



**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

Nu-Star Electric and Controls, Inc.

FINAL ORDER 21-04

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 Nu-Star Electric and Controls, Inc. ("Nu-Star" or "Appellant") pursuant to title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated October 1, 2018 to deny Nu-Star certification as a Woman-owned Business Enterprise ("WBE").

Appellant requested an appeal on November 1, 2018 and a hearing was subsequently scheduled and took place virtually on February 19, 2021 using the WebEx videoconferencing platform. Ms. Patricia Purcell appeared on behalf of Appellant and provided testimony. Fawziyyah Slavov, Esq. represented the Division and called Natia Simon, Senior Certification Analyst as a witness. Administrative Law Judge Michele M. Stefanucci presided over the hearing.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) makes a capital contribution to the business in proportion to her equity interest, as required by 5 NYCRR 144.2(a)(1) (2014) and (2) has adequate managerial experience or technical competence to operate the business, as required by 5 NYCRR 144.2(b)(1)(i) (2014) and has the working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR 144.2(b)(1)(ii) (2014).


¹ The Division's October 1, 2018 denial determination and Appellant's request to appeal dated November 1, 2018 pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

On May 3, 2021, 2021, the Division received a Recommended Order from Administrative Law Judge Stefanucci that recommended affirmation of the Division's denial of the application to certify Nu-Star as a WBE on the grounds set forth in the Division's October 1, 2018 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 October 1, 2018, is affirmed. Accordingly, Nu-Star Electric and Controls, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

February 7, 2022



Jerome A. DuVal
Executive Director
Division of Minority and Women's Business Development