

SUPREME COURT-STATE OF NEW YORK  
IAS PART-ORANGE COUNTY

Present: HON. CATHERINE M. BARTLETT, A.J.S.C.

SUPREME COURT : STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
In the Matter of the Application of  
ROBERT CLAVIN d/b/a ROB'S PLUMBING  
AND HEATING, INC.,

Petitioner,

-against-

CHARLES F. MITCHELL, Commissioner of  
Consumer Affairs and Weights and Measures and  
ORANGE COUNTY ELECTRICAL LICENSING  
BOARD,

Respondent,

For a Judgment Under Article 78 of the Civil Practice  
Law and Rules Compelling the Issuance of a  
Master Electrician's License to Petitioner.

To commence the statutory time  
period for appeals as of right  
(CPLR 5513 [a]), you are  
advised to serve a copy of this  
order, with notice of entry,  
upon all parties.

Index No. 3037/2013  
Petition Date: October 16, 2015

**DECISION, ORDER  
AND JUDGMENT**

-----X

The following papers numbered 1 to 10 were read on this CPLR Article 78 petition for  
review of administrative proceedings by the Orange County Electrical Licensing Board:

- Order to Show Cause - Re-Notice - Verified Petition / Exhibits - Affirmation / Exhibits . . . . 1-4
- Answer and Return / Exhibits - Affidavit - Affirmation / Exhibits - Memorandum . . . . . 5-8
- Reply Affidavit - Reply Brief . . . . . 9-10

Upon the foregoing papers the petition is disposed of as follows:

Petitioner Robert Clavin ("Clavin") brings a Petition pursuant to Article 78 of the Civil  
Practice Law and Rules for review of administrative proceedings by the Orange County

Electrical Licensing Board (the "Board"), and seeks a Judgment compelling the Board to renew his Master Electrician's License and incidental damages.

**Local Law No. 8 of 2007**

By Local Law No. 8 of 2007, the Orange County Legislature established the Board and provided for the qualifications, examination, licensing and regulation of electricians in Orange County, New York. Local Law No. 8 contained *inter alia* the following provisions:

**Section 3. License Required.**

On or after the effective date of this local law, no person shall engage in, carry on or conduct the business of, or hold himself or herself out as, an electrical contractor within the County of Orange unless he or she is licensed pursuant to this local law or unless employed by a person so licensed.

**Section 5. Powers of the [Electrical Licensing] Board.**

The Board shall have the following powers and duties in addition to those elsewhere prescribed in this local law:

- ....
- C. Review qualifications and fitness of applicants for licenses under this local law.
- ....
- E. Issue licenses as authorized by this local law to applicants possessing the requisite qualifications....
- ....
- H. Suspend or revoke licenses "for cause" as per Section 19.

**Section 7. Licenses; Term, Renewal, Fees.**

- A. The Board may issue and renew a Master Electrician's License. Such License shall permit the licensee to engage in the business of an electrical contractor who is an owner, officer or partner of an electrical contracting business with the County of Orange for the period of one year from the date it was issued....
- ....
- D. Such a license must be renewed annually on or before the expiration thereof for the period of one (1) year upon payment of an annual fee of one hundred and fifty (\$150) dollars for residents of New York State....

- E. Each application for renewal of a license must also be accompanied by proof that the individual has successfully completed a refresher course on changes to the New York State Uniform Fire Prevention and Building Code and the current National Electrical Code version adopted by New York State.

**Section 10. Qualifications for Applicants for Licenses.**

To qualify for the examination....

**Section 11. Other Qualifications.**

A person who applies for a Master Electrician's License must prove to the satisfaction of the Board that he or she is a competent electrician and qualified to do electrical contracting, construction and installation of electrical wiring....

**Section 13. Approval or Denial of License.**

- A. Upon meeting all the requirements of this local law, the Board shall direct the Chairman and Secretary to issue a Master Electrician's License to the applicant....

**Section 14. Denial of Licenses; Hearings.**

- A. If the Board shall deny a license the Board shall set forth the reasons for such denial in writing and mail it to the applicant by certified mail, return receipt requested within ten (10) business days after a determination has been made by the Board....

**Section 15. Grandfather Clause.**

- ....
- B. Any person who can show proof that he or she has been in business as an electrical contractor continuously and competently doing the work of a Master Electrician in Orange County for at least eleven (11) consecutive years prior to the date of the adoption of this local law and this work is a principal source of livelihood for that person, and who completes an application to the Board as required by the Board no later than (2) years from the date of the adoption of this local shall be entitled to a Master Electrician's License without examination....
  - C. Any person who is issued a Master Electrician's License under this Grandfather Clause may renew said license annually on or before the expiration of the license upon payment of an annual renewal fee.

