



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

---

In the matter of the appeal of

**Hynes Electric Supply Co., Inc.**

FINAL ORDER 16-41

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 Hynes Electric Supply Co., Inc. ("Hynes Electric") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Lisa Morrow, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated March 24, 2016, to deny Hynes Electric certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant submitted a written appeal letter on May 19, 2016. The Division, represented by Phillip Harmonick, Esq., submitted a response on July 13, 2016. The respective submissions of the parties are contained in the appeal record.

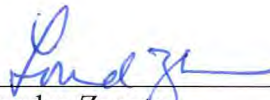
On September 7, 2016, the Division received from Administrative Law Judge O'Connell a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Hynes Electric as a WBE.

The issues on appeal were whether Appellant: made a capital contribution to Hynes Electric in proportion to her ownership interest in the business enterprise, shared in the risks and profits of the business in proportion to her ownership interest therein, made decisions pertaining to the operation of the business enterprise, and was permitted by the corporate bylaws and other relevant business agreements of Hynes Electric to control the business without restriction. Administrative Law Judge O'Connell recommended that the Division's determination to deny Hynes Electric certification as a WBE be upheld on each of the denial grounds identified by the Division.

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; namely, that Hynes Electric does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated March 24, 2016, is affirmed. Accordingly, Hynes Electric will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 08, 2016

  
\_\_\_\_\_  
Lourdes Zapata  
Executive Director  
Division of Minority and Women's  
Business Development