 NYCRR Section 144.4. Appellant, Mr. Kumar Buvanendaran, PE, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 20, 2015, to deny Primae certification as a Minority-owned Business Enterprise ("MBE").

This appeal was assigned to Administrative Law Judge Molly McBride. Appellant appeared *pro se* at an appeal hearing on this matter on March 22, 2016. The Division was represented by Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

On July 7, 2016, the Division received from Administrative Law Judge McBride a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Primae as an MBE.

The issues on appeal were whether Appellant: made a capital contribution to Primae in proportion to his ownership interest therein; made decisions pertaining to the operation of the business enterprise; devoted time on an ongoing basis to the daily operation of the business enterprise; and controlled business negotiations on behalf of Primae. Administrative Law Judge McBride recommended that the Division's determination to deny Primae 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 Primae 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 November 20, 2015, is affirmed. Accordingly, Primae will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

July 7, 2016



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