



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

In the matter of the appeal of

JVN Restoration, Inc.

FINAL ORDER 19-19

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 JVN Restoration, Inc. ("JVN Restoration") pursuant to section 144.2 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 December 5, 2018, to deny JVN Restoration certification as a Woman-owned Business Enterprise ("WBE").

Appellant initiated this appeal and requested a hearing on January 23, 2018. On June 14, 2019, the Division acknowledged Appellant's request and scheduled a hearing for July 9, 2019 for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge P. Nicholas Garlick. Ms. Jeanine Tardy and Mr. Les Fintz testified on behalf of Appellant. Simon Wynn, Esq., represented the Division and Ms. Clenice Mincey testified on behalf of the Division. The hearing concluded on that date and the record closed on or about August 1, 2019, upon receipt of the recording of the hearing.

The issues on appeal were whether JVN Restoration demonstrated that Ms. Jeanine Tardy, as the owner relied upon for certification, makes decisions pertaining to the operation of the enterprise as required by 5 NYCRR § 144.2(b)(1); whether Ms. Tardy has adequate managerial experience or technical competence to operate the business, as required by 5 NYCRR § 144.2(b)(1)(i); and whether Ms. Tardy has the working knowledge and ability needed to operate the business enterprise as required by 5 NYCRR § 144.2(b)(1)(ii).

On August 30, 2019, the Division received a Recommended Order from Administrative Law Judge Garlick that recommended affirmation of the Division's denial of the application to certify JVN Restoration as a WBE on the ground set forth in the Division's December 5, 2018 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 December 5, 2018, is affirmed. Accordingly, JVN Restoration, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

September 12, 2019



Valerie White
Executive Director
Division of Minority and Women's
Business Development