



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

**GORDON & ZOERB ELECTRICAL  
CONTRACTORS, INC.**

FINAL ORDER 20-07

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 Gordon & Zoerb Electrical Contractors, Inc. (“Gordon & Zoerb” 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 January 6, 2017, to deny Brandt certification as a Woman-owned Business Enterprise (“WBE”).

On April 12, 2017, John D. Celani, Esq., counsel for Appellant, requested an extension of time to file a written appeal, which was granted by Chief Administrative Law Judge James McClymonds. Appellant filed its memorandum of law and related exhibits on or about May 9, 2017. The Division submitted a Memorandum of Law in Response to the Appeal, dated February 18, 2020 and Affidavit of Raymond Emanuel, Director of Certification Operations for the Division, in support. Administrative Law Judge Maria E. Villa presided over the appeal.

The issues on appeal were whether Gordon & Zoerb sufficiently demonstrated that the woman owner relied upon for certification made contributions proportionate to her equity interest in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); that the woman owner relied upon for certification makes decisions as it pertains to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and the woman owner relied upon for certification had adequate managerial experience or technical competence, as required by 5 NYCRR § 144.2(b)(1)(i).

On May 12, 2020, the Division received a Recommended Order from Administrative Law Judge Villa that recommended affirmation of the Division's denial of the application to certify Gordon & Zoerb as a WBE on the grounds set forth in the Division's January 6, 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 January 6, 2017, is affirmed. Accordingly, Gordon & Zoerb Electrical Contractors, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

June 2, 2020



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Nicole Stent  
Acting Executive Director  
Division of Minority and Women's Business  
Development