



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

In the matter of the appeal of

Dynamic Electric System, Inc.

FINAL ORDER 22-04

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 by Dynamic Electric System, Inc. ("DESI" or "Appellant") pursuant to parts 140-145 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 January 25, 2018 to deny DESI certification as a Woman-owned Business Enterprise ("WBE").

Appellant issued a request to appeal via written submission to the Division, dated February 5, 2018 and, through counsel Christopher P. Parnagian, Esq. of O'Hare Parnagian, LLP, Appellant filed its written appeal submission and cover letter dated May 4, 2018. Counsel for the Division, Bella Satra, Esq., filed a written response to the submission and an accompanying affidavit by Senior Certification Analyst, Clenice Mincey, dated August 12, 2020. Administrative Law Judge ("ALJ") Daniel P. O'Connell presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that (1) the contribution of the woman owner relied upon for certification is proportionate to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); (2) the woman owner shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); (3) the woman owner makes decisions pertaining to the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (4) the woman owner has adequate

¹ The Division's January 25, 2018 denial determination and Appellant's request to appeal and appeal papers dated submitted on or about May 4, 2018 pre-date 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.


managerial experience or technical competence or the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i) and (ii).

The Division received a Recommended Order from Judge O'Connell, dated June 15, 2021, that recommended affirmation of the Division's denial of the application to certify Dynamic Electric System, Inc. as a WBE on the grounds set forth in the Division's January 25, 2018 denial 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 January 25, 2018, is affirmed. Accordingly, Dynamic Electric System, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

March 31, 2022



Jerome A. DuVal
Executive Director
Division of Minority and Women's Business
Development