



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

In the matter of the appeal of

Spring Electric, Inc.

FINAL ORDER 17-21

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 Spring Electric, Inc. ("Spring Electric") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Victoria Spring, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated August 04, 2016, to deny Spring Electric certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge P. Nicholas Garlick. Appellant, represented by Mr. Robert Hess, Esq., appeared at a hearing regarding this matter on January 31, 2017. The Division was represented by Mr. Phillip Harmonick, Esq. A recording of the proceedings is contained in the appeal record.

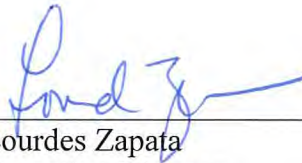
The issues on appeal were whether Appellant: contributed money, property, equipment, or expertise to Spring Electric in proportion to her ownership interest therein; shared in the risks and profits of Spring Electric in proportion to her ownership interest therein; made decisions pertaining to the operations of Spring Electric; possessed adequate technical expertise or managerial experience to operate Spring Electric; and devoted time on an ongoing basis to the daily operation of Spring Electric.

On March 17, 2017, the Division received from Administrative Law Judge Garlick a Recommended Order that recommended affirmation of the Division's August 04, 2016 denial on each of the denial grounds identified in the 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 August 04, 2016 is affirmed. Accordingly, Spring Electric will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 27, 2017



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