**Section 19. Imposition of Fines; Refusal, Suspension or Revocation of License.**

- A. A Master Electrician may be fined or his or her license refused, suspended or revoked by the Board for any one (1) or more of the following reasons:
1. Violation of any provision of this local law or of any rule or regulation adopted hereunder by the Board or any other law or ordinance pertaining to electricians;
  2. Violation of any law, rule, regulation or any building code governing electrical work, or any order issued by building departments of any municipality in Orange County;
  3. Violation of any requirement contained in the rules and regulations of the National Fire Protection Association, or the National Electrical Code;
  4. Conviction of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license sought; or the issuance of the license would invoke an unreasonable risk to the property or to the safety or welfare of specific individuals or the general public;
  5. Fraud, misrepresentation or bribery in securing a license;
  6. The making of any false statement as to a material matter in any application for a license or name change;
  7. The business transactions of the Master Electrician have been marked by a practice of failure to perform contracts or the fraudulent manipulation of assets or accounts;
  8. Failure to display the license decal issued under this local law;
  9. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a Master Electrician in the County of Orange with a shelved license; or
  10. Employing an unlicensed subcontractor or subcontractors to perform electrical work or any combination thereof in the County of Orange.

**Clavin Is Granted A Master Electrician's License in 2009**

In February 2009, Clavin applied for a Master Electrician's License under the Grandfather Clause of Local Law No. 8 of 2007. The application was twice rejected for failing to meet the requirements of the law, but ultimately approved on or about February 25, 2009. Charles Mitchell, Commissioner of the Orange County Department of Consumer Affairs and Weights & Measures, avers that he advised Clavin that "if he were issued a license, the license would be conditional to the limited electrical work he conducted within his trade." On March 31, 2009, however, the Board issued Clavin Master Electrician's License No. 267 with no such condition or limitation. The License states:

It is hereby certified that Robert Clavin doing business as Rob's Plumbing & Heating has been examined by the Electrical Licensing Board of Orange County and has been found competent and is hereby granted this Master Electrician License and is permitted to perform electrical work in the County of Orange, New York, pursuant to Local Law Number 8 of 2007, as amended and in accordance with the rules and regulations set forth in Local Law Number 8 of 2007. This license shall expire 3/31/2010.

**Clavin's 2010 Renewal Application**

Charles Mitchell further avers that he "advised Clavin that if a Master Electrician's license were issued to him, that the following year, upon his renewal for an electrical license, he would not be re-issued a Master Electrician's license but rather, a license reflecting that he was only permitted to perform limited electrical work within his profession." However, Mitchell's March 23, 2010 letter in response to Clavin's 2010 application for the renewal of his Master Electrician's License asserts to the contrary that Clavin's Master Electrician's License was issued in error. The letter states in pertinent part:

Please be advised upon review of your application for renewal the Electrical Licensing Board has found that a Master Electrician License has been issued in error without the

full requirement of documentation. The Electrical Licensing Boards asks that you voluntarily surrender the license and has determined you are eligible for a Class C license, limited to work within a specified profession or for the exam. The change will be in effect at the time of your renewal. If you have further evidence of qualification, as set forth in Local Law #8 of 2007, available online and furnished at time of application, please bring it to the attention of the Electrical Licensing Board at this time.

....

This letter was not transmitted by certified mail, return receipt requested, as required by Section 14(A) of Local Law No. 8 of 2007, and Clavin denies having ever received it. He was ultimately issued a "Class C" license, not a Master Electrician's License, for 2010.

**Electrical Licensing Board Meeting Minutes: 2009-2010**

Matters pertaining to the issues before the court were discussed at meetings of the Board on February 19, 2009, July 16, 2009 and June 15, 2010.

**1. February 19, 2009**

The minutes of the February 19, 2009 meeting, which occurred prior to the issuance of Clavin's Master Electrician's License, contain the following entries:

Peter Berman asked whether someone who does not do electrical work as his primary business but it is an integral part of his business is eligible for the electrical license.

It was agreed that the answer is yes, he is eligible.

Charles Mitchell noted that there is a section in the law that states if an applicant can prove to the board they are competent and qualified, then they can be licensed.

It was agreed that applicants who do electrical work associated with their hv or plumbing as their main business are eligible for a specialty license with conditions.

