



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

In the matter of the appeal of

JP Race Painting, Inc.

FINAL ORDER 18-21

From a denial of certification as a Women-owned Business Enterprise pursuant to Executive Law Article 15-A.

This order arises from an administrative appeal brought on behalf of JP Race Painting, Inc. ("JP Race") 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 February 05, 2016, to deny JP Race certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Aiesha L. Hudson. Appellant submitted a written appeal in this matter by letter on August 18, 2016. Phillip Harmonick, Esq. submitted a response to the appeal on behalf of the Division on October 20, 2017. The respective submissions of the parties are contained in the appeal record.

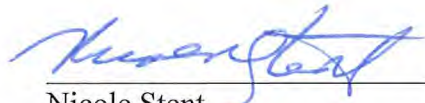
The issues on appeal were whether: women contributed money, property, equipment, or expertise proportionate to their equity interests in JP Race; and women shared in the risks and profits of JP Race in proportion with their ownership interests therein.

On March 29, 2018, the Division received from Administrative Law Judge Hudson a Recommended Order that recommended affirmation of the Division's denial of the application to certify JP Race as a WBE on the grounds set forth in the Division's February 05, 2016 denial 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 February 05, 2016, is affirmed. Accordingly, JP Race will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

March 30, 2018



Nicole Stent
Acting Executive Director
Division of Minority and Women's
Business Development