



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

**Tech Valley Security, Inc.**

FINAL ORDER 17-50

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 Tech Valley Security, Inc. ("Tech Valley Security") 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 October 17, 2016, to deny Tech Valley Security certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant appeared *pro se* at an appeal hearing concerning this matter on July 11, 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 Tech Valley Security: made decisions pertaining to the operations of the business; 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 enterprise; and demonstrated control of business negotiations.

On August 30, 2017, the Division received from Administrative Law Judge Sherman a Recommended Order that recommended affirmation of the Division's denial of the application to certify Tech Valley Security as a WBE on the grounds set forth in the Division's October 17, 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 October 17, 2016, is affirmed. Accordingly, Tech Valley Security 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