



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

**New York Empire Electrical Contracting Services, Inc.**

FINAL ORDER 16-19

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 New York Empire Electrical Contracting Services, Inc. ("Empire Electrical") pursuant to 5 NYCRR Section 144.4. Appellant, Ms. Nancy Marji, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated November 18, 2015, to deny Empire Electrical certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. The Appellant appeared *pro se* at a hearing on this matter on March 29, 2016. The Division was represented by Ms. Julene Beckford, Esq. A recording of the proceedings is contained in the appeal record.

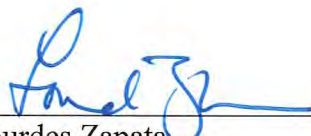
On May 12, 2016, the Division received from Administrative Law Judge Garlick a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify Empire Electrical as a WBE.

The issues on appeal were whether Appellant: made a capital contribution to Empire Electrical in proportion to her ownership interest therein, possessed the requisite technical expertise and managerial experience to operate Empire Electrical, made decisions pertaining to the operation of Empire Electrical, and controlled business negotiations. Administrative Law Judge Garlick recommended that the Division's determination to deny Empire Electrical certification as a WBE be upheld on each of the 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 Empire Electrical 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 November 18, 2015, is affirmed. Accordingly, Empire Electrical will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

May 23, 2016

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