



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

In the matter of the appeal of

**Tech Scan Services, Inc. d/b/a All Wired
Up Electric**

FINAL ORDER 23-07

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

This order arises from an administrative appeal brought on behalf of Tech Scan Services, Inc., d/b/a All Wired Up Electric (“Tech Scan” or “Appellant”) pursuant to section 144.2 of 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 December 30, 2019 to deny Tech Scan’s June 2, 2016 certification application as a Woman-owned Business Enterprise (“WBE”).

Applicant submitted a written appeal, dated March 20, 2020. The Division submitted its response to the appeal, dated April 6, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal. The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR 144.2(c)(2); (2) makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); (3) demonstrates adequate managerial experience or technical competence, and working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR §§ 144.2(b)(1)(i) and 144.2(b)(1)(ii); and (4) has relevant business agreements that permit the woman owner to make decisions without restrictions, as required under 5 NYCRR former §144.2(b)(2).

¹ The Division’s December 30, 2019 denial determination 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 June 16, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division's denial of the application to certify Appellant as an WBE on the ground set forth in the Division's December 30, 2019 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 December 30, 2019, is affirmed. Accordingly, Tech Scan Services, Inc., d/b/a All Wired Up Electric will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

August 11, 2023

A handwritten signature in black ink, appearing to read "Jason Myles Clark", written over a horizontal line.

Jason Myles Clark
Executive Director and Executive Vice President
Division of Minority and Women's Business Development