



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

In the matter of the appeal of

TCI Systems, Inc.

FINAL ORDER 23-11

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

This order arises from an administrative appeal brought on behalf of TCI Systems, Inc. ("TCI" 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 August 24, 2016, to deny TCI's May 21, 2014, certification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal, dated March 2, 2017. The Division submitted its response to the appeal, dated June 13, 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 certification (1) made a capital contribution to the business enterprise in proportion to her equity interest demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR § 144.2(a)(1); and (2) made decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1).

On October 30, 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 grounds set forth in the Division's August 24, 2016, denial letter.

¹ The Division's August 24, 2016, 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 certification, dated August 24, 2016, is affirmed. Accordingly, TCI will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

November 27, 2023

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

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