



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

In the matter of the appeal of

JVR Electric, Inc.

FINAL ORDER 16-43

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 JVR Electric, Inc. ("JVR") pursuant to section 144.4 of title 5 of the New York Codes, Rules and Regulations. Appellant, Ms. Cynthia LaSala, seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated January 21, 2016, to deny JVR certification as a Women-owned Business Enterprise ("WBE").

This appeal was assigned to Administrative Law Judge Richard A. Sherman. Mr. Vincent J. Torna, Esq., counsel to Appellant, submitted a written appeal on April 25, 2016. The Division, represented by Mr. Phillip Harmonick, Esq., submitted a response on June 14, 2016. Mr. Torna submitted a reply brief on July 01, 2016. Mr. Harmonick submitted a sursponse to the reply on July 11, 2016. The respective submissions of the parties are contained in the appeal record.

On September 6, 2016, the Division received from Administrative Law Judge Sherman a Recommended Order that affirmed the Division's determination to deny the application by Appellant to certify JVR as a WBE.

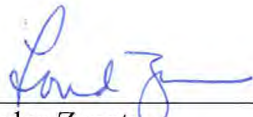
The issues on appeal were whether Appellant: made a capital contribution to JVR in proportion to her ownership interest in the business enterprise, shared in the risks and profits of the business in proportion to her ownership interest therein, made decisions pertaining to the operation of the business enterprise, and demonstrated adequate expertise to operate the business enterprise. Administrative Law Judge Sherman recommended that the Division's determination

to deny JVR certification as a WBE be upheld on each of the denial grounds identified by the Division.

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; namely, that JVR does not meet the requirements for certification as set forth in Article 15-A of the Executive Law and the rules and regulations promulgated thereunder.

It is hereby **ORDERED** that the decision to deny certification, dated January 21, 2016, is affirmed. Accordingly, JVR will not be listed in the Division's directory of certified Minority and Women-owned Business Enterprises.

September 09, 2016



Lourdes Zapata
Executive Director
Division of Minority and Women's
Business Development