



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

In the matter of the appeal of

cSIDE TECH, LLC

FINAL ORDER 23-08

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 cSIDE TECH, LLC (“cSide” 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 April 18, 2022, to deny cSide’s January 6, 2019, certification application as a Woman-owned Business Enterprise (“WBE”).

Appellant initiated its appeal by sending an appeal form dated October 15, 2022, to the Division, requesting to appeal the denial determination via written submission. On November 9, 2022, the Division sent a notice to proceed by written appeal to the Appellant. Thereafter, Ms. Carrie Schloth submitted a written appeal on behalf of cSide. The Division responded to the written appeal submission with its Memorandum of Law dated May 18, 2023, and an Affidavit of Raymond Emanuel, Associate Director for the Division, with attached Exhibits. 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) has made capital contributions in the form of money, property, equipment or expertise in proportion to her equity interest, as required by 5 NYCRR § 144.2(b)(2); (2) possesses adequate, industry-specific competence to make critical business decisions without relying on other, as required by 5 NYCRR § 144.2(c)(1); (3) makes operational

¹ The Division’s April 18, 2022, denial determination post-date the December 2, 2020, amendments made to 5 NYCRR Parts 140 et al. Accordingly, the eligibility criteria set forth under the amended regulations are referenced throughout this final order.

decisions on a day-to-day basis with respect to the critical functions of the business enterprise, as required by 5 NYCRR §144.2(c)(2); (4) devotes time on an ongoing basis to the daily operation of the business enterprise, as required by 5 NYCRR § 144.2(c)(3); and (5) negotiates business contracts and represents herself to clients as the principal of the business enterprise, as demonstrated by fully executed business agreements, as required by 5 NYCRR 7 144.2(d)(2)

On August 14, 2023, the Division received a Recommended Order from ALJ Murad that recommended affirmation of the Division's denial of the application to certify cSide Tech, LLC as a WBE on the grounds set forth in the Division's April 18, 2022, 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 April 18, 2022, is affirmed. Accordingly, cSide Tech, LLC will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

August 17, 2023



Jason M. Clark
Executive Vice President and Executive Director
Division of Minority and Women's Business Development