



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

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In the matter of the appeal of

**Janus Software, Inc.**

FINAL ORDER 20-10

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

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This order arises from an administrative appeal brought on behalf of Janus Software, Inc. (“Janus” or “Appellant”) 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 October 1, 2018, to deny Janus certification as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by letter dated October 24, 2018. Diane Windholz, Esq. and Johanna Sanchez, Esq. of Jackson Lewis P.C. filed a written appeal on behalf of Janus in the form of a letter dated December 28, 2018. Bella Satra, Esq. filed the Division’s Memorandum of Law, dated July 8, 2020, and Affidavit of Raymond Emanuel, Director of Certification Operations for the Division, in support. Administrative Law Judge Helene S. Goldberger presided over the appeal.

The issue on appeal was whether Appellant sufficiently demonstrated that the woman owner relied upon for certification shares in the risks and profits in proportion to her equity interests, as required by 5 NYCRR § 144.2(c)(2).

On August 4, 2020, the Division received a Recommended Order from Administrative Law Judge Goldberger that recommended affirmation of the Division’s denial of the application to certify Janus as a WBE on the grounds set forth in the Division’s October 1, 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 October 1, 2018, is affirmed. Accordingly, Janus Software, Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

October 19, 2020



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