



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

In the matter of the appeal of

Vales Construction Corp.

FINAL ORDER 24-01

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

This order arises from an administrative appeal brought on behalf of Vales Construction Corp. ("VCC" 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 February 3, 2023, to deny VCC's December 6, 2022, certification application as a Minority-owned Business Enterprise ("MBE").

Applicant submitted a written appeal, dated March 30, 2023. The Division submitted its response to the appeal, dated September 21, 2023, together with the affidavit of Glenn Butler, Associate Certification Director, dated September 21, 2023. Administrative Law Judge ("ALJ") Deidre A. Chuckrow presided over the appeal. The issues on appeal were whether the minority owners relied upon for certification (1) made a capital contribution to the business enterprise proportionate to their equity interest, demonstrated by, but not limited to, contributions of money, property, equipment or expertise, as required by 5 NYCRR § 144.2(b)(2); and (2) demonstrated that they are the highest-ranking officer and/or control the Board of Directors and/or serve as general partner, as required by 5 NYCRR § 144.2(d)(1).

On December 26, 2023, the Division received a Recommended Order from Judge Chuckrow that recommended affirmation of the Division's denial of the application to certify Appellant as an MBE on the grounds set forth in the Division's February 3, 2023, 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 February 3, 2023, is affirmed. Accordingly, VCC will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

February 7, 2024

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

Jason Clark, EVP and Executive Director
Division of Minority and Women's Business Development