

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Application of: :
 :
UNION MANAGEMENT TRANSPORTATION :
AMALGAMATE CORP. :
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 :
For Approval of Corporate Instrument Pursuant to New :
York Labor Law § 104 and New York Not-for Profit :
Corporation Law § 404. :
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DOCKET NO. CI 18-003

RESOLUTION OF DISAPPROVAL

WHEREAS:

By undated letter received on April 11, 2018, Union Management Transportation Amalgamate Corp. sought the approval of the Industrial Board of Appeals (Board) for a proposed Certificate of Incorporation to do business in New York under the Not-For-Profit Corporation Law as a charitable corporation in the above entitled matter. The applicant’s proposed name includes the word “union,” the use of which must be approved by the Board in accordance with Not-for-Profit Corporation Law § 404 (j), which states that:

“ . . . every certificate of incorporation in which the name of the proposed corporation includes “union,” “labor,” “council” or “industrial organization,” or any abbreviation or derivative thereof in a context that indicates or implies that the corporation is formed for any of the above purposes, shall have endorsed thereon or annexed thereto the approval of the industrial board of appeals.

Labor Law § 104 governs the Board’s review of corporate instruments that are submitted to it for approval in accordance with the requirements of other statutes, including Not-For-Profit Corporation Law § 404. Section 104 sets forth that the Board shall make such inquiry as it deems advisable to determine whether the corporate name is consistent with its purposes and activities or tends to be misleading. Pursuant to Labor Law § 104, the Board has made inquiry into the objectives and purposes of the corporation as it has deemed necessary and advisable. The Board finds that use of the name “Union Management Transportation Amalgamate Corp.” cannot be approved because the public may be misled to believe that the company is a labor union or an organization associated or affiliated with a labor union or that the business or its products or services are created or offered by union workers when by the representations contained in its application, this is not the case (*see Matter of Tool Owners Union v Roberts*, 190 Misc 577 [Sup Ct New York County 1947] [misleading and confusing name is one of the grounds upon which Board may deny approval of application before it]); *The Union Works LLC*, CI 14-013 [September 14, 2014]; *Public Union Corporation*, CI 11-013 [December 14, 2012]; *V.J.R. Management Corporation of America*, CI 09-005 [April 22, 2009]; and *Union Payroll Agency*, CI 08-010 [May 30, 2008]. Accordingly, the application for approval for use of the name “Union Management Transportation Amalgamate Corp.” in the proposed certificate of incorporation is denied.

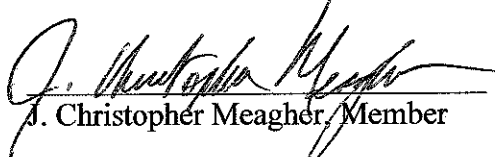
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The application for approval to use the name Union Management Transportation Amalgamate Corp. in the proposed certificate of incorporation under Section 404 of the Not-for-Profit Corporation Law is denied; and
2. A certified copy of this Resolution shall be annexed to the proposed Certificate of Incorporation.

WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, in New York, New York, on the 8th day of August 2018.



Molly Doherty, Chairperson



J. Christopher Meagher, Member

Michael A. Arcuri, Member



Gloribelle J. Perez, Member

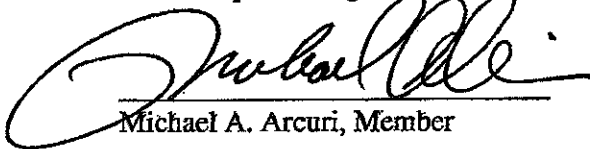
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The application for approval to use the name Union Management Transportation Amalgamate Corp. in the proposed certificate of incorporation under Section 404 of the Not-for-Profit Corporation Law is denied; and
2. A certified copy of this Resolution shall be annexed to the proposed Certificate of Incorporation.

WITNESS, the signature of a Member of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, in Utica, New York, on the 8th day of August 2018.

Molly Doherty, Chairperson

J. Christopher Meagher, Member



Michael A. Arcuri, Member

Gloribelle J. Perez, Member