



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

**Elitsac, Inc.**

FINAL ORDER 19-26

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 Elitsac, Inc. (“Elitsac” 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 December 28, 2017, to deny Elitsac certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated this appeal and requested a hearing on January 22, 2018. On January 2, 2019, the Division notified Appellant that a hearing had been scheduled for January 15, 2019 for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge Lisa A. Wilkinson. Administrative Law Judge Helene G. Goldberger was also present throughout the proceeding in light of Judge Wilkinson’s departure from her position with the Office of Hearings and Mediation Services. Ms. Pamela Bliss appeared for and testified on behalf of the Appellant. Benson Martin, Esq. represented the Division and Mr. Joseph Sambu, Senior Certification Analyst, testified on behalf of the Division. The hearing concluded on that date and after receipt of the recording of the hearing on or about January 23, 2019, the record closed.

The issues on appeal were whether Elitsac sufficiently demonstrated that the woman owner relied upon for certification, shares in the risks and profits in proportion to her equity interest, as required by 5 NYCRR § 144.2(c)(2) and whether the woman owner relied upon for certification makes decisions pertaining to the operation of the business enterprise as required by 5 NYCRR § 144.2(b)(1).

On February 13, 2019, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division's denial of the application to certify Elitsac as a WBE on the ground set forth in the Division's December 28, 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 December 28, 2017, is affirmed. Accordingly, Elitsac, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 9, 2019



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