Peter Berman mentioned that the need for a specialty license with conditions will be sent back to legislature and then we can set those conditions.

Charles Mitchell noted he will make changes, send it to everybody to look over and then submit it to the County Executive.

**2. July 16, 2009**

The minutes of the July 16, 2009 meeting, which occurred after the issuance of Clavin's unrestricted Master Electrician's License, contain the following entries:

Frank Saladino asked what we are doing about licenses that were issue to unqualified persons and if we looked into that legally.

Charles Mitchell answered that no, we have not.

Ray Pantel noted that there are several of them that we need to talk about. He noted that we previously discussed issuing restricted licenses.

Ernest Bello noted that we need to file that with the legislature.

....

Frank Saladino inquired whether we will check with the legal department on revoking the licenses of the ones we issued but should not have and what the liability is?

It was noted there is a proper way to do that which involves stating a license has been issued in error without the full requirement of documentation and we will ask them to voluntarily surrender the license until we resolve the issue. If they do not cooperate it will be revoked.

Charles Mitchell asked what we should do about electricians who do not meet the criteria but have been doing electrical work as their livelihood.

Ray Pantel noted we need to paraphrase the restrictions on the licenses. The first one is regarding doing electrical work within other professions....

Charles Mitchell asked that everyone who can come up with the proper verbiage for those licenses to send them to him via email.

Ernest Bello suggested that in the case of Rob the plumber who was incorrectly issued a Master Electrician license, we send him a new restricted license with a letter stating that any previous license issued is now revoked.

....

A review of approved, issued electricians was suggested for the following names: [eight individuals], Rob Clavin of Rob's Plumbing and Heating.

**3. June 15, 2010**

The minutes of the June 15, 2010 meeting, which occurred after the processing of Clavin's 2010 application for the renewal of his Master Electrician's License, contain the following entries:

L. De Stefano inquired about what to do about plumbers and HVAC contractors who are doing electrical construction.

C. Mitchell answered that it is in legislation.

L. De Stefano asked whether B licenses have been approved.

C. Mitchell answer that yes they have been, but the problem is that some of the guys don't want to give up their master electrician licenses.

L. De Stefano noted that they should not have that choice.

C. Mitchell noted that once we have the violation procedure in place; that is when it will turn around.

**Local Law No. 2 of 2011**

In 2011, Local Law No. 8 of 2007 was amended by Local Law No. 2 of 2011 to provide, at the Board's request, for the issuance of Class B and Class C Electrician Licenses. A "Class B Electrician License" was defined as "An electrical license issued to an applicant for the sole use at, and limited to, a specific facility, as an employee of that facility." A "Class C Electrician License" was defined as "An electrical license issued to an applicant for the sole purpose and limited to, work in a specific profession."

There is no further reference in Local Law No. 2 of 2011 to Class B and Class C Electrician Licenses, nor any provision for converting Master Electrician Licenses issue under Local Law No. 8 of 2007 to the newly created Class B and Class C licenses. The minutes of the



Board meeting for November 15, 2011 contain the following entry:

The case regarding plumber, Rob Clavin, who was originally given an Orange County Master Electrician license before the board had the ability to issue Class B and Class C, is now being handled by Joseph Mahoney of the Orange County Attorney's office. He will be sending out a letter stating that Rob Clavin has the correct license (Class C - limited to work within a specified profession).

### **Clavin's Renewal Applications for 2011, 2012 and 2013**

In 2011, 2012 and 2013, Clavin duly applied for the renewal of his Master Electrician's License, as appears from (1) his payment of the appropriate fee, (2) the notation "Master Electrician License" on his check, and (3) the designation "Master Electrician" as the "license being applied for" in the child support certification supporting the application. In each instance, the Board failed to address the application for renewal of the Master Electrician's License and renewed the Class C Electrician's License instead.

### **The Parties' Contentions**

Petitioner observes that he was issued a Master Electrician's License in 2009 wherein it was "certified" that he "has been examined by the Electrical Licensing Board of Orange County and has been found competent and is hereby granted this Master Electrician License... pursuant to Local Law Number 8 of 2007." He further observes that the March 23, 2010 letter stating that his Master Electrician's License had been "issued in error without the full requirement of documentation" and would be replaced by a Class C license was not sent by certified mail as required by law. He contends that Respondents acted arbitrarily and capriciously in failing or refusing to renew his Master Electrician's License in 2013; that he has a clear right to the renewal of such license; and that the court should therefore annul the Board's 2013 determination and compel the issuance of a Master Electrician's License.

