



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

In the matter of the appeal of

Sugar Shack's Water, Inc.

FINAL ORDER 23-10

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 Sugar Shack's Water, Inc. ("Sugar Shack" 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 March 3, 2023, to deny Sugar Shack's October 27, 2022, certification application as a Woman-owned Business Enterprise ("WBE").

Applicant submitted a written appeal, dated April 24, 2023. The Division submitted its response to the appeal, dated July 21, 2023, together with the affidavit of Kanasha Blue, Associate Certification Director, dated July 20, 2023. Administrative Law Judge ("ALJ") David A. Murad presided over the appeal. The issues on appeal were whether the woman owner relied upon for certification (1) made 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(b)(2); and (2) are encumbered in their ability to realize the benefits of ownership of the business enterprise or subject to undue restrictions against alienating such ownership interests, as required under 5 NYCRR §144.2(b)(4).

On October 24, 2023, the Division received a Recommended Order from Judge Murad that recommended affirmation of the Division's denial of the application to certify Appellant as a WBE on the ground set forth in the Division's March 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 October 24, 2023, is affirmed. Accordingly, Sugar Shack will not be listed on the Division's directory for Minority and Women-owned Business Enterprises.

November 27, 2023

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

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