

NEW YORK STATE
DEPARTMENT OF ECONOMIC DEVELOPMENT
655 THIRD AVENUE
NEW YORK, NEW YORK 10017

In the Matter

- of -

the Application of NORTH POINT TECHNOLOGY, LLC
for Certification as a Woman-owned Business Enterprise
pursuant to Executive Law Article 15-A.

NYS DED File ID No. 63646

RECOMMENDED ORDER

-by-



Keely D. Parr
Chief Administrative Law Judge
November 6, 2024

This matter considers the written appeal by North Point Technology, LLC (“North Point” or “applicant”) pursuant to New York State Executive Law Article 15-A and Title 5 of the Official Compilation of Codes, Rules and Regulations of the State of New York (5 NYCRR) parts 140-144, challenging the determination of the Division of Minority and Women’s Business Development (“Division”) of the New York State Department of Economic Development (“DED”) that the business enterprise does not meet the eligibility criteria for certification as a woman-owned business enterprise (“WBE”).

PROCEDURAL HISTORY

1. On December 5, 2017, Lisa Lee, as CEO, applied on behalf of North Point for certification as a woman-owned business enterprise (“WBE”). (DED Exhibit 1)
2. On January 22, 2019, the Division denied the application on the grounds that:
 - (a) The contributions of minority group members or women are not proportionate to their equity interest in the business enterprise, as demonstrated by, but not limited to, contributions of money, property, equipment or expertise. 5 NYCRR former § 144.2(a)(1);
 - (b) Minority group members or women relied upon for certification have not demonstrated adequate managerial experience or technical competence to operate the business enterprise; and Minority group members women relied upon for certification have not demonstrated the working knowledge and ability needed to operate the business enterprise. 5 NYCRR former §§ 144.2(b)(1)(i) and 144.2(b)(1)(ii); and
 - (c) Relevant business agreements do not permit minority group members or women to make decisions without restrictions. 5 NYCRR former § 144.2(b)(2). (DED Exhibit 2)

3. Applicant, through its attorney James Youngs of Hancock Estabrook, LLP submitted a request to appeal dated February 26, 2019, and requested a hearing. (Hearing Officer Exhibit 1)
4. A Notice of Hearing dated December 7, 2022, was sent to all parties. (Hearing Officer Exhibit 2)
5. A hearing was held and conducted on February 8, 9, 10 and 14, 2023 before Administrative Law Judge John W. Scott.
6. In June 2023, the parties submitted post-hearing briefs, the Division submitted a limited reply and the record was closed.
7. On September 5, 2024, this matter was re-assigned to Chief Administrative Law Judge Keely D. Parr.

FINDINGS OF FACT

8. North Point is engaged in engineering services, providing industrial automation and control systems engineering, planning, design, documentation, programming, commissioning and service for industrial control and automation systems. (DED Exhibit 1).
9. Ms. Lisa Lee is the woman owner relied upon for certification and the CEO of North Point. Ms. Lee became an employee of the business in 2007. (Hearing Testimony of Ms. Lee; DED Exhibit 1)
10. Mr. Robert Lee is the Chief Technology Officer and is licensed as a professional engineer in New York State. (DED Exhibits 1 and 15)
11. North Point began in 2002 with Mr. Lee having 100% membership interest. The business was started in the basement of the family home, using equipment that the family already owned. No cash contributions were made to the business. On April 20, 2011, Mr. Lee

transferred 50% of his membership interest in North Point to Ms. Lee. On May 17, 2012, Mr. Lee transferred another 1% of his membership interest to Ms. Lee, resulting in Ms. Lee holding a 51% membership interest. On May 17, 2016, Mr. Lee transferred an additional 9% interest to Ms. Lee, resulting in Ms. Lee holding a 60% membership interest. (Hearing Testimony of Mr. Lee; DED Exhibit 4).

