



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

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In the matter of the appeal of

**United Copier & Business Systems, Inc.  
d/b/a United Business Systems, Inc.**

FINAL ORDER 18-40

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

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This order arises from an administrative appeal brought on behalf of United Copier & Business Systems, Inc., d/b/a United Business Systems, Inc. ("United Copier") 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 July 19, 2017, to deny United Copier certification as a Women-owned Business Enterprise ("WBE").

The Appellant initiated this appeal on August 17, 2017. On January 21, 2018, the Division notified Appellant of a hearing date set for March 16, 2018, for this matter to be heard. The hearing occurred as scheduled before Administrative Law Judge Jeffrey M. Bernbach. Appellant appeared *pro se*, and Phillip Harmonick represented the Division. The hearing concluded on that date and the record closed on or about March 28, 2018, upon receipt of the recording of the hearing.

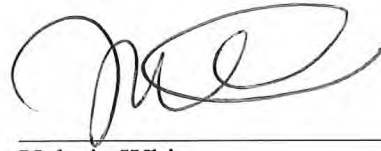
The issues on appeal were whether United Copier demonstrated that Ms. Cheryl Kerling, as the business's fifty-one percent owner, made contributions in the form of money, property, equipment or expertise, proportionate to her equity interests in the business enterprise, as required by 5 NYCRR § 144.2(a)(1); whether she shares in the risks and profits, proportionate to her ownership interests as required by 5 NYCRR § 144.2(c)(2); whether she makes decisions pertaining to the operation of the business, as required by 5 NYCRR § 144.2(b)(1); and whether she has demonstrated adequate managerial expertise or technical competence to operate the business enterprise, as required by 5 NYCRR § 144.2(b)(1)(i).

On July 23, 2018, the Division received a Recommended Order from Administrative Law Judge Bernbach that recommended affirmation of the Division's denial of the application to certify United Copier as a WBE on the grounds set forth in the Division's July 19, 2017 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 July 19, 2017, is affirmed. Accordingly, United Copier will not be listed in the Division's directory for Minority and Women-owned Business Enterprises.

August 30, 2018



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Valerie White  
Executive Director  
Division of Minority and Women's  
Business Development