



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

In the matter of the appeal of

R.I.M. Plumbing and Heating Supply, Inc.

FINAL ORDER 23-09

From a denial of recertification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of R.I.M. Plumbing and Heating Supply, Inc. (“R.I.M.” or “Appellant”) pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated March 22, 2018, to deny R.I.M.’s November 2, 2017, recertification application as a Women-owned Business Enterprise (“WBE”).

Applicant submitted a written appeal, dated May 24, 2018. The Division submitted its response to the appeal, dated June 23, 2023, together with the affidavit of Raymond Emanuel, Certification Director, dated June 12, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal. The issues on appeal were whether the woman owner relied upon for recertification (1) shared in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); and (2) made decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1).

On September 12, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division’s denial of the application to certify Appellant as a WBE on the ground set forth in the Division’s March 22, 2018, denial letter.

¹ The Division’s March 22, 2018, denial determination pre-dates the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

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 recertification, dated March 22, 2018, is affirmed. Accordingly, R.I.M. will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

October 13, 2023

A handwritten signature in black ink, appearing to read "Jason Clark", with a long horizontal stroke extending to the right.

Jason Clark, EVP and Executive Director
Division of Minority and Women's Business Development