



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

In the matter of the appeal of

GPN Electric Corp.

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 GPN Electric Corp. (“GPN” 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 July 9, 2021, to deny GPN's September 12, 2018, certification application as a Woman-owned Business Enterprise (“WBE”).

Applicant submitted an appeal request, dated August 4, 2021, which was received by DED on August 11, 2021. The Division submitted its response to the appeal, dated July 28, 2023, together with the affidavit of Glenn Butler, Associate Certification Director, dated July 27, 2023. Administrative Law Judge (“ALJ”) Deidre A. Chuckrow presided over the appeal. The issues on appeal were whether the woman owner relied upon for certification (1) demonstrated adequate industry-specific competence to make critical business decisions without relying upon other persons as required by 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 by 5 NYCRR § 144.2(c)(2).

On November 14, 2023, the Division received a Recommended Order from Judge Chuckrow 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 July 9, 2021, denial letter. It should be noted that the Recommended Order mistakenly states GPN applied for certification on June 8, 2021, rather than the correct date of September 12, 2018.

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 July 9, 2021, is affirmed. Accordingly, GPN will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

December 27, 2023

A handwritten signature in black ink, appearing to read "Jason M. Clark", written over a horizontal line.

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