



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

In the matter of the appeal of

On Line – Power Technologies, Inc.

FINAL ORDER 17-67

From a denial of certification as a Minority and Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of On Line – Power Technologies, Inc. (“On Line Power”) pursuant to section 144.4 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 July 14, 2016, to deny On Line Power certification as a Minority and Women-owned Business Enterprise (“MWBE”).

This appeal was assigned to Administrative Law Judge Daniel P. O’Connell. Mr. Jeffrey Levin, Esq. submitted a written appeal on behalf of Appellant on July 14, 2017. Mr. Phillip Harmonick, Esq. submitted a response to the appeal on behalf of the Division on July 31, 2017. The respective submissions of the parties are contained in the appeal record.

The issues on appeal were whether the owner of On Line Power relied upon for its certification as an MWBE: contributed money, property, equipment, or expertise proportionate to her equity interest in the business; shared in the risks and profits of the business in proportion to her ownership interest therein; possessed adequate managerial experience or technical competence to operate the business enterprise; devoted time on an ongoing basis to the daily operation of the business; and made decisions pertaining to the operations of the business enterprise.

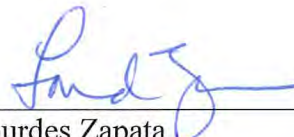
On November 09, 2017, the Division received from Administrative Law Judge O’Connell a Recommended Order that recommended affirmation of the Division’s denial of the

application to certify On Line Power as an MWBE on the grounds set forth in the Division's July 14, 2016 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 July 14, 2016, is affirmed. Accordingly, On Line Power will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

November 16, 2017



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