

On January 2, 2026, DJS notified EMG that its proposal was not selected for award. EMG requested a debriefing, which took place by video conference on January 7, 2026, at 1:30 p.m. DJS Procurement Officer Keon Pompey and Assistant DJS Procurement Director David Renfro conducted the debriefing. Adham Yusupov and Zach McKnight attended the debriefing on behalf of EMG.

On January 15, 2026, at 5:34 a.m., EMG filed a protest with DJS via email. On January 20, 2026, DJS issued a final decision denying EMG's protest as untimely, concluding that the protest was filed one day late under COMAR 21.10.02.03(B), which requires protests to be filed not later than seven (7) days after the basis for protest is known or should have been known.

On January 21, 2026, Mr. Adham Yusupov, identifying himself as EMG's Chief Executive Officer, filed a Notice of Appeal with this Board on behalf of EMG. Mr. Yusupov is not an attorney licensed to practice in Maryland.

By letter dated January 21, 2026, the Board's Deputy Clerk docketed the appeal as MSBCA No. 3342 and expressly advised Mr. Yusupov that "COMAR 21.10.05.03 provides that an individual may appear before the Board in person or may be represented by an attorney at law licensed in Maryland. Corporations, partnerships, joint ventures, LLCs, or other entities shall be represented by an attorney at law licensed in Maryland."

On January 28, 2026, Mr. Yusupov sent an email to the Board's Deputy Clerk inquiring about next steps in the appeal. The Board again advised Mr. Yusupov of the requirement under COMAR 21.10.05.03 that corporations, partnerships, joint ventures, LLCs, or other entities "shall be represented by an attorney at law licensed in Maryland." A search of the Maryland Judiciary's website for Maryland-licensed attorneys confirms that Mr. Yusupov is not authorized to practice law in the State of Maryland.

On February 9, 2026, DJS filed a Motion to Dismiss, or, Alternatively, for Summary Decision, arguing that EMG’s protest was untimely and that EMG has failed to retain Maryland counsel. EMG has not filed any response to DJS’s motion, has not retained Maryland counsel, and no attorney has entered an appearance on behalf of EMG in this appeal.

Neither party requested a hearing on this matter.

DECISION

The Board must deny this appeal because Appellant has failed to comply with the mandatory requirement that it be represented by an attorney licensed to practice law in Maryland.

COMAR 21.10.05.03(A) provides: “Corporations, partnerships, joint ventures, LLCs, or other entities shall be represented by an attorney at law licensed in Maryland.” This is a mandatory requirement, “not suggestions or hints.” *Williamsport Cabinetry, LLC*, MSBCA 2664, at 7 (2009).

The Board has consistently held that failure of an appellant entity to retain Maryland counsel is, by itself, adequate grounds for denial of an appeal. *See Cosmos Air Purification & Environmental Systems, Inc.*, MSBCA 2859 at 2 (2013); *Intellect Corp.*, MSBCA 2905 (2015); *Masabi LLC*, MSBCA 3039 (2017); *Williamsport Cabinetry, LLC*, MSBCA 2664 (2009); *Visions America Community Development Corp.*, MSBCA 2701 (2010); *The Okojie Group, Inc.*, MSBCA 2700 (2010); *Mumsey’s Residential Care, Inc.*, MSBCA 2702 (2010); *Affiliated Computer Services, Inc.*, MSBCA 2717 (2010); *New Market Enterprises, Ltd.*, MSBCA 2718 (2010).

Here, EMG is a limited liability company and thus falls squarely within the entities required to be represented by Maryland counsel under COMAR 21.10.05.03(A). The Board twice advised Mr. Yusupov of this mandatory requirement—first on January 21, 2026, in the docketing letter, and again on January 28, 2026, in response to his inquiry. More than one month has elapsed since the initial notice, yet EMG has taken no steps to retain counsel.

The purpose of the representation requirement is to ensure that entities appearing before this Board are represented by qualified legal counsel familiar with Maryland law and the Board's procedures. The requirement protects the integrity of the appellate process and ensures that appeals are prosecuted competently.

While DJS has also moved for dismissal on the grounds that EMG's protest was untimely under COMAR 21.10.02.03(B), the Board need not reach that issue. EMG's failure to retain Maryland counsel is, standing alone, a sufficient and independent basis for denying this appeal.

ORDER

Based on the foregoing, it is this 6th day of March, 2026, hereby:

ORDERED that Appellant's Appeal is DENIED.

/s/
Michael L. Carnahan, Jr.
Member

I concur:

/s/
Senchal Dashiell Barrolle, Esq.
Member

/s/
Jill P. Carter, Esq.
Member

CERTIFICATION

COMAR 21.10.01.02 **Judicial Review.**

A decision of the Appeals Board is subject to judicial review in accordance with the provisions of the Administrative Procedure Act governing contested cases.

Md. Rule 7-203 **Time for Filing Action.**

(a) Generally. - Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

(b) Petition by Other Party. - If one party files a timely petition, any other person may file a petition within ten days after the date the agency mailed notice of the filing of the first petition, or within the period set forth in section (a), whichever is later.

* * *

I hereby certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSBCA No. 3342, Appeal of Ecology Mir Group, LLC under MAA Solicitation No. 26-MULTI-CS-YS-001 / eMMA #BPM054221.

Date: March 6, 2026

/s/
Michael A. Dosch, Jr.
Deputy Clerk