



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

**Y&B Lighting & Electric Supplies, LLC**

FINAL ORDER 17-33

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 Y&B Lighting & Electric Supplies, LLC ("Y&B") 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 August 12, 2016, to deny Y&B certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Appellant, represented by Mr. Michael Korsinsky, Esq., appeared at a hearing regarding this matter on March 21, 2017. Mr. Phillip Harmonick, Esq. represented the Division. A recording of the proceedings is contained in the appeal record.

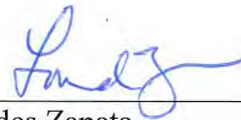
The issues on appeal were whether: the woman owner of Y&B contributed money, property, equipment, or expertise to Y&B in proportion to her equity interest therein; the woman owner of Y&B shared in the risks and profits of the business in proportion to her ownership interest therein; and the operating agreement of Y&B permitted the woman owner of the business to make decisions without restriction.

On May 25, 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 Y&B as a WBE on each of the grounds set forth in the Division's August 12, 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 August 12, 2016, is affirmed. Accordingly, Y&B will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

June 05, 2017



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