



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

---

In the matter of the appeal of

**CAREY ELECTRIC INC.**

FINAL ORDER 25-07

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 Carey Electric Inc. ("Carey Electric" or "Appellant") pursuant to parts 140-147 of title 5 of the New York Codes, Rules and Regulations. Appellant seeks reversal of the determination of the Division of Minority and Women's Business Development (the "Division"), dated December 19, 2024, to deny Carey Electric certification as a Woman-owned Business Enterprise ("WBE").

The Division received a Recommended Order, dated June 12, 2025, which recommended a reversal of the Division's determination to deny Carey Electric's application for certification as a WBE. Specifically, the Administrative Law Judge found that Carey Electric had met its burden to demonstrate that the Division's determination to deny its application for certification as a WBE with respect to the eligibility criteria at 5 NYCRR §§144.2(c)(1) and 144.2(c)(2) was not based on substantial evidence.

After considering the appeal record, I respectfully decline to accept the findings and recommendation set forth in the June 12, 2025, Recommended Order. Based on the Division's interpretation of the regulations, Appellant failed to demonstrate that Katie Carey, the woman owner relied upon for certification, possessed adequate industry-specific competence to make critical business decisions without relying upon other persons and made operational decisions on a day-to-day basis with respect to the critical functions of the business, as required by 5 NYCRR §§144.2(c)(1) and 144.2(c)(2), respectively.

Under 5 NYCRR §144.2(c)(1), the Division considers the following factors when evaluating competence in the industry: (i) Whether individuals employed by the business enterprise for which certification is sought are required to obtain licenses or certifications to provide products or services to the clients of the business enterprise; (ii) The extent to which academic credentials exist for persons employed in the industry; and (iii) The extent to which

industry-specific expertise may be obtained via direct work experience. Carey Electric provides commercial and industrial electrical services. Ms. Carey has not obtained the licenses and/or certifications commonly required to provide such services, nor does her academic background reflect the academic credentials typically held by persons employed in the industry. Lastly, Ms. Carey claims that she has technical work experience stemming from her twenty-one (21) years of experience in the industry and eleven (11) years as an owner with the company. Ms. Carey asserted that she could read electrical blueprints, understands change orders, and has performed fieldwork under a trained electrician in the past, describing her level of expertise “akin to a low-level apprentice.” However, when asked to substantiate these claims, Ms. Carey’s responses focused on her experience in marketing and sales, general business knowledge, and other responsibilities that could be categorized as administrative.

Under 5 NYCRR §144.2(c)(2), the Division considers the following factors when determining the critical functions of the business: (i) The products or services the business enterprise provides to clients; and (ii) The means by which the business enterprise obtains contracts or orders. Carey Electric provides services such as wiring, lighting installation, power distribution systems, coding compliance and troubleshooting emergency repairs. While Ms. Carey claims she has performed fieldwork in the past, the record did not demonstrate her ability to perform nor supervise the electrical services provided by Carey Electric. Rather, the record shows that Ms. Carey relies on the non-qualifying owner, Michael Carey, for his Master Electrician licensing, ability to oversee field staff, and technical expertise. The record further shows that while Ms. Carey may be involved in bidding and estimating, she shares these duties with and, in the performance of such duties, relies on the expertise of, other, non-qualifying employees at Carey Electric.

On administrative appeal, the appellant bears the burden of proof to establish that the Division’s determination is not supported by substantial evidence. Given these facts, I find Appellant failed to demonstrate that the Division’s determination to deny its application for certification as a woman-owned business enterprise with respect to the eligibility criteria at 5 NYCRR § §144.2(c)(1) and 144.2(c)(2) was not based on substantial evidence.

**ORDERED:** The attached Recommended Order is hereby rejected, and the Division’s decision to deny the certification of Carey Electric Inc., dated December 19, 2024, is affirmed.

**ORDERED:** The Division’s Directory for Minority and Women-owned Business Enterprises will reflect the determination made herein; Carey Electric Inc. will not be listed.

This decision is Ordered by Jason M. Clark, the Executive Vice President and Executive Director of the Division of Minority and Women’s Business Development.

August 1, 2025



---

Jason M. Clark  
Executive Vice President and Executive Director  
Division of Minority and Women’s Business Development

