



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

In the matter of the appeal of

Cypress King, Inc. d/b/a Aqueous Solutions

FINAL ORDER 23-08

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

This order arises from an administrative appeal brought on behalf of Cypress King, Inc. d/b/a Aqueous Solutions (“CKI” or “Appellant”) pursuant to section 144.2 of title 5 of the New York Codes, Rules and Regulations.¹ Appellant seeks reversal of the decision of the Division of Minority and Women’s Business Development (the “Division”), dated January 21, 2020 to deny CKI’s June 16, 2017 recertification application as a Woman-owned Business Enterprise (“WBE”).

Applicant submitted a written appeal by letter, dated September 28, 2020. The Division submitted its response to the appeal, dated May 19, 2023, together with an Affidavit of Raymond Emanuel, Certification Director, dated April 6, 2023. Administrative Law Judge (“ALJ”) David A. Murad presided over the appeal.

The issues on appeal were whether Appellant sufficiently demonstrated that the woman owner relied upon for certification (1) shares in the risks and profits in proportion to her ownership interest in the business enterprise, as required by 5 NYCRR § 144.2(c)(2); (2) makes decisions pertaining to the operation of the business enterprise, as required by 5 NYCRR § 144.2(b)(1); and (3) demonstrates adequate managerial experience or technical competence, and working knowledge and ability needed to operate the business enterprise, as required by 5 NYCRR §§ 144.2(b)(1)(i) and 144.2(b)(1)(ii).

On August 17, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division’s denial of the application to recertify Appellant as an WBE on the ground set forth in the Division’s January 21, 2020 denial letter.

¹ The Division’s January 21, 2020 denial determination 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 recertification, dated January 21, 2020, is affirmed. Accordingly, Cypress King, Inc. d/b/a Aqueous Solutions will be removed from the Division's directory for Minority and Women-owned Business Enterprises.

September 8, 2023

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