Respondents observe that Petitioner's license was changed from a Master Electrician's license to a Class C license in 2010, an event which occurred well beyond the four month statute of limitations for an Article 78 proceeding. They accordingly contend that his application for renewal in 2013 must be construed as one to renew the license he at that point possessed, i.e., the Class C license, not the Master Electrician's license; that the Board acted properly in renewing the Class C license; that, in any event, Petitioner has no clear right to renew a Master Electrician's License, as the Board possesses discretion with respect to such renewals; and accordingly, that this court may not compel the issuance of a Master Electrician's License.

### **Mandamus to Compel**

Petitioner in this proceeding raises the question whether the Board "failed to perform a duty enjoined upon it by law" (CPLR §7803[1]), and should be compelled to renew his Master Electrician's License.

A party seeking mandamus to compel "must have a clear legal right to the relief demanded and there must exist a corresponding nondiscretionary duty on the part of the administrative agency to grant that relief." *Matter of Scherbyn v. Wayne-Finger Lakes Board of Cooperative Educational Services, supra*, 77 NY2d 753, 757 (1991). "[I]t will not be awarded to compel an act in respect of which the officer may exercise judgment or discretion." *Klosterman v. Cuomo*, 61 NY2d 525, 539 (1984).

"Whether or not an applicant has a clear legal right to a license depends, then, upon the question whether a refusal would be arbitrary or capricious, or whether a refusal would be justified by the existence of conditions which, under the provisions of the statute, might furnish reasonable grounds for refusal by the licensing officer, in the exercise of a discretion vested in

him.” *Matter of Small v. Moss*, 277 NY 501, 507 (1938). See, e.g., *Matter of Joy Builders, Inc. v. Ballard*, 20 AD3d 534, 534-535 (2d Dept. 2005); *Matter of Browning-Ferris Industries of New York, Inc. v. Danahy*, 210 AD2d 477 (2d Dept. 1994).

### **Findings and Conclusions**

On the record before this court, the court makes the following findings of fact and conclusions of law.

1. The Board was afforded discretion with respect to the issuance of electrician’s licenses by Sections 7(A) and 11 of Local Law No. 8 of 2007 and Local Law No. 2 of 2011. See, *Clavin v. County of Orange*, Case No. 14-3131, Summary Order (2d Cir., July 28, 2015). See generally, *Tchernoff v. Davidson*, 36 AD2d 527 (1<sup>st</sup> Dept. 1971).

2. The Board exercised its discretion by issuing Clavin an unrestricted, unconditional Master Electrician’s License in 2009. The record reflects a careful and considered exercise of discretion, in that the Board twice found Clavin’s application insufficient and in need of supplementation before approving the application on February 25, 2009 and certifying on March 31, 2009 that he “has been examined by the Electrical Licensing Board of Orange County and has been found competent and is hereby granted this Master Electrician License and is permitted to perform electrical work in the County of Orange, New York, pursuant to Local Law Number 8 of 2007...”

3. The court discredits Charles Mitchell’s averment that he advised Clavin that his License was conditional and limited to electrical work he conducted within his trade. This averment is contradicted by Clavin, and inconsistent with (a) the face of the 2009 Master

Electrician's License which the Board issued to Clavin, (b) the minutes of the Board's meetings on February 19, 2009 and November 15, 2011, and (c) Mr. Mitchell's own letter to Clavin dated March 23, 2010.

4. Furthermore, the Board was without authority in February / March of 2009 to issue Clavin a conditional license limited to electrical work he conducted within his trade. Local Law No. 8 of 2007 provided only for the issuance of Master Electrician's Licenses, not for specialty or restricted or conditional licenses. The minutes of the February 19, 2009 Board meeting conducted less than one week before Clavin's application was approved demonstrate that the Board and Mr. Mitchell himself understood, correctly, that (a) persons, like Clavin, for whom electrical work was an integral part of their business, albeit not their primary business, were eligible for a Master Electrician's License under the Local Law No. 8 of 2007 if they could prove to the Board that they are competent and qualified; and (b) a specialty license with conditions for those, like Clavin, who do electrical work associated with HVAC or plumbing work was a matter that had to be addressed by the Orange County Legislature before the Board could establish such conditions. As the minutes of the November 15, 2011 Board meeting state, "Rob Clavin...was originally given an Orange County Master Electrician license before the board had the ability to issue Class B and Class C." It was not until Local Law No. 2 of 2011 that the Legislature created the specialty Class B and C licenses.