12. Ms. Lee listed her capital contribution based upon education/expertise as \$ [REDACTED] on the application with a date of 8/20/2002. In a narrative supplied to the Division with the application, Ms. Lee stated that based upon her college education cost, her degreed education, knowledge, skills, experience and abilities her capital contribution was valued at \$ [REDACTED] (DED Exhibits 1 and 3)
13. The Assignment of Membership Interest dated April 20, 2011, transfers 50% of Robert Lee's membership interest to Lisa Lee "for \$ [REDACTED] and other good and valuable consideration." (DED Exhibit 4)
14. Article 6.1 of the Amended and Restated Operating Agreement dated April 20, 2011, states: "Each member shall initially contribute the amount set forth on Exhibit "A" as his or her capital contribution". Capital contribution is defined in Article 1.1(a) as "any contribution by a Member to the capital of the Company in cash, or, with the consent of other Members, property or services rendered..." Exhibit A lists Lisa Lee and Robert Lee as 50% owners and their capital contributions as "\$". (DED Exhibit 6)
15. Ms. Lee has a Bachelor of Science Degree in Industrial and Labor Relations from Cornell University. She lists her major functions at North Point as finance and accounting; human resource management; business insurance plan management; facilities lease and management; strategic, business development and operations; and legal and corporate

compliance. Ms. Lee manages and operates North Point based upon her expertise in management, including human resources, legal compliance and contractual compliance.

(Hearing Testimony of Ms. Lee; APP Exhibit 33; DED Exhibit 16)

16. Mr. Lee has a Bachelor of Science Degree in Electronics Engineering Technology (BSEET) from Temple University and over 25 years of experience in electrical engineering, engineering consulting, industrial automation/control systems and systems integration services. Mr. Lee is primarily responsible for technical leadership at North Point, including the development of new products and his specific duties include training employees, software development, electrical design, drafting, overseeing field operations, developing new software products and solutions, systems and services, and reviewing the technical aspects of the projects. Mr. Lee holds a Professional Engineer's License in New York State (APP Exhibits 34 and 58; DED Exhibits 14, 15 and 18)

17. North Point is a systems integration company, programming PLCs, HMI and SCADA systems, software and systems to control and run manufacturing processes, industrial processes. "PLCs are an industrial type of computer that you code your program, and it's usually proprietary to the company that makes that particular PLC. North Point programs the software, the logic that tells this industrial computer to control the process. The software that is being used is proprietary to the equipment that is purchased from the vendor. The engineers have to take a training program for example to code in Ignition. Our employees have learned on the job, typically. You learn on the manufacturing floor. What our staff is doing is programming these industrial computers. Typically, they've learned about it because they've worked on the floor with equipment." In order to ensure

that the software performs as expected it was necessary for Mr. Lee to perform offsite and onsite testing. (Hearing Testimony of Ms. Lee, Hearing Testimony of Mr. Lee)

18. An M&T Bank Line of Credit application was submitted as part of the application which indicated that both Mr. Lee and Ms. Lee share equal liability for this Line of Credit. (DED Exhibit 19)
19. M&T Bank requires all of the owners to sign an application for a line of credit, not just the majority owner. It is M&T's policy to require all owners to sign a personal guarantee on the debt. (Hearing Testimony of Ms. Ward).
20. A letter from M&T Bank states that North Point has been a customer since March 2005 and that Ms. Lee has been the bank's primary contact at North Point. All questions related to the company's banking relationship have been handled by Ms Lee. "I have worked directly with Ms. Lee on the following banking matters for North Point: opening of all bank accounts, exploring investment options for the business, all commercial loan requests, notarization of bids and proposals to certify Lisa's signature as CEO." (APP Exhibit 54)

APPLICABLE LAW

5 NYCRR former § 144.2(a)(1) states in relevant part as follows:

Ownership. For the purposes of determining whether an applicant should be granted or denied minority-or woman-owned business enterprise status, or whether such status should be revoked, the following rules regarding ownership shall be applied on the basis of information supplied in relation to the application:

- (1) The contribution of the minority group member(s) or woman owner must be proportionate to their equity interest in the business enterprise, as demonstrated by, but not limited to, contributions of money, property, equipment, or expertise.

5 NYCRR former § 144.2(b)(1), (b)(1)(i), and (b)(1)(ii) state in relevant part as follows:

Control. Determinations as to whether minority group members or women control the business enterprise will be made according to the following criteria:

- (1) Decisions pertaining to the operations of the business enterprise must be made by minority group members or women claiming ownership of that business enterprise. The following will be considered in this regard:
 - (i) Minority group members or women must have adequate managerial experience or technical competence in the business enterprise seeking certification.
 - (ii) Minority group members or women must demonstrate the working knowledge and ability needed to operate the business enterprise.

