



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

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

**Panko Electrical & Maintenance, Inc.**

FINAL ORDER 17-49

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 Panko Electrical & Maintenance, Inc. ("Panko") 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 January 30, 2017, to deny Panko certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Maria E. Villa. Appellant, represented by Ms. Dawn J. Lanouette, Esq., appeared at an appeal hearing concerning this matter on August 08, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

The issues on appeal were whether the woman owner of Panko: made decisions pertaining to the operations of the business; possessed adequate managerial experience or technical competence to operate the business enterprise; and demonstrated control of business negotiations.

On August 30, 2017, the Division received from Administrative Law Judge Villa a Recommended Order that recommended affirmation of the Division's denial of the application to certify Panko as a WBE on the grounds set forth in the Division's January 30, 2017 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 January 30, 2017, is affirmed. Accordingly, Panko will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 05, 2017



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