5. The Board's discretion with respect to the *issuance* of electrician's licenses does not extend to the *renewal* of a Master Electrician's License once granted. Under Local Law No. 8 of 2007 and Local Law No. 2 of 2011, Clavin had a right to the renewal of his Master Electrician's License upon timely submission of (a) the requisite fee, (b) current and valid proof of liability

insurance, (c) the sole proprietor's waiver form for workers compensation insurance, (d) the child support affidavit, and (e) proof of successful completion of a refresher course per Section 7(E) of the Local Law, all of which were included in his 2013 renewal application. *See*, Sections 7(D, E), 15(C), 20(B) [21(B) in Local Law No. 2 of 2011]. The Board was granted authority to suspend or revoke a Master Electrician's License upon any of the grounds set forth in Section 19 of both Local Laws. However, it possessed no discretionary authority under either law to convert a Master Electrician's License to a Class B or C License, or to deny a properly completed application for the renewal of a Master Electrician's License.

6. That the Board, and Mr. Mitchell, understood these limitations on the Board's authority appears from the minutes of the July 16, 2009 and June 15, 2010 Board meetings, and from Mr. Mitchell's March 23, 2010 letter to Clavin. These records reflect a concern that Master Electrician's Licenses may have been improvidently issued to Clavin and others. The solution adopted, in light of the patent limitations on the Board's authority, was to request that these individuals *voluntarily surrender* their licenses. If, in March 2010, the Board had possessed discretionary authority to deny Clavin's application to renew his Master Electrician's License, Mr. Mitchell would not have had to request that he voluntarily surrender that License.

7. In 2010, Clavin properly applied for the renewal of his Master Electrician's License. In response, Mr. Mitchell, by his March 23, 2010 letter, advised that the Board "has determined you are eligible for a Class C license, limited to work within a specified profession or for the exam. The change will be in effect at the time of your renewal." However, this letter was not transmitted by certified mail, return receipt requested, as required by law, and Clavin denied receipt thereof. Section 14(A) of Local Law No. 8 of 2007 explicitly provided:

If the Board shall deny a license the Board shall set forth the reasons for such denial in writing and mail it to the applicant by certified mail, return receipt requested within ten (10) business days after a determination has been made by the Board....

Since the Board failed to comply with Section 14(A), the March 23, 2010 letter, insofar as it might otherwise have been deemed a denial (albeit an unlawful denial) of Clavin's application for renewal of his Master Electrician's License, is a legal nullity, and did not effectually strip Clavin of his Master Electrician's License.

8. The Board having never formally denied Clavin's application for renewal of his Master Electrician's License as required by Section 14(A), Clavin applied again, in 2011, 2012 and 2013, for renewal of *this* License, as appears quite plainly from (1) his payment of the appropriate fee, (2) the notation "Master Electrician License" on his check, and (3) the designation "Master Electrician" as the "license being applied for" in the child support certification supporting the application. Not in 2011, 2012 or 2013 did the Board ever address the application Clavin actually made – to renew his Master Electrician's License. Instead, it kept blindly renewing the unlawfully substituted Class C License.

9. Under the circumstances, the court finds that Clavin, year by year from 2010 to 2013, complied with the requirements prescribed by law for the renewal of his Master Electrician's License; that the Board, in response to Clavin's successive applications for renewal of his Master Electrician's License, never denied the License in the manner required by Section 14(A) of Local Law No. 8 of 2007 and Local Law No. 2 of 2011; that the Board lacked discretionary authority in 2010, 2011, 2012 and 2013 to deny the renewal of Clavin's Master Electrician's License; and accordingly, that Clavin, in 2013, had a clear right to the renewal of his Master Electrician's License.

10. The court according concludes per CPLR §7803[1] that the Respondent Board acted arbitrarily and capriciously in failing to perform a duty enjoined upon it by law and may be compelled to renew Petitioner's Master Electrician's License.

11. Inasmuch as the Petition before this court addresses matters as of 2013, and the record is silent as to what may have occurred in 2014 and 2015, the court is constrained to limit its judgment herein to a declaration that Clavin was legally entitled to a Master Electrician's License in 2013, and a directive compelling Respondents to renew Clavin's Master Electrician's License as of 2013. In the event that Clavin applies for renewal of a Master Electrician's License in 2016, Respondents should address that application in a manner consistent with this decision, and in accordance with the requirements of Section 14(A) of Local Law No. 2 of 2011.

