

NEW YORK STATE
DEPARTMENT OF ECONOMIC DEVELOPMENT
207 GENESEE STREET
UTICA, NEW YORK 13501

In the Matter

-of-

the Application of JR & J Electric, LLC

For certification as a Woman-owned Business Enterprise
pursuant to Executive Law Article 15-A.

NYS DED File ID NO.: 69320

RECOMMENDED ORDER ON DEFAULT



David A. Murad
Administrative Law Judge
September 12, 2023

STATE OF NEW YORK
DEPARTMENT OF ECONOMIC DEVELOPMENT

In the Matter of the Appeal of:

JR & J Electric, LLC

Appellant,

- against -

NEW YORK STATE DEPARTMENT OF
ECONOMIC DEVELOPMENT,

Respondent.

**RECOMMENDED
ORDER
ON
DEFAULT**

FILE ID: 69320

To review a determination denying an application for
for certification as a Woman-owned Business Enterprise
pursuant to Executive Law Article 15-A.

APPEARANCES

David A. Murad, Administrative Law Judge, New York State Department of Economic
Development, and William Chen, Esq., for Respondent.

WHEREAS:

1. The above proceeding was commenced by the filing of an appeal, pursuant to New York Executive Law Article 15-A and Title 5 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 140-144, by JR & J Electric, LLC, to challenge the determination of the Division of Minority and Women’s Business Development (“Division”) that the applicant does not meet the eligibility requirements for certification as a Woman-owned Business Enterprise; and
2. The application for certification was received on January 18, 2022. The application was denied by the Division by a letter dated February 22, 2023. The Appellant thereafter appealed the denial by a letter dated March 10, 2023; and
3. Upon notice to the parties sent via electronic mail and regular mail, dated July 25, 2023, a pre-hearing conference was scheduled for August 29, 2023. The notice advised the Appellant that they would be considered in default if they did not appear for the pre-hearing conference and failed to request a new date on or before the date of the pre-hearing conference; and

4. The video conference invitation was sent via electronic mail on July 26, 2023 and was not accepted by the Appellant; and
5. Appellant failed to appear at the pre-hearing conference, and did not contact either counsel for the Division or the Administrative Hearings Unit; and
6. On administrative appeal, the Appellant bears the burden of proving that the Division's denial of Appellant's Women's Business Enterprise certification is not supported by substantial evidence (5 NYCRR §145.2(b)); and
7. At the August 29, 2023 pre-hearing conference, the Division made a motion to dismiss the review of the application, based on the Appellant's failure to appear.

RECOMMENDATION

Based upon the Appellant's failure to appear at the pre-hearing conference, the Appellant should be deemed in default, the motion of the Division to dismiss the review of the application be granted and the application for review dismissed in accordance with State Administrative Procedure Act §301.5.

PROOF OF SERVICE

I hereby certify that on September 12, 2023, I caused to be served the foregoing document, the *New York State Department of Economic Development's Recommended Order on Default of the Appeal of JR & J Electric, LLC*, via Certified Mail with Return Receipt requested to the following:

Ms. Jessica Baggetta
JR & J Electric, LLC
420 East German Street
Suite 104A
Herkimer, NY 13350


Carlora Turnquest