



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

---

In the matter of the appeal of

**Java Joe's Roasting Co., Inc.**

FINAL ORDER 23-06

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

---

This order arises from an administrative appeal brought on behalf of Java Joe's Roasting Co., Inc. ("Java Joe's" or "Appellant") pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.<sup>1</sup> Appellant seeks reversal of the decision of the Division of Minority and Women's Business Development (the "Division"), dated January 16, 2018, to deny Java Joe's April 27, 2017 certification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal in the form of a letter dated May 14, 2018. The Division submitted its response to the appeal dated November 21, 2022. Administrative Law Judge ("ALJ") Molly T. McBride presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) makes a capital contribution to the business enterprise in proportion to her equity interest demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR 144.2(a)(1); and (2) demonstrates that the relevant business documents do not restrict the woman owner from making business decisions, as required by 5 NYCRR 144.2(b)(2).

On February 14, 2023, the Division received a Recommended Order from ALJ McBride that recommended affirmation of the Division's denial of the application to certify Java Joe's as a WBE on the grounds set forth in the Division's January 16, 2018 denial letter.

---

<sup>1</sup> The Division's January 16, 2018 denial determination and Appellant's January 30, 2018 request to appeal via written submission pre-date the December 2, 2020 amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the former regulations are referenced throughout this final order.

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 January 16, 2018, is affirmed. Accordingly, Java Joe's Roasting Co., Inc. will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

July 10, 2023

A handwritten signature in black ink, appearing to read "Jason Myles Clark", with a long horizontal stroke extending to the right.

---

Jason Myles Clark  
Executive Vice President and Executive Director  
Division of Minority and Women's Business Development