



**Division of Minority
and Women's
Business Development**

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

In the matter of the appeal of

Lou DeStefano Electrical Contractor, Inc.

FINAL ORDER 16-57

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 Lou DeStefano Electrical Contractor, Inc. ("DeStefano Electrical") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Tina DeStefano, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated February 29, 2016, to deny DeStefano Electrical certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Daniel P. O'Connell. Appellant appeared *pro se* at a hearing on this matter on September 20, 2016. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

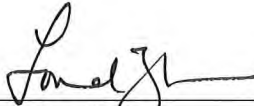
The issues on appeal were whether the Appellant: shared in risks and profits of DeStefano Electrical in proportion to her ownership interest therein; made decisions pertaining to the operation of the business enterprise; and possessed the requisite technical expertise or managerial experience to operate the business enterprise.

On November 29, 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 DeStefano Electrical as a WBE. The Recommended Order recommended that that the denial should be affirmed on each of the grounds identified in the Division's February 29, 2016 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 February 29, 2016 is affirmed. Accordingly, DeStefano Electrical will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

November 29, 2016



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