



Division of Minority  
and Women's  
Business Development

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

**Chaim Electric Corporation**

FINAL ORDER 19-14

From a denial of certification as a Women-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 Chaim Electric Corporation (“Chaim Electric”) 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 October 27, 2017, to deny Chaim Electric certification as a Women-owned Business Enterprise (“WBE”).

Appellant initiated this written appeal on February 16, 2018. The Division, through counsel Donald J. Tobias, Esq., responded to appellant’s appeal on May 16, 2019. On May 17, 2019, this appeal was then assigned to Administrative Law Judge P. Nicholas Garlick for review and drafting of a Recommended Order.

The issues on appeal were whether Chaim Electric demonstrated that Ms. Yehudit Gelb, as the woman owner relied upon for certification, made capital contributions in the form of money, property, equipment, or expertise in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); whether she shares in the risks and profits in proportion to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); whether she demonstrated that she makes decisions pertaining to the operations of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); whether she has the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(ii); whether she devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(iii); and whether the corporate bylaws and other governing documents of the business permit her to make decisions without restrictions, as required by 5 NYCRR § 144.2(b)(2).

On June 5, 2019, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify Chaim Electric as a WBE on the grounds set forth in the Division's October 27, 2017 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 October 27, 2017, is affirmed. Accordingly, Chaim Electric will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 26, 2019



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Valerie White  
Executive Director  
Division of Minority and Women's  
Business Development