



In the Matter of:

**OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,**

**ARB CASE NO. 99-069**

**ALJ CASE NO. 95-OFC-17**

**PLAINTIFF,**

**DATE: April 27, 1999**

**v.**

**JACOR, INC.,**

**DEFENDANT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

### **NOTICE OF CASE CLOSING**

This case originated in 1995 as an action for debarment and cancellation of existing contracts under Executive Order 11,246 and the implementing regulations at 41 C.F.R. Part 60. The Office of Federal Contract Compliance Programs (OFCCP) initiated a proceeding to determine whether defendant Jacor, Inc., was in compliance with the affirmative action requirements of a consent agreement that had been entered into in 1991.

The case was tried before Administrative Law Judge (ALJ) Jeffrey Tureck, who issued a Recommended Decision and Order on November 8, 1995. *U.S. Dep't of Labor Office of Federal Contract Compliance Programs v. Jacor, Inc.*, Case No. 95-OFC-17, Rec. Dec. & Ord., Nov. 8, 1995. The recommended decision was forwarded to the Secretary for review, and on January 19, 1996, the Secretary issued an Interim Order finding that Jacor had not complied with some aspects of the consent agreement, but declining to debar Jacor as a remedy for the non-compliance. The Secretary ordered Jacor "to work with OFCCP to develop appropriate affirmative steps to notify recruitment sources of specific vacancies" in its construction work force, and directed OFCCP to report back to the Secretary on Jacor's progress. In addition, OFCCP was instructed to report whether further enforcement action against Jacor was necessary. Interim Order, Jan. 19, 1996 at 10.

On July 26, 1996, OFCCP forwarded to the Administrative Review Board<sup>1/</sup> a document entitled Plaintiff's Report on Jacor's Compliance (Plaintiff's Report). The report advised the Board that OFCCP had reviewed Jacor's construction activities in Rhode Island. OFCCP reported that the company was performing little construction work in the state, and that the company's employment activity on this limited work demonstrated compliance with the Executive Order. OFCCP also reported that both parties were working on steps Jacor might adopt to assure future compliance with requirements for affirmative action in recruitment. The report closed stating that "[b]ased on this review and the previous proceedings in this matter, OFCCP advises the Administrative Review Board that it will not seek to debar Jacor or cancel the company's contracts." Plaintiff's Report at 3.

No formal action was taken by the Board contemporaneously in response to the Plaintiff's Report. We recently have been contacted by OFCCP with a request to clarify the status of the case.

Based on the representations in OFCCP's Plaintiffs Report that the agency neither seeks debarment nor cancellation of Jacor's contract, we hereby declare this case to be **CLOSED**.

**SO ORDERED.**

**PAUL GREENBERG**

Chair

**E. COOPER BROWN**

Member

**CYNTHIA L. ATTWOOD**

Member

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<sup>1/</sup> On April 17, 1996, the Secretary issued Secretary's Order 2-96, delegating jurisdiction to issue final agency decisions under Executive Order 11,246 and the implementing regulations to the newly-created Administrative Review Board. 61 Fed. Reg. 19978 (1996).