#### Ancillary Relief

CPLR §7806 provides:

The judgment may grant the petitioner the relief to which he is entitled, or may dismiss the proceeding either on the merits or with leave to renew. If the proceeding was brought to review a determination, the judgment may annul or confirm the determination in whole or in part, or modify it, and may direct or prohibit specified action by the respondent. Any restitution or damages granted to the petitioner must be incidental to the primary relief sought by the petitioner, and must be such as he might otherwise recover on the same set of facts in a separate action or proceeding suable in the supreme court against the same body or officer in its or his official capacity.

Petitioner claims entitlement to damages herein on the purported ground that he "has been disqualified from a myriad of jobs because he did not retain the Master Electrician's license."

"Whether the essential nature of the claim is to recover money, or whether the monetary relief is incidental to the primary claim, is dependent upon the facts and issues presented in a particular case." *Gross v. Perales*, 72 NY2d 231, 236 (1988). In *Metropolitan Taxicab Board*

*of Trade v. New York City Taxi & Limousine Commission*, 115 AD3d 521 (1<sup>st</sup> Dept. 2014), the court observed that “monetary injury incurred as a result of agency action does not necessarily constitute incidental damages simply because a court later finds the action to have been arbitrary and capricious,” and that “incidental damages are generally confined to monies that an agency either collected from or withheld from a petitioner and then was obligated to reimburse after a court annulled a particular agency determination.” *Id.*, 115 AD3d at 522.

Petitioner’s claim for damages allegedly resulting from his disqualification from “a myriad of jobs because he did not retain the Master Electrician’s license” is not incidental to his Article 78 challenge to the Board’s failure or refusal to renew that License. *See, e.g., Hertz v. Town of Putnam Valley*, 131 AD3d 921, 924-925 (2d Dept. 2015); *Murphy v. Capone*, 191 AD2d 683, 684-685 (2d Dept. 1993). In this regard, the court in *Choudary v. Limandri*, 38 Misc.3d 1227(A), 969 NYS2d 802 (Sup. Ct. N.Y. Co. 2012), wrote:

In Article 78 proceedings, lost earnings are ordinarily consequential rather than incidental damages. [Citing *Murphy v. Capone, supra*]. Here, however, petitioner seeks compensation not for speculative new business that petitioner might have obtained with the license, [cit.om.], but for lost income from his inability to complete specific projects that were in fact underway when respondent suspended petitioner’s license. These claimed damages are akin to claimed incidental property damage to a building because the claimant was prevented from maintaining or improving it, [cit.om.], rather than a speculative lost earnings claim. [Citing, again, *Murphy v. Capone, supra*].

*Id.* Petitioner, unlike the claimant in *Choudary v. Limandri*, identifies no specific projects that were underway when Respondents unlawfully failed or refused to renew his Master Electrician’s License. He asserts only a speculative claim for lost earnings which, under the foregoing authority, cannot be deemed incidental to the primary relief sought in this Article 78 proceeding. Accordingly, Petitioner’s demand for ancillary relief is denied.



It is therefore

ORDERED, ADJUDGED AND DECREED, that in 2013 Petitioner was legally entitled to a Master Electrician's License as defined by Orange County Local Law No. 2 of 2011, and it is further

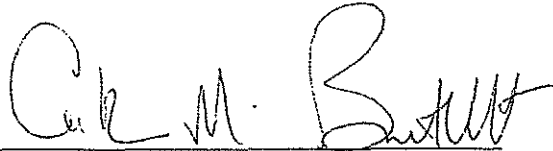
ORDERED, ADJUDGED AND DECREED, that insofar as Respondents made any determination in response to Petitioner's 2013 application to renew his Master Electrician's License, said determination is annulled, and Respondents are directed to renew Petitioner's Master Electrician's License as of 2013, and it is further

ORDERED, ADJUDGED AND DECREED, that in the event Petitioner applies for the renewal of a Master Electrician's License in 2016, Respondents are directed to address that application in a manner consistent with this decision, and, in the event said application is denied, to proceed in accordance with the requirements of Section 14(A) of Orange County Local Law No. 2 of 2011, and it is further

ORDERED, ADJUDGED AND DECREED, that Petitioner's demand for ancillary relief is denied.

The foregoing constitutes the decision, order and judgment of the court.

Dated: February 3, 2016      E N T E R  
Goshen, New York



HON. CATHERINE M. BARTLETT, A.J.S.C.

HON. C. M. BARTLETT  
JUDGE NY STATE COURT OF CLAIMS  
ACTING SUPREME COURT JUSTICE