



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

In the matter of the appeal of

Bright Choice Electric and Controls, Inc.

FINAL ORDER 23-09

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 Bright Choice Electric and Controls, Inc. (“Bright Choice” or “Appellant”) pursuant to section 144.2 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 April 12, 2022, to deny Bright Choice’s June 8, 2019, certification application as a Women-owned Business Enterprise (“WBE”).


Appellant submitted a Request to Appeal, dated May 5, 2022, in which Appellant indicated its desire to proceed via written appeal. The Division sent to Appellant a Notice to Proceed Via Written Appeal, dated October 5, 2022. No further materials or submissions were received from the Appellant by the Division. The Division submitted its response to Appellant’s appeal request, dated May 26, 2023, together with the affidavit of Victoria Sawall, Senior Certification Analyst, dated May 24, 2023. Administrative Law Judge (“ALJ”) Adrienne R. Lotson presided over the appeal. The issues on appeal were whether the woman owner relied upon for certification (1) possessed adequate, industry-specific competence to make critical business decisions without relying upon other persons, as required under 5 NYCRR §144.2(c)(1); and (2) made operational decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required under 5 NYCRR §144.2(c)(2).

On September 5, 2023, the Division received a Recommended Order from Judge Lotson that recommended affirmation of the Division’s denial of the application to certify Appellant as an WBE on the grounds set forth in the Division’s April 12, 2022, 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 April 12, 2022, is affirmed. Accordingly, Bright Choice will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

September 22, 2023

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

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