

**Virgin Islands Economic Development Commission
Decision Meeting of Tuesday, April 13, 2021
Summary Report Out**

During the Virgin Islands Economic Development Commission (“VIEDC”) Decision Meeting on Tuesday, April 13, 2021, the Governing Board heard recommendations from staff regarding one (1) application matter and two (2) compliance matters in Executive Session and voted as follows:

Executive Session:

Action Items:

Applications:

1. Universal Concrete, LLC – Reconsideration of Capital Investment Deadline

Motion #1

The Governing Board voted (5 – 0) to:

1. Find sufficient grounds have been established for reconsideration pursuant to V.I.R.R. 717-403; and
2. Require VIEDC to proceed to a decision on the merits of the petition and take such appropriate action as authorized by law, rules and regulations to decide this matter within the applicable timeframes set forth in V.I.R.R. 717-404.

Motion #2

The Governing Board voted (5 - 0) to:

1. Approve a correction of the Capital Investment provision of Universal Concrete, LLC grant of incentives approved on March 11, 2021 to reflect a completion date of March 31, 2022 to now read as follows:

Applicant/Beneficiary shall make a minimum capital investment of at least One Million Six Hundred Thousand Dollars (\$1,600,000.00) in the benefitted business commencing on September 1, 2020 and ending on March 31, 2022.

2. Require all other terms and provisions for its grant of approval delineated in its VIEDC approval letter of March 11, 2021 shall remain in full force and effect.

Compliance:

1. DiamondRock Frenchman’s Owner, Inc. d/b/a Frenchman’s Reef and Morning Star Marriott Beach Resort – Extension of Temporary Full-Time Employment Requirement

The Governing Board voted (5 – 0) to:

1. Find that it is not practical at this time for DiamondRock Frenchman’s Owners, Inc. to effectively maintain the full-time employment requirement set forth in its Certificate.
2. Grant an extension of the temporary employment waiver of 415 full-time employees to DiamondRock Frenchman’s Owners, Inc. for the period commencing January 1, 2021 through December 31, 2022.
3. Not enforce the standard provision for DiamondRock Frenchman’s Owners, Inc. to comply with the JOBS Financial Program for calendar years 2021 and 2022.
4. Grant an extension of the waiver of DiamondRock Frenchman’s Owners, Inc.’s charitable contribution cash requirement to \$33,000 for calendar years 2021 and 2022 of which:
 - a. \$30,000 will be directed towards educational assistance; and
 - b. \$3,000 will be directed towards the Territorial Scholarship Fund.
5. Require DiamondRock Frenchman’s Owners, Inc. to provide proof of payment of the \$2,500 to the Department of Labor for the years 2017, 2018, and 2021, within 10 days of receipt of the notice of the VIEDC Governing Board Decision.
6. Require DiamondRock Frenchman’s Owners, Inc. to continue to provide quarterly status updates to the VIEDC on its reconstruction and business operations.
7. Require DiamondRock Frenchman’s Owners, Inc. to adhere to all other standards and special provisions/conditions of its Certificate of Tax Incentives.

2. Ferrer, LLC – Assessment for Non-Compliance of Full-Time Employment Requirement

The Governing Board voted (4 – 0)¹ to:

1. Require VIEDC not to assess Ferrer, LLC to pay a total of \$49,920.00 for the average shortfall of two (2) full-time employee for the 2016 compliance period pursuant to Act 8056.
2. Assess a penalty of \$104,000.00 for the average shortfall of four (4) full-time employee for the 2018 compliance period.

¹ Chairman Rodriquez left the meeting before the vote was taken.

3. Assess a penalty of \$56,160.00 for the average shortfall of two (2) full-time employee for the 2019 compliance period.
4. Assess a penalty of \$6,240.00 for the average shortfall of one (1) full-time employee for 1st quarter 2020 compliance period.
5. Require Ferrer, LLC to pay the total assessed amount of \$166,400.00 for years 2018, 2019 and 1st quarter 2020 to the Industrial Promotion Fund within 30 days of receipt of notice of the Governing Board Decision.
6. Require an Order to Show Cause why its benefits should not be revoked for non-compliance with the terms and conditions of its VIEDC certificate maybe issued pursuant to 29 V.I.C. § 722 should Ferrer, LLC not comply with the aforementioned recommendation within the time period required by the VIEDC Board,.