5 NYCRR former §144.2(b)(2) states in relevant part as follows:

(b) Control. Determinations as to whether minority group members or women control the business enterprise will be made according to the following criteria:

(2) Articles of incorporation, corporate bylaws, partnership agreements and other agreements including, but not limited to, loan agreements, lease agreements, supply agreements, credit agreements or other agreements must permit minority group members or women who claim ownership of the business enterprise to make those decisions without restrictions.

STANDARD OF REVIEW

On this administrative appeal, applicant bears the burden of proof to establish that Division staff's determination to deny the application filed by North Point for certification as a WBE is not supported by substantial evidence (*see* State Administrative Procedure Act § 306[1]). Applicant argues that the preponderance of the evidence standard should be used notwithstanding that the Division regulations state, and ALJs presented with this issue have held, that the substantial evidence standard applies to the ALJ's review. (*see* 5 NYCRR § 145.2(b)(5)) Accordingly, the substantial evidence standard will be applied, which "demands only that a given inference is reasonable and plausible, not necessarily the most probable," and applicant must demonstrate that

Division staff's conclusions and factual determinations are not supported by "such relevant proof as a reasonable mind may accept as adequate to support a conclusion or ultimate fact." (*Matter of Ridge Rd. Fire Dist. v Schiano*, 16 NY3d 494, 499 [2011]).

The review is limited to such information that was before the division at the time of the denial determination (5 NYCRR § 145.2(b)(1)). Evidence that seeks to clarify and explain previously submitted materials will be considered, however new evidence will not be considered. (See Scherzi Systems, LLC v. White, 197 A.D.3d 1466 (3d Dept 2021))

DISCUSSION

James Youngs of Hancock Estabrook, LLP, appeared at the hearing on behalf of North Point. The following witnesses testified on behalf of North Point: Lisa Lee, CEO; Robert Lee, Chief Technology Officer; Darlene Kanuk of SUNY Broome Community College; Kimberly Ward of M&T Bank; and Mallory Wright of the City of Albany Water Department. North Point offered the following exhibits which were admitted into evidence: APP Exhibits 1-58.

Mr. William Chen and Mr. Kyle Satchell both Counsel for the Department of Economic Development, appeared at the hearing on behalf of the Division. The following witness testified on behalf of the Division: Glenn M. Butler, Associate Certification Director, Division of Minority and Women Business Development. The Division offered the following exhibits which were admitted into evidence: DED Exhibits 1 - 21.

Applicant's request to appeal was admitted as Hearing Officer Exhibit 1. The notice of hearing was admitted as Hearing Officer Exhibit 2.

I. Ownership

When the Division evaluates capital contributions to the business enterprise in the form of expertise, the Division considers such contributions by the woman or minority owner at the time the business was formed or when the ownership interest was acquired. (*MS Analytical, LLC*, Recommended Order dated August 6, 2018; Final Order 18-47 dated January 30, 2019.) The Division will deny an application where there was no evidence provided in the application to demonstrate adequate consideration for a stock transfer. (See *A.A.C. Contracting, Inc. v New York State Department of Economic Development*, 195 A.D.3d 1284, 151 N.Y.S.3d 187 (3d Dept. 2021) – where the stock transfer occurred in January 2016, and the check to purchase the stock was dated November 2016).

In the present case, Lisa Lee stated in the application that her capital contribution of expertise valued at \$██████████ was contributed on August 20, 2002, at the time of formation of Northpoint. However, the transfer of membership interests to Lisa Lee did not occur until April 20, 2011, May 17, 2012, and May 17, 2016. Glenn Butler testified that the applicant failed to provide documentation that the contribution of expertise took place contemporaneous with any of the three transfers of ownership interest. He stated that when expertise is used, it has to have “a valuation at the time and inception of purchase of the stock”. Accordingly, applicant has not established that there was adequate consideration for each of the ownership transfers. (Hearing Testimony of Glenn Butler; DED Exhibits 1 and 4)

When Lisa Lee was asked during the hearing whether her contribution was reflected in membership shares of the LLC? she answered: “No, not at that time legally.” (Hearing Testimony of Ms. Lee)

Additionally, contemporaneous with the first transfer of membership interest on April 20, 2011, North Point executed an Assignment of Membership Interest which transferred 50% of Robert Lee's membership interest to Lisa Lee "for \$[REDACTED] and other good and valuable consideration." (DED Exhibit 4) Article 6.1 of the Amended and Restated Operating Agreement dated April 20, 2011, states "Each member shall initially contribute the amount set forth on Exhibit "A" as his or her capital contribution". Capital contribution is defined in Article 1.1(a) as "any contribution by a Member to the capital of the Company in cash, or, with the consent of other Members, property or services rendered..." Exhibit A lists Lisa Lee and Robert Lee as 50% owners and their capital contributions as "\$". (DED Exhibit 6) Glenn Butler testified that the amount of \$[REDACTED] for consideration was not fair market value of North Point and that this was inconsistent with the \$[REDACTED] of expertise claimed by Lisa Lee. Additionally, each time an ownership interest was transferred to Lisa Lee, North Point amended their Operating Agreement and executed an Assignment of Membership Interest. At no point in any of the documentation did North Point indicate that Lisa Lee's \$[REDACTED] in education/expertise was used as a capital contribution, despite the broad definition of capital contribution used in Article 1.1(a). (Hearing Testimony of Glenn Butler; DED Exhibits 1, 4 and 6)

Accordingly, the Division's determination that the woman owner's contribution is not proportionate to her equity interest in accordance with 5 NYCRR former § 144.2(a)(1) is supported by substantial evidence.

I. Operation

Control. Determinations as to whether minority group members or women control the business enterprise will be made according to the following criteria:

- (2) Decisions pertaining to the operations of the business enterprise must be made by minority group members or women claiming ownership of that business enterprise. The following will be considered in this regard:
- (iii) Minority group members or women must have adequate managerial experience or technical competence in the business enterprise seeking certification.
 - (iv) Minority group members or women must demonstrate the working knowledge and ability needed to operate the business enterprise.

Glenn Butler testified that under these two regulations, the Division looks to determine whether the applicant has the technical expertise and experience to provide or manage the core revenue generating functions of the business and explained that the core revenue generating functions are what the company does to generate revenue. The Division determined that the core revenue generating functions of North Point are engineering services. (Hearing Testimony of Glenn Butler)

Although applicant argued against this standard, in *Matter of J.C. Smith, Inc. v. New York State Dept. of Economic Dev.*, 163 A.D.3d 1517, 1519 (4th Dept. 2018), the Court held that it is not irrational or unreasonable for the Division to require that a woman owner must exercise independent operational control over the core functions of the business in order to establish the requisite control for WBE certification, notwithstanding the control criteria enumerated in 5 NYCRR former § 144.2(b)(1)(i)-(iii).

Ms. Lee testified that North Point is a systems integration company, programming PLCs, HMI and SCADA systems, software and systems to control and run manufacturing processes, industrial processes. "PLCs are an industrial type of computer that you code your program, and it's usually proprietary to the company that makes that particular PLC. North Point programs the software, the logic that tells this industrial computer to control the process. The software that is being used is proprietary to the equipment that is purchased from the vendor. The engineers have

to take a training program for example to code in Ignition. “Our employees have learned on the job, typically. You learn on the manufacturing floor. What our staff is doing is programming these industrial computers. Typically, they’ve learned about it because they’ve worked on the floor with equipment.” In order to ensure that the software performs as expected, Mr. Lee performs offsite and onsite testing. (Hearing Testimony of Ms. Lee, Hearing Testimony of Mr. Lee)

Mr. Lee has a Bachelor of Science Degree in Electronics Engineering Technology (BSEET) from Temple University and over 25 years of experience in electrical engineering, engineering consulting, industrial automation/control systems and systems integration services. Mr. Lee is primarily responsible for technical leadership at North Point, including the development of new products and his specific duties include training employees, software development, electrical design, drafting, overseeing field operations, developing new software products and solutions, systems and services, and reviewing the technical aspects of the projects. Mr. Lee holds a Professional Engineer’s License in New York State (APP Exhibits 34 and 58; DED Exhibits 14, 15 and 18)

Ms. Lee has a Bachelor of Science Degree in Industrial and Labor Relations from Cornell University. She lists her major functions at North Point as finance and accounting; human resource management; business insurance plan management; facilities lease and management; strategic, business development and operations; and legal and corporate compliance. Ms. Lee testified that she manages and operates North Point based upon her expertise in management, including human resources, legal compliance and contractual compliance. Even though Ms. Lee testified that she does the recruiting, vetting and background checks on potential hires, there has to be a consensus among Mr. Lee and the other engineers about the decision to hire the candidate. (Hearing Testimony of Ms. Lee; Hearing Testimony of Mr. Lee; APP Exhibit 33; DED Exhibit 16)

Ms. Lee does not control independently the day-to-day business decisions of Northpoint (Executive Law § 310[15][c]) In *Panko Electrical and Maintenance Corporation v. Zapata*, 172 A.D.3d 1682, 1683 (2019), the Court stated “[C]ontrol is an essential prerequisite to certification” and, although Panko is not an electrician herself, such expertise is not required so long as she “retains operational control of the enterprise” . In the present case, Ms. Lee is not an engineer nor does she retain independent operational control of North Point. In the application both Mr. Lee and Ms. Lee are listed as those individuals responsible for managerial operations and purchasing equipment/sales and are both signatories for the business accounts. Estimating, preparing bids, marketing and sales, supervising field operations and negotiating contracts are split between Mr. Lee, Ms. Lee and Brian Middaugh, the Project Manager. (APP Exhibit 57; DED Exhibit 1)

Although Ms. Lee testified that she is in charge of preparing bids and negotiating the terms and conditions, putting together the bid is a joint effort between Ms. Lee, Mr. Lee and the engineers. Ms. Lee relies upon the engineers to review the terms and conditions with the clients to determine if the bid needs to be adjusted. Ms. Lee additionally testified that it was necessary to have authorization by engineering and operations for each project that North Point takes on. The largest contracts submitted by applicant corroborate this testimony, evidencing that the “Proposal Authorization by Engineering/Operations is signed by Mr. Lee and that the “Proposal Authorization by Executive” is signed by Ms. Lee. (Hearing Testimony of Ms. Lee; APP Exhibits 41, 42 and 43)

Although Ms. Lee is responsible for the financial, human resource, legal and compliance functions, she does not maintain independent operational control over North Point.

Accordingly, I find that the Division's determination to deny applicant's certification as a WBE pursuant to 5 NYCRR former § 144.2(b)(1)(i), and (b)(1)(ii) was based upon substantial evidence.

II. Control

The Division also denied applicant's certification pursuant to 5 NYCRR former § 144.2(b)(2), stating that the relevant business agreements do not permit women to make decisions without restrictions. (APP Exhibit 58; DED Exhibit 2)

An M&T Bank Line of Credit application was submitted as part of the application which indicated that both Mr. Lee and Ms. Lee share equal liability for this Line of Credit. (DED Exhibit 19) Counsel for the applicant argued that a this was simply a personal guarantee for a business line of credit, which both Ms. and Mr. Lee were required to sign because they are both owners of the business and that this does not restrict Ms. Lee's ability to make business decisions in any way.

Applicant submitted a letter from M&T Bank with the application stating that North Point has been a customer since March 2005 and that Ms. Lee has been the bank's primary contact at North Point. All questions related to the company's banking relationship have been handled by Ms Lee. "I have worked directly with Ms. Lee on the following banking matters for North Point: opening of all bank accounts, exploring investment options for the business, all commercial loan requests, notarization of bids and proposals to certify Lisa's signature as CEO." (APP Exhibit 54)

Kimberley Ward, currently the senior bank manager at M&T Bank, credibly testified that she helped Ms. Lee open the business checking account for North Point and that Ms. Lee has been the one that she has gone to for anything needed for financials, for the business, and any questions regarding the business operations. (Hearing Testimony of Ms. Ward)

Ms. Ward additionally testified that M&T Bank requires all of the owners to sign an application for a line of credit, not just the majority owner. Additionally, it is M&T's policy to require all owners to sign a personal guarantee on the debt. When questioned as to whether there was anything in the line of credit documentation that would limit Ms. Lee's ability to carry out business activities on behalf of North Point? Ms. Ward answered that there was not. (Hearing Testimony of Ms. Ward)

Accordingly, applicant has established that the Division's determination to deny North Point's application for certification under 5 NYCRR former § 144.2(b)(2) is not supported by substantial evidence

CONCLUSION

North Point did not meet its burden 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 former §§ 144.2(a)(1), 144.2(b)(1)(i) and 144.2(b)(1)(ii) was not based on substantial evidence.

North Point did meet its burden 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 former § 144.2 (b)(2) was not based on substantial evidence.

RECOMMENDATION

For the reasons set forth above, I recommend that the Director modify and affirm the Division's determination to deny North Point's application for certification as a woman-owned business enterprise.

In the Matter of North Point Technology, LLC
DED File ID No. 63646
Exhibit Chart

Exhibit #:	Description of the Exhibits	Offered (Yes/No)	Admitted (Yes/No)
APP 1	Current YTD Balance Sheet as of June 30, 2017	Y	Y
APP 2	Current YTD Profit & Loss Statement as of June 30, 2017	Y	Y
APP 3	2014 Corporation Federal and State Tax Returns	Y	Y
APP 4	2015 Corporate Federal and State Tax Returns	Y	Y
APP 5	2016 Corporation Federal and State Tax Returns	Y	Y
APP 6	Letter to Document Sources of Capitalization of North Point Technology, LLC – 12.05.17	Y	Y
APP 7	M&T Banking Letter	Y	Y
APP 8	Visions Banking Letter	Y	Y
APP 9	Resume Bio of Lisa Lee – President	Y	Y
APP 10	Resume Bio of Robert P. Lee – CTO	Y	Y
APP 11	Signed Lease for Office Space	Y	Y
APP 12	Articles of Organization for North Point Technology	Y	Y
APP 13	Amended & Restated Operating Agreement for North Point Technology – 2011	Y	Y
APP 14	Assignment of Membership for North Point Technology – 2012	Y	Y
APP 15	Assignment of Membership Interest for North Point Technology – 2011	Y	Y
APP 16	First Amendment to Amended Operating Agreement for North Point Technology – 2012	Y	Y
APP 17	Operating Agreement for North Point Technology, LLC at formation 2002	Y	Y
APP 18	Second Amendment to Amended and Restated Operating Agreement for North Point Technology – 2016	Y	Y

APP 19	Cornell University Contract for Lake Source Cooling Project 2017-18	Y	Y
APP 20	Credit Card Usage Agreement with Pall Corporation	Y	Y
APP 21	Engineering Change Request for contract	Y	Y
APP 22	Huron Campus Safety Orientation Compliance	Y	Y
APP 23	I3 Annual Certificate of Government Contract Compliance	Y	Y
APP 24	Moving Services Agreement	Y	Y
APP 25	Raymond Corporation Small Business WBE self-certification	Y	Y
APP 26	Self-Storage Agreement	Y	Y
APP 27	Universal Instruments Contract Assignment Schedule	Y	Y
APP 28	WBE Certification for City of Albany	Y	Y
APP 29	Lisa W. Lee – Cornell University Diploma	Y	Y
APP 30	Robert P. Lee – Professional Engineer License	Y	Y
APP 31	Q1 Lisa W. Lee’s and Robert P. Lee’s Daily Activities at North Point Technology – Lisa W. Lee WBE App	Y	Y
APP 32	Q10 Letter from P. Price, CPA re Capital Contribution to North Point Technology – Lisa W. Lee WBE app	Y	Y
APP 33	Q11 Lisa Lee – NPT Resume Long Final Version 18jun2018	Y	Y
APP 34	Q11 Robert P. Lee – NPT Resume 07jun2018-Duties Responsibilities	Y	Y
APP 35	Q11 Part 1 Training & Career Development Certific & Docum, Board Training & Experience – Lisa W. Lee WBE	Y	Y
APP 36	Q2 Response to Lisa W. Lee WBE application questions from Glenn Bulter 13June2018	Y	Y
APP 37	Q3 WBE Capitalization Doc 2 – North Point Technology LLC 06-14-18 LWL(3)	Y	Y
APP 38	Q3 Letter from D. Ames at LGT for Lisa Lee WBE app North Point Technology LLC (2)(1)	Y	Y

APP 39	Q4 Bid Bond Approved for City of Albany Water Dept bid – 2016 for NPT- Lisa W(1) Lee WBE app(1)	Y	Y
APP 40	Q4 M&T Bank Line of Credit Application for NPT – Lisa W. Lee WBE App	Y	Y
APP 41	Q5 #1 Largest contract – JH Robotics Proposal NDA Pos Invoices for 2017 project – Lisa W(1) Lee WBE app(1)	Y	Y
APP 42	Q5 #2 Largest contract – City of Weatherford TX Proposal invoices for Lisa W(1) Lee WBE(1)	Y	Y
APP 43	Q5 #3 Largest Contract Pall Corp F B Gallo Project Proposal Pos and Invoices for Lisa W(1) Lee WBE app(1)	Y	Y
APP 44	Q5 #4 Largest Contract for North Point Technology in 2017 – Blaser SwissLube, Inc. Raw Material Track	Y	Y
APP 45	Q5 #5 Largest Contract for North Point Technology in 2017 – Garden City, UT SCADA Upgrade	Y	Y
APP 46	Q5 Summary Letter Regarding Largest 2017 Contracts for North Point Technology – Lisa W. Lee WBE app	Y	Y
APP 47	Q6 2017 North Point Technology, LLC Payroll Records – Lisa W. Lee WBE app	Y	Y
APP 48	Q7 Lisa W. Lee Personal Taxes for 2017	Y	Y
APP 49	Q8 2017 Corporate Tax Filings for Lisa W. Lee	Y	Y
APP 50	Letter from Tom Burgin, JH Robotics dated June 12, 2018	Y	Y
APP 51	Letter from Matthew C. Aupperle, Pall Corporation dated June 8, 2018	Y	Y
APP 52	Letter from Michael R. Wright, Levene Gouldin & Thompson, LLP dated June 6, 2018	Y	Y
APP 53	Letter from Dorian D. Ames, Levene Gouldin & Thompson, LLP dated June 7, 2018	Y	Y
APP 54	Letter from Kimberly A. Ward, MT&T Bank dated June 7, 2018	Y	Y
APP 55	Letter from Bill Ritter, Score dated June 5, 2018	Y	Y
APP 56	Letter from Patrick J. Price, CPA, CVA, Vieira & Associates CPAS, PC	Y	Y
APP 57	Application for Certification	Y	Y
APP 58	MWBE Denial Letter dated January 24, 2019	Y	Y

DED 1	Application for Certification	Y	Y
DED 2	DED Denial Determination Letter	Y	Y
DED 3	Lisa Lee Letter to ESD, dated 12/4/2017	Y	Y
DED 4	Dorian D. Ames, Esq. ltr dated 6-13-2018, with attachments	Y	Y
DED 5	Initial Operating Agreement	Y	Y
DED 6	Amended Operating Agreement	Y	Y
DED 7	First Amendment to Amended and Restated Operating Agreement	Y	Y
DED 8	Second Amendment to Amended and Restated Operating Agreement	Y	Y
DED 9	Appellant letter to DED, Glenn Butler dated June 14, 2018	Y	Y
DED 10	Brian Middaugh Resume	Y	Y
DED 11	Engineering Change - Guyana	Y	Y
DED 12	Lisa Lee Bio	Y	Y
DED 13	Lisa Lee Training Certificates	Y	Y
DED 14	Robert Lee Bio	Y	Y
DED 15	Robert Lee Professional Engineer License	Y	Y
DED 16	Lisa Lee Resume	Y	Y
DED 17	Lisa Lee and Robert Lee's Daily Activities	Y	Y
DED 18	Robert Lee Resume	Y	Y
DED 19	M&T LOC Application	Y	Y
DED 20	Appellant's 2015 Tax Return	Y	Y

DED 21	Application Notarization Page	Y	Y
Hearing Officer 1	Request to Appeal (letter dated February 26, 2019)	Y	Y
Hearing Officer 2	Notice of Hearing